



# Annual report on migration and asylum in Belgium **2019**

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The European Migration Network Belgium is a multi-institutional entity composed of experts from the Immigration Office, the Office of the Commissioner General for Refugees and Stateless Persons (CGRS), Myria - the Federal Migration Centre, and Fedasil - the Federal Agency for the Reception of Asylum Seekers. It is coordinated by the Federal Public Service Home Affairs.

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*The European Migration Network (EMN) is coordinated by the European Commission with National Contact Points (EMN NCPs) established in each EU Member State plus Norway.*

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## Executive summary

### *Context for asylum and migration policy developments*

Throughout 2019, the Belgian **federal government was in a minority caretaking capacity** to handle urgent and ongoing measures. The government was not allowed to take new policy initiatives outside this framework. This was the case since the political crisis of December 2018 (see annual report 2018).

On 26 May 2019, regional, national and European elections took place. Regional governments were formed in the months after: German-speaking community government, Brussels government, Walloon government, French Community government and Flemish government. At the federal level a new government could not be installed in 2019.

### *International protection and reception*

In 2019, 27 742 persons applied for international protection including 23 379 first time applications. The total number of **applications increased** compared to 2018 (+18.3%). **Secondary migration movements** within the EU are an important factor to explain the rise, and this both by asylum-seekers subject to the Dublin Regulation and by persons already having a protection status in another EU Member State.

The **pressure on the reception** network further increased in 2019. The occupation rate of the reception network increased from 86.91% in January 2019 to 96.61% in December 2019. This was the result of a rise in the number of applications for international protection, the longer processing times, the drastic reduction of reception places in the previous years and the lack of a buffer capacity.

As a response to the general rise in applications, the federal government took several measures, including a **budget increase** for the asylum and reception instances. A system of chain management was set up between the asylum authorities (Fedasil, CGRS and the Immigration Office).

The most important budget increase was allocated to the reception agency Fedasil to cope with the pressing reception needs. Fedasil had to create 6 000 **additional temporary places** in 2019 to guarantee accommodation for all asylum seekers, both in existing and new reception centres.

Also the budget for processing applications (first instance) went up with the aim to increase the output.

### *Legal Migration*

Since January 2019, third-country nationals wishing to work and stay in Belgium for more than 90 days can apply for a **single permit** at the level of the regions. After the adoption of new federal and regional legislation in the Spring of 2019, the procedure is now also open to highly-qualified workers and seasonal workers. The provisions related to seasonal workers intended to transpose EU Directive 2014/36/EU.

In Wallonia, the traditional **labour market test** is no longer applicable for medium-skilled third-country nationals in certain shortage occupations. The region established a list with seven such professions in the IT, maintenance and construction sectors, for which employers no longer need to prove that they could not find a suitable candidate within a

reasonable period of time. In Flanders, a list of twenty such occupations had already been introduced in December 2018.

The federal government has stepped up its efforts in the fight against **social dumping** through various measures, including an important cooperation agreement between the federal police and the social services. Cases of social dumping can now be investigated by mixed teams of experts from these various services. The overall number of investigations is expected to increase in 2020.

In a recent case involving the Belgian state, the Court of Justice ruled that national legislation cannot provide for the automatic issuance of a residence permit for family members of a third-country national if the legal time limit for decision-making has been exceeded. In order to comply with this ruling, the federal parliament needs to adopt a legislative act amending the Immigration Act. Furthermore, debates on a broader reform of the rules on **family reunification** took place in parliament, after some of its members proposed to impose stricter rules in the Fall of 2019.

Several **rulings** by the highest national courts led to changes in practice at the Immigration Office. These changes related for instance to the retention of the right of residence of ex-victims of domestic violence and to the benefits to be taken into account when assessing the sufficient resources requirement.

### *Unaccompanied minors and other vulnerable groups*

In 2019, the overall **reception capacity for unaccompanied minors** remained stable with 1 689 reception places in the beginning of January to 1 668 places by the end of December 2019.

Fedasil continued to subsidise several projects, under national funding and AMIF, to improve the care and protection of unaccompanied minors. As in the previous year, a focus was put on **psychological and psychiatric care**. Special attention was also put on minor migrants in transit who, for various reasons, did not make use of the reception facilities available for unaccompanied minors. A specific group of guardians trained on transmigration was created in 2019.

In order to explain the **right to be heard** for accompanied children in the asylum procedure which entered into force in March 2018, the CGRS published two guides in 2019 to inform children accompanying their parents or guardian of their right to be heard during the asylum procedure of their parents or guardian in Belgium and to inform parents or guardians accompanied by minor children who have started an asylum procedure in Belgium of the right to be heard of the children accompanying them.

The Flemish family allowance system was reformed into the "**Growth Package**". Every child, unaccompanied minors included, who lives in Flanders has received a Growth Package since 1 January 2019. The unaccompanied minors themselves are beneficiaries of the allowances, but their guardian has the responsibility to manage the funds.

In April 2019, the CGVS changed its policy regarding decisions in the context of applications for international protection that parents submit in the name of their daughter(s) who fear(s) **female genital mutilation**. With this policy change, parents are no longer granted a derived refugee status on the basis of the principle of family unity. The parents can submit a request for regularisation based on article 9bis of the Immigration Act of 15 December 1980.

## *Integration*

Several projects, initiated in previous years to improve attainment in **schooling** and the education system, continued in 2019, such as the Flemish kindergarten participation action plan and the Flemish action plan to strengthen reception education in primary and secondary education.

The same applied to projects aimed at the integration on the **labour market**. The Flemish Public Employment Service, VDAB, continued to work with the agencies for integration and civic integration to achieve a fast labour market integration of refugees.

The Flemish Decree concerning an integrated policy on the **Validation of Prior Learning** (VPL) was adopted in April 2019. Since September 2019, the implementation has started with the establishment of a list of 10 professions for which VPL-procedures and instruments will be developed.

With the aim to ensure that all human rights for federal competences are protected, the law of 12 May 2019 established the legal base for a **Federal Institute for the Protection and Promotion of Human Rights**. This national human rights institute will have so-called residual authority for matters falling under federal competences, meaning that, if a matter was not assigned to another body, the Federal Institute is competent. This should cover all human rights, at least for federal competences. The Institute will also actively monitor whether Belgium is complying with international human rights obligations and will encourage the ratification of new international human rights instruments.

Several federal and regional legislative measures were taken and protocols were signed to **combat discrimination** and promote positive actions with regard to disadvantaged groups such as migrants.

In February 2019, the Flemish Home Affairs Government Agency launched a database for ideas providing solutions to **local authorities** to prevent and tackle polarisation between and within population groups and to increase social cohesion at neighbourhood level.

In order to improve the communication and provide correct information in case of the opening of **new reception centres**, the Flemish Agency for Integration and Civic Integration appointed so-called liaison officers who support and guide the local administrations. The support is tailor-made and takes place in coordination with Fedasil, the Flemish Red Cross the Flemish educational services and other Flemish and local actors concerned.

## *Borders, visa and Schengen*

Due to a modification of the national legislation on **API/PNR** (Advanced Passenger Information/Passenger Name Record), the Belgian Passenger Information Unit (BelPIU) will become responsible for the processing of API in the framework of illegal immigration (EU API Directive). This means that – once fully implemented – border checks will be significantly enhanced by automated cross-checking with relevant databases and rules based targeting.

**BelPIU** is part of the Crisis Centre of the Federal Public Service Interior, and collects, saves and analysis information of passengers who use international transportation from, to or in Belgium. It became operational in January 2018, in the framework of measures in the fight against terrorism and crime.

In 2019, BelPIU processed 72% of passenger data (API and PNR) from incoming, outgoing and transiting **air passengers**. Numbers have doubled in comparison with 2018.

### *Irregular migration including smuggling*

For several years now, Belgium has been subject to strong migratory pressure, inter alia because of **transmigration** to the United Kingdom, which has intensified in the last months of 2019 following the announcement of the Brexit.

That's why on 1 October 2019 the **Reach Out project** was started. One of the components of this project is outreach to undocumented and street migrants (especially migrants in transit). There is one coordinator, two outreachers in Belgium (Brussels, homeless shelters near the Maximilian Park and the railway station Brussels-North) and two in France (region of Nord-Pas-de-Calais). They have once a week a joint outreach activity (alternating between Belgium and France). The aim is to establish a relationship of trust with the migrants in transit and inform them of their rights, both in terms of reception and social support, and the possibilities of return. The Reach Out team was formed with the assistance of the European Return and Reintegration Network (ERRIN) and with funding from AMIF.

With the help of an external firm, the Immigration Office has set up an **awareness campaign** on the internet and social media. The campaign ran from January 2019 until September 2019. The campaign targeted inter alia visa free nationalities like Albanians and Georgians, and migrants in transit in Belgium.

### *Trafficking in human beings*

The Belgian authorities were still implementing the **national action plan** on the fight against trafficking in human beings covering the period 2015-2019.

On 25 April 2019, the Belgian parliament adopted a legislative proposal on the trafficking of human organs and on the **principle of non-punishment** of victims of human trafficking. It introduces in the penal code the principle of non-punishment of victims of human trafficking for acts they have committed as a direct result of their exploitation. And this no matter what type of exploitation they are victims of. As a result of this law, article 433quinquies of the penal code was changed.

The principle of non-punishment was established in the Council of Europe Convention of 16 May 2005 on actions against trafficking in human beings, and in the **Directive 2011/36/EU** on preventing and combatting trafficking in human beings and protecting its victims.

### *Return and readmission*

Return and readmission remained of the **utmost importance** for the Belgian government during the year 2019. The Minister of Social Affairs and Public Health, and Asylum Policy and Migration has recalled her will to increase the number of forced returns by, among other measures, increasing the capacity in closed centres. The focus was also on potential returnees who present a threat to the national security.

Belgium was in 2019 the first EU country to benefit from the EU funds to carry out return operations. This year, for the first time, Belgium also made use of **Frontex** in the framework of voluntary returns.

Regarding **voluntary return** and reintegration, Fedasil and its partners (IOM, Caritas and the Immigration Office) conducted 2 426 voluntary returns in 2019. 1 115 returnees benefited from reintegration support in the country of return. The work already initiated in 2018 through the AMIF funding 2018-2019, continued in 2019. Several working groups have been set up to discuss the priorities and the objectives for the 2020-2021 programme.

Regarding **forced returns**, 3 743 returns were conducted, including 773 Dublin cases and 294 bilateral take-backs (between Member States).

### *Migration and development*

In March 2019, the Belgian Development Agency Enabel and its (inter)national partners launched PALIM, a pilot project addressing **labour shortages** in the ICT sector in Flanders and Morocco. In Morocco, the agency offered specialised trainings to young graduates as well as peer-to-peer trainings to staff members of the employment agency ANAPEC.

# 1 Introduction

## *Objectives and content*

The present report is the **15th annual report on migration and asylum** of the Belgian National Contact Point (NCP) of the European Migration Network (EMN), or EMN Belgium. The report provides an overview of the political and legislative developments – as well as public debates - in the field of migration and asylum in Belgium during the period 1 January 2019 to 31 December 2019.

The **objectives** of this report are to inform policymakers as well as a wider audience on these developments; to facilitate and further stimulate information exchange between all stakeholders active in the area of migration and asylum (such as governmental and non-governmental organisations, international organisations, universities and research organisations as well as the wider public); to put into perspective relevant public debates in the field of asylum and migration; and to document the implementation of EU legislation and the impact of European policy developments at the national level.

## *Methodology*

In accordance with Article 9(1) of Council Decision 2008/381/EC establishing the EMN, each NCP is required to provide an annual report describing the migration and asylum situation in the (Member) State, which shall include policy developments and statistical data. This report was produced according to **common study specifications** developed by the EMN for the production of the EMN Annual Report on Migration and Asylum 2019 (EU synthesis report). The common specifications aim at facilitating comparability between the findings from all (Member) States. This report, together with the Annual Reports produced by the other NCPs for their respective (Member) States, will serve to develop theme-based EMN Informs and Country Factsheets.

These documents, as well as a link to the Annual Reports of other (Member) States, will be made available on the website of EMN Belgium ([www.emnbelgium.be](http://www.emnbelgium.be)). In order to provide an objective overview of the main developments in 2019, EMN Belgium used a **wide range of sources**, including: draft national legislation subject to political agreement; published and adopted national and European legislation; government statements and reports; parliamentary debates; official statistics; case law; publications (e.g. from international organisations or non-governmental organisations); press releases; media coverage; relevant newsletters and journals; and other information products and tools (e.g. websites of key stakeholders in this field).

**Key partners**, whose input was particularly appreciated in the drafting of this report, were also contacted, including the Immigration Office, the Office of the Commissioner General for Refugees and Stateless Persons (CGRS), the Federal Agency for the Reception of Asylum Seekers (Fedasil), Myria - the Federal Migration Centre, Unia - the Interfederal Centre for Equal Opportunities, the Federal Public Service Foreign Affairs, the Federal Public Service Justice, the federal police, as well as the federated authorities competent for economic migration and for integration policies.

## *Terms and definitions*

Terms included in this report are to be understood on the basis of national legislation and definitions and the EMN **Glossary** on Asylum and Migration (please see also annex A).<sup>1</sup>

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<sup>1</sup> Available at: [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/glossary\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en)

## 2 Context for asylum and migration policy developments

Throughout 2019, the Belgian **federal government was in a minority caretaking capacity** to handle urgent and ongoing measures. The government was not allowed to take new policy initiatives outside this framework. This was the case since the political crisis of December 2018 (see ARM 2018).<sup>2</sup>

On 26 May 2019, regional, national and European **elections** took place. Regional governments were formed in the months after: German-speaking community government, Brussels government, Walloon government, French Community government and Flemish government. At the federal level a new government could not be installed in 2019.

### **Text box 1: Preparations for UK departure of the EU in 2019**

Because the uncertainty of the Brexit-outcome, throughout 2019 measures were being prepared for the different possible Brexit-outcomes. A Brexit-coordinator supervised the process for the Federal Public Service Home Affairs, including in the field of immigration. In this regard, measures were prepared on the right of residence of UK citizens in Belgium. In particular:

- A specific **Brexit-law** was approved due to come into force in the event of a no-deal Brexit: the Law of 4 April 2019 on the withdrawal of the UK from the EU.<sup>3</sup> This law had to **regulate the consequences** of a withdrawal **in the event of a no-deal Brexit**. The law was approved in April 2019, but did not enter into force. A chapter was included on the right of residence of UK nationals and their family members in Belgium. This law aimed at a status quo and therefore an extension of all existing rights of UK citizens in Belgium in case of a withdrawal without an agreement. This measure was taken in accordance with the position of the European Commission to put the citizens first and the request towards the Member States for a generous approach on the rights of citizens of the UK in the EU (provided that a similar approach would be used in the UK).
- The **Immigration Office provided (and provides) information on the residence rights of British citizens staying in Belgium** on its website (in English / Dutch / French).<sup>4</sup>

Belgian border guards, who control the external borders of the Schengen zone, have received instructions on how to carry out border controls on British citizens during the withdrawal agreement period. De facto there are little changes until January 1, 2021.

<sup>2</sup> The current federal minority government is composed of the Reformist Movement (MR), the Flemish Christian Democrats (CD&V) and the Flemish Liberal Democrats (Open VLD). The Minister in charge of Asylum and Migration Policy is still Maggie De Block (Open VLD).

<sup>3</sup> Law of 4 April 2019 on the withdrawal of the UK from the EU. Please see:

[http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=nl&la=N&cn=2019040302&table\\_name=wet](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2019040302&table_name=wet)

<sup>4</sup> Please see: <https://dofi.ibz.be/sites/dvzoe/EN/Application-guides/Pages/Brexit.aspx> and

<https://dofi.ibz.be/sites/dvzoe/EN/Application-guides/Pages/Brexit-Deal.aspx>

## 3 International protection and reception

In 2019, 27 742 persons applied for international protection including 23 379 first time applications. The total number of **applications increased** compared to 2018 (+18.3%). Secondary migration movements<sup>5</sup> within the EU are an important factor to explain the rise, and this both by asylum-seekers subject to the Dublin Regulation and by persons already having a protection status in another EU Member State.

The **pressure on the reception network** further increased in 2019. The occupation rate of the reception network increased from 86.91% in January 2019 to 96.61% in December 2019. This was the result of a rise in the number of applications for international protection, the longer processing times, the drastic reduction of reception places in the previous years and the lack of a buffer capacity.

As a response to the general rise in applications, the federal government took several measures, including a **budget increase** for the asylum and reception instances. A system of chain management was set up between the asylum authorities (Fedasil, CGRS and the Immigration Office).

The most important budget increase was allocated to the reception agency Fedasil to cope with the pressing reception needs. Fedasil had to create 6 000 **additional temporary places** in 2019 to guarantee accommodation for all asylum seekers, both in existing and new reception centres.

Also the budget for processing applications (first instance) went up with the aim to increase the output. Regarding the CGRS, the decision was taken to hire 146 persons (130 case workers and 16 administrative staff). In 2019, 74 case workers have started their training programme and 9 administrative assistants have started to work. The rest of the new **staff** should be hired in the beginning of 2020. The International Protection Department of the Immigration Office reinforced its staff by 31.6 FTEs during the year 2019.

### 3.1 The asylum procedure

#### 3.1.1 Registration of applications

In 2019, 27 742 persons applied for international protection in Belgium including 23 379 first time applications. The total number of applications stands for a **significant increase** compared to 2018 (+18.3%) and 2017 (40.9%).

The most important **countries of origin** in 2019 are Afghanistan (3 400 applications), Syria (3 138), Palestine (2 407), Iraq (1 475) and El Salvador (1 369).

The International Protection department of the Immigration Office has reinforced its capacity in 2019 with **new staff**. The staff is currently equivalent to 150.6 FTE.<sup>6</sup> In 2019 three trends were noticed: an important caseload of Dublin cases, the rise of applications

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<sup>5</sup> Meaning that applicants for international protection moved from the country in Europe in which they first arrived, to Belgium to seek protection.

<sup>6</sup> The Immigration Office is not competent for the examination of the application for international protection, but it is competent for the access, the registration, Dublin and fingerprinting (but not the examination of the application). For more information on the asylum procedure. Please see: <https://www.cgrs.be/en/international-protection/registration>

of persons having an international protection in another MS and more applications of accompanied minors whose parents were rejected by the CGRS.

### **Text box 2: first arrival on the territory**

The vast majority of applicants for international protection in Belgium do not enter the territory through the official Schengen borders such as the airports. Consequently, most of them are not subject to border controls when they enter the Belgian territory and there is no detection of the first arrival to the territory. This is linked with the phenomenon of **secondary movements**, which means that applicants for international protection moved from the country in Europe in which they first arrived, to Belgium to seek protection.

Throughout 2019, the phenomenon of the so called “**migrants in transit**” who are apprehended in irregular stay, but often do not want to apply for asylum, persisted. In many cases, this concerns migrants who want to go to the United Kingdom and are reluctant to apply for asylum in Belgium to avoid a Dublin transfer (please see also chapter 8).<sup>7</sup>

### 3.1.2 Dublin procedure

The Immigration Office needs to determine whether Belgium or another Member State is responsible for examining an application for international protection under the Dublin III Regulation. The applications for international protection for which Belgium is responsible according to the **Dublin** Regulation are transferred to the CGRS to be examined on their merits.

In 2019, the Dublin Unit of the Immigration Office has reinforced its staff. Currently, 25.4 FTE are handling the Dublin cases who are administratively assisted by 6.6 FTE.

As said, due to **secondary movements**, the caseload of the Dublin Unit has increased. Several applicants rejected in another Member State made an international protection application in Belgium. Some of them disappear after the lodging of their application and come back after six months in order to circumvent the Dublin rules.

In 2019, after several decisions of the Council for Aliens Law Litigation, the **transfers to Hungary and Bulgaria have been suspended**. Nonetheless, the applicants for whom Hungary or Bulgaria is responsible, do have the possibility to return to these Member States voluntarily.

The use of **detention in the Dublin procedure** has increased in 2019 because of the entry into force in 2018 of the legal modification regarding the criteria for the risk of absconding. The persons may be detained only if the legal conditions are met in order to execute the transfer.

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<sup>7</sup> Federal Migration Centre Myria, *Myriadoc 10: La Belgique, une étape vers le Royaume-Uni*, February 2020, available at: <https://www.myria.be/fr/publications/myriadoc-10-migration-de-transit>

### 3.1.3 First instance procedure

#### *Prioritisation and efficiency measures*

Given the context of high influx and the need to increase efficiency, a clear system of **prioritisation of specific cases**/profiles was developed. The following general principles are now applied: if two files belong to the same category, the oldest file is given priority. Cases for which the assessment has already started, are prioritised over cases of the same category for which the assessment hasn't started yet.

When allocating cases, the following categories are being prioritised (without hierarchy) :

- applications of persons in detention;
- applications of persons with an international protection status in another EU Member State;
- applications from safe countries of origin (see below);
- applications by minors accompanied by their parents,
- withdrawals based on a danger to national security or society,
- subsequent applications,
- the old workload based on the FIFO (first in first out) principle,
- unaccompanied minor applicants,
- applications for which the first instance decision was cancelled by the court,
- other applications by applicants who are in a prison.

The remaining files are treated according to the FIFO-principle: "**First in, First out**".

As regards the **safe country of origin concept**, at present, the following countries are considered as safe countries of origin: Albania, Bosnia-Herzegovina, North Macedonia, Kosovo, Montenegro, Serbia, India and Georgia. On 15 February 2019 the Council of Ministers decided to maintain those 8 countries on the list of safe countries of origin. <sup>8</sup>

#### *Staff reinforcement*

Regarding the CGRS, the decision was taken to hire 146 new persons: 130 case workers and 16 administrative staff. In 2019, 74 case workers have started their training programme and 9 administrative assistants have started to work. The rest of the **new staff** should start their assignment in the first months of 2020.

Every newly appointed case worker is duly trained. The **training programme** is composed of theoretical and practical session based, in particular, on the EASO training modules for a period of one month. After that first phase, they are intensively coached by their supervisor for the next five months. It is assumed that a new case worker is fully operational after that period.

#### *Backlog*

Due to the increase of applications in 2018 and this continued trend in 2019, the **backlog** has risen up in 2019. By the end of the year, the Immigration Office's caseload amounted for 11 654 persons and the CGRS's caseload amounted for 10 362 cases.

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<sup>8</sup> These are the same countries as the ones mentioned in the Royal Decree of 17 December 2017. This list is revised at least once a year and can be updated on the basis of the most recent situation in the country. List available at: <https://www.cgrs.be/en/news/new-list-safe-countries-0>

The CGRS started to reinforce its personnel by the end of the first semester. As an impact, the CGRS's number of decisions started to arise during the last 2019 trimester. This trends should increase in 2020 as the newly hired case workers should be fully operational after their training period.

As several different administration are involved in the asylum system in Belgium, the government has decided to establish a **continues monitoring system** in order to keep track of all the cases throughout the procedure. The monitoring system allows the government to assess the bottleneck and the need in terms of staff to cope with the application in due time.

### *Quality measures and training*

The International Protection Department of the Immigration Office has developed a new **extensive training programme** for the staff members of the Department. The training includes all the legal and practical aspects of their work, as well, they receive information on the entire procedure. Also Fedasil and the CGRS are involved in this training programme.

Within the CGRS, several tools in the field of **quality** were developed and published in 2019: development of a job description for "supervisors", development of monitoring indicators for the work of supervisors and an update of the quality guide

Within the CGRS, monitoring indicators for the assessment of cases lodged by minors were developed. A random check of 100 files by the children coordinator was also established. Concerning the gender cases, monitoring tools were developed.

### *Country of origin information*

The Documentation and Research Centre (**Cedoca**) of the CGRS works on the improvement of the different services that it provides. Cooperation with the other EU MS and within EASO stays an important aspect of its approach. Cedoca works towards the set-up of an effective and efficient network within EASO with a coherent and integrated work programme between all the partners.

In 2019, 365 country of origin information (COI) reports were produced and Cedoca invested in publishing more reports on the CGRS's website (103 COI reports). Moreover, Cedoca contributed to the drafting of several important EASO reports.

Cedoca also invested in the innovation training methods and therefore developed several **tutorials**. In order to increase the harmonisation of products, several COI thematic templates were shared with international partners. The New Media Unit continued to develop expertise by testing new software and following OSINT trainings at specialized organizations. They answered 250 specific queries for resettlement cases and for normal procedures.

#### **3.1.4 Protection granted at first instance**

In 2019, the CGRS took a decision for 18 544 persons of which 6 719 were granted an international protection status: 5 776 persons were granted refugee status according to

the Geneva Refugee Convention and an additional 943 persons received subsidiary protection status.

In 2019, about 36.9% of the first instance decisions concern a positive decision (refugee status or subsidiary protection status). This is a decrease compared to 2018, which can be explained by the increase of inadmissibility decisions issued towards applicants who have been granted an international protection in another EU Member States, as well as, towards rejected applicants who made a subsequent application. These applications are processed as a priority. Leaving aside these two categories, the **protection rate** still amounts to **50.5%**.

In 2019 most of the positive decisions were issued for applicants coming from Syria (1 348 persons obtained refugee status and 293 subsidiary protection and from Afghanistan (343 persons obtained refugee status and 331 subsidiary protection).

## 3.2 Reception of applicants of international protection

### 3.2.1 Increased reception capacity

#### *Increased inflow in the reception network*

As in 2018, the inflow of applicants for international protection in the reception network of Fedasil and its reception partners was higher than the outflow in 2019.

Numerically, 23 158 people entered the reception network in 2019 compared to 19 486 people in 2018 (+ 19%), while 15 875 residents left the reception network in 2019 compared to 18 692 people in 2018 (-15%), resulting in a **positive in-out balance** of 7 283 persons.

The occupation rate in the whole of the reception network increased from 86.91% on 2 January 2019 to 96.61% on 31 December 2019. At that moment the average occupancy rate in the collective reception centres was 98.73%.<sup>9</sup>

On 31 December 2019, the main countries of origin of residents were Palestine (14%), Syria (11%), Afghanistan (11%), Guinea (6%) and El Salvador (5%).

Concerning the family composition, at the end of 2019 the population in the reception network was composed of families (51%), single men (37%), single women (6%) and unaccompanied minors (6%). In total, 34% of the resident population were women and 66% men.

#### *Creation of additional reception capacity*

The reception network counted 21 343 reception places at the beginning of January 2019 and the number increased to 26 754 reception places by 31 December 2019 (+ 5 411 places).

2019 was marked by an **acute shortage of reception places**. This was largely due to the rapid and significant reduction of places after the increased inflow of applicants for

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<sup>9</sup> Once the occupancy rate passes above the threshold of 94%, Fedasil speaks of a saturation of the reception network. An occupancy rate of 94% or more corresponds to a critical situation since the full capacity is never available because of reception places that are temporarily unserviceable following arrivals and departures, maintenance, or because families of four people, for example, occupy rooms with 5 beds.

international protection in 2015-2016<sup>10</sup> and the lack of a sufficient buffer capacity in the reception network. However the situation was also a consequence of the backlog at the Immigration Office and the Office of the Commissioner General for Refugees and Stateless Persons. Due to a lack of staff, these services did not manage to process asylum applications within six months and, as a consequence, the outflow from the reception facilities was much lower than the inflow, leading to a congestion of the reception network.

These factors, in combination with an increase in the number of applicants for international protection (see above), kept the reception network saturated in 2019.

At the end of December 2018, the Minister in charge of Asylum Policy and Migration gave her approval for the **rapid creation of 1 500 extra reception places**. It concerned, on the one hand, the expansion of the reception capacity of existing centres of Croix-Rouge de Belgique (200 places) and Samusocial (100 places) and, on the other hand, the opening of new reception centres in different towns, spread over the Belgian territory, such as in the centre with 500 reception places in the town of Lommel that was opened by Fedasil on 21 December 2018 (please see table 1: New reception centres opened in 2019 (data source: Fedasil)).

On 15 February 2019, the Council of Ministers approved **several urgent measures** proposed by the Minister in charge of Asylum Policy and Migration to "get the asylum problem back under control".<sup>11</sup> More resources (€ 87 million) were allocated to Fedasil to create an additional 3 250 reception places, to prolong the 5 224 previously created temporary places and to hire new staff. In addition, Fedasil received the permission to create a further 1 500 buffer places to be activated in the event of an unforeseen increased inflow of applicants for international protection. The new temporary reception consisted of both collective reception (reception centres) and individual reception (reception places created by the Social Public Welfare Centres). The aim of the government was to open 650 reception places per month.

However, Fedasil **struggled to find and open reception locations**, amongst others due to a reduced and slower response from federal government departments (government in a caretaking capacity). Furthermore, the Flemish municipalities and Public Social Welfare Centres, who always have been loyal partners in the reception of applicants for international protection, were more reluctant to look for and open new Local Reception Initiatives. This was also reported by the Association of Flemish Cities and Municipalities (VVSG), that indicated that, in their opinion, the federal government is pursuing a "yo-yo policy" relating to the opening and closing down of reception places in Local Reception Initiatives<sup>12</sup>, rendering local authorities unwilling to open new reception places.<sup>13</sup>

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<sup>10</sup> Out of the 35 700 reception places available in May 2016, only about 20 800 remained at the beginning of August 2018 due to capacity reduction plans of the former State Secretary of Asylum Policy and Migration.

<sup>11</sup> Please see: <https://www2.openvld.be/actieplan-om-asielprobleem-terug-onder-controle-te-krijgen/>.

<sup>12</sup> The policy of the federal government asking to open LOIs during the 2015-2016 crisis, followed by a reduction plan in early 2018 whereby 3600 reception places in LOIs had to close, followed by the request to re-open places to relieve the pressure on the reception network could count on little understanding by the municipalities. During the previous asylum crisis in 2015-2016, the number of LOI places increased to around 10 000. At the end of 2019, there were only 5 977 LOI places left. Local authorities indicate that searching for and furnishing homes requires a great deal of effort and time and each time staff has to be recruited and trained. As a result, and although 450 new reception places in Local Reception Initiatives were created, most of the Public Social Welfare Centres are unwilling to look for new places. According to the Association for Flemish Cities and Communities (VVSG), a recent survey revealed that 61% percent of its members are no longer willing to look for new places if the federal government asks for it.

<sup>13</sup> Please see: <https://www.vvsg.be/nieuws/lokale-besturen-zijn-jojo-effect-federaal-opvangbeleid-beu>

After several contacts with the Ministry of Defense, the Belgian Buildings Agency and school networks, Fedasil launched a general call in March 2019 to find buildings for the collective reception of asylum seekers.

In particular, Fedasil was looking for vacant buildings that:

- were available quickly,
- had an available area of at least 2 000 m<sup>2</sup> (capacity of at least 150 to 200 beds),
- were in good condition and conform the legal standards and fire safety,
- were designed for the accommodation of persons (former boarding schools, hotels, hospitals, rest homes, etc.) or office buildings that, with a few modifications, could be converted into a reception facility.

These sites would be used by Fedasil for two possible purposes: immediate use (start-up of a centre by Fedasil or a reception partner) or as a buffer site to be opened in case of need. Fedasil had to repeat this call at the end of July due to the low response to the first call.

In the meanwhile, Fedasil tried to **increase its reception capacity** through various measures such as the extension of the closing date of temporary reception centres (e.g. the reception centre in Lommel that was initially intended to close in March 2019), the increase of the reception capacity in existing reception centres (e.g. an extra 50 beds were placed in the reception centre in Florennes by the end of December 2019), the placement of mobile units (486 places in tents at the sites of eight Fedasil reception centres - Arendonk, Bovigny, Broechem, Charleroi, Poelkapelle, Rixensart, Sint-Truiden and Sugny) and the placement of containers on the property of two of Fedasil's reception centres (144 reception places in containers at the reception centres of Bovigny and Sugny).

Throughout the year, new temporary reception centres were opened all over the Belgian territory by Fedasil and its reception partners.

**Table 1:** New reception centres opened in 2019 (data source: Fedasil)

<b>Operator</b>	<b>Town</b>	<b>Reception places</b>	<b>Opening date</b>
<b>Fedasil</b>	(Lommel	500 places	21 December 2018)
	Zaventem	200 places	30 January
	Mouscron	250 places	22 February
	Deurne	120 places	20 June
	Couvin	222 places	11 July
	Senonchamps	108 places	15 October
	Theux	238 places	18 November
	Spa	116 places	28 November
	Zoutleuw	130 places	2 December
	Bredene	300 places	3 December
<b>Rode Kruis Vlaanderen</b>	Mechelen	180 places	28 March

<i>(Flemish Red Cross)</i>	Leopoldsburg	500 places	23 September
	Mesen	100 places	17 December
<b>Croix-Rouge de Belgique</b> <i>(Walloon Red Cross)</i>	Jambes	250 places	5 March
	Jalhay	250 places	28 October

Given the difficulties encountered by Fedasil in the creation of reception places and by the asylum authorities in the rapid recruitment of personnel, **additional measures** were needed to support and facilitate these authorities in their mission. Therefore the Council of Ministers approved on 14 November 2019, on the proposal of the Minister in charge of Asylum Policy and Migration, **three measures to further speed up the procedures for international protection and to increase the reception capacity**: staff reinforcement of the asylum authorities in order to guarantee a faster processing of applications and thus also to accelerate the outflow from the reception network, a closer cooperation with all federal government departments in order to support the asylum and reception authorities in their mission and the issuance of an urgent government contract for the reception of applicants for international protection by Fedasil.

By the end of 2019, the government procurement department of Fedasil worked out two government contracts: one 'normal', for 1 200 buffer places, and one in urgency for 3 500 reception places for which Fedasil could appeal to private operators to provide the reception places.

In the meanwhile Fedasil and its reception partners were busy preparing new temporary reception centres to be opened in 2020.

### 3.2.2 Public response on the increase of the reception capacity

The arrival of a large number of new reception centres in 2019 has given rise to **protests** from (future) local residents and certain political parties. The protest varied from demonstrations, whether or not supported by the extreme right-wing parties, verbal attacks on staff from municipal administrations and Fedasil during information evenings about planned reception centres, vandalism on buildings intended for reception of asylum seekers and racist comments on social media. Fedasil, for example, felt compelled to take an advertisement, concerning a call for available buildings, offline after it had been posted for just one day because of the racist reactions. Incorrect information was also eagerly circulating on social media. For example, documents were circulating online showing that the Arrival Centre in Brussels wanted to buy electric bicycles for asylum seekers for a total sum of € 30 000. Fedasil invalidated this information and explained that a public tender had been launched for the purchase of a number of electric bicycles, intended for staff.

In the night of 10 to 11 November, the resistance against asylum centres experienced an all-time low as a building that was being converted into a reception centre in the town of Bilzen, was deliberately set on fire, which was followed by cheers on social media. A judicial investigation was started and surveillance cameras were installed. After the events in Bilzen, extra police surveillance on this and other sites were installed.

This incident also prompted the Flemish Minister of Internal Administration, Administrative Affairs, Civic Integration and Equal Opportunities to instruct the Flemish Integration and Civic Integration Agency to appoint liaison officers. At the Flemish level, it has been agreed with Fedasil and Rode Kruis Vlaanderen (Flemish Red Cross) that they will inform the Integration and Civic Integration Agency as soon as possible when a new reception centre will be opened. The Agency appoints a liaison officer, who guides the local administration in the period between the announcement of the arrival and the effective opening of a reception centre for asylum seekers (please see section 6.5: Awareness raising on migration in the Belgian society).

The start-up of new reception centres afterwards went fairly quiet on other locations and local residents manifested for solidarity and hospitality after incidents happened. But nevertheless, according to Fedasil, it was becoming increasingly difficult to organise reception in a serene way.

### 3.2.3 Reception of applicants with a high chance to be granted international protection

In an instruction issued on 14 August 2019, Fedasil updated the list of nationalities with a high chance to be granted international protection, meaning nationalities with a protection rate of more than 80%. Residents from El Salvador, Eritrea, Libya and Syria whose asylum procedure was still pending before the CGRS could request a transfer to an individual reception place after a two-month stay in a collective centre. Due to the update, Burundi, Palestine, Yemen and Venezuela no longer figured on the list. The instruction entered into force on 26 August 2019.

### 3.2.4 Provision of information

On 8 October 2019, Fedasil launched an **information platform** '[www.fedasilinfo.be](http://www.fedasilinfo.be)'. This mobile website provides applicants for international protection in Belgium with reliable information on asylum and other procedures, accommodation, living in Belgium, return, employment, unaccompanied minors, health and education in 12 languages, 8 of which include an audio version.

In 2019, Fedasil organised **two study days** for its staff on Palestine and Latin America. On Palestine because it was the main country of origin of the residents in its reception network and the latter because Belgium witnessed for the first time a sharp rise in the number of applicants from Latin American countries.

## 3.3 Relocation and resettlement programmes

In 2019, **no relocations** took place to Belgium.<sup>14</sup> In the same year, Belgium carried out **239 resettlements**, all Syrians.

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<sup>14</sup> Relocation: The transfer of persons having a status defined by the Geneva Refugee Convention and Protocol or subsidiary protection within the meaning of Directive 2011/95/EU (Recast Qualification Directive) from the EU Member State which granted them international protection to another EU Member State where they will be granted similar protection, and of persons having applied for international protection from the EU Member State which is responsible for examining their application to another EU Member State where their applications for international protection will be examined. In the context of the EU emergency relocation programme, the

After the resettlement programme was put on hold in October 2018, the programme resumed in April 2019.<sup>15</sup> However, due to the high increase of regular applicants for international protection in Belgium, it became very challenging to find reception places for resettled refugees. This caused delays in the transfer process and in the organisation of new selection missions.

Belgium did not have a national resettlement programme nor a formal humanitarian admission scheme. The resettlements were all in the framework of the EU Joint Resettlement Programme, the so-called 50.000 scheme<sup>16</sup>. For the 2018-2019 period, Belgium eventually resettled 1 119 out of the 2 000 refugees pledged.

### 3.4 Information, rights and obligations related to status of beneficiary of international protection

On 8 October 2019, Fedasil launched a new information platform [www.fedasilinfo.be](http://www.fedasilinfo.be). This mobile website provides applicants for international protection (thus for asylum seekers) in Belgium with reliable information on asylum and other procedures, accommodation, living in Belgium, return, work, unaccompanied minors, health and education in 12 languages, 8 of which include an audio version.

There are no developments regarding the rights in the field of **access to accommodation**, however, it remains very challenging for beneficiaries of international protection (and for the local authorities) to find housing once the status is granted.

Regarding **child benefits** in Flanders, a change was announced by the Flemish government (but not yet into force in 2019). Until 2020, recognised refugees staying in Flanders could receive child benefits retroactively for the period of their asylum procedure. The new Flemish government announced in its government agreement that it would cancel the system of retroactive payments, ruling that these persons were already entitled to material aid as asylum seekers and thus did not need additional benefits during this period. (The effective decision was taken in February 2020).

Regarding **residence documents** granted to beneficiaries of international protection, the judgment of the Court of Justice of the European Union in the joined cases C 391/16, C 77/17 and C 78/17 dated 14/05/2019 on the revocation and refusal of refugee status did not in itself change much the practice of the Immigration Office. If one's refugee status is revoked while remaining a refugee, the Immigration Office will not proceed to forced removal if the right of residence is terminated. In this specific case, it means de facto a non-return clause.

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transfer of persons in clear need of international protection, as defined in Council Decision 2015/1601 and 2016/1754, having applied for international protection from the EU Member State, CH or NO which is responsible for examining their application to another EU Member State, CH or NO where their application for international protection will be examined.(see EMN Glossary V6).

<sup>15</sup> Please see: <https://www.fedasil.be/nl/nieuws/hervestiging/hervatting-hervestiging>

<sup>16</sup> The so-called "50 000 Scheme" from a Commission Recommendation of 3 October 2017 (OJ L 259, 7.10.2017).

### 3.5 Withdrawal of international protection

In 2019, for **249 persons** the protection status was ceased or withdrawn due to fact they were involved in public order issues, pose a threat to national security, committed fraud or because their personal behaviour indicated they were no (longer) in need of protection.

## 4 Legal migration

### 4.1 Transposition of EU legislation

In the Spring of 2019, the federal and regional governments adopted a series of legislative and administrative acts to transpose Directive 2014/36/EU on **seasonal workers**. As a consequence, the European Commission withdrew itself from infringement case C-676-18. The case was eventually removed from the register of the Court of Justice of the European Union (CJEU) on 3 December 2019.

In 2018 and 2019, the regional governments partly transposed Directive 2014/66/EU on **intra-corporate transferees** (ICTs), but at the federal level transposition of the directive is still in progress. On 25 July 2019, the European Commission decided to refer the case to the CJEU.

The regional governments also transposed the work-related rules of Directive 2016/801 on **students and researchers**. At the federal level, a legislative proposal is currently being drafted to transpose the provisions related to residence rights. The European Commission sent a reasoned opinion to Belgium on 26 July 2019, requesting the state to comply with EU law.

### 4.2 Work-related migration

#### 4.2.1 Admission policies of specific categories of foreign workers

##### *Highly-qualified workers*

Since 1 September 2019, highly-qualified workers can apply for a **single permit** to work and stay in Belgium for a period of more than 90 days at the level of the region (also see 1.2.4). The permit issued to highly-qualified workers is valid for a period of up to 3 years. To establish this procedure, the federal and regional governments needed to adopt a series of acts:

- Cooperation agreement of 2 February 2018 on the Single Permit Directive;
- Cooperation agreement of 6 December 2018 executing the cooperation agreement of 2 February 2018 on the Single Permit Directive;
- Law of 22 July 2018 modifying the Immigration Act;
- Law of 5 May 2019 modifying the Immigration Act concerning certain categories of foreign workers
- Royal Decree of 12 November 2018 modifying the Royal Decree implementing the Immigration Act in order to issue a single permit for third-country nationals authorised to stay and work in the territory;
- Decision of the Flemish Government of 7 December 2018 concerning the execution of the Law of 30 April 1999 on the employment of foreign workers;
- Decision of the Walloon Government of 16 May 2019 concerning the employment of foreign nationals and cancelling the Royal Decree of 9 June 1999;
- Decision of the Government of Brussels Capital Region of 16 May 2019 modifying the Royal Decree of 9 June 1999 concerning the employment of foreign workers;
- Decision of the Government of the German-speaking Community of 23 May 2019 modifying the Royal Decree of 9 June 1999 concerning the employment of foreign workers.

### *Intra-corporate transferees*

In 2018-19, the regional governments moreover set out the labour-related rules for intra-corporate transferees (ICT). In general, applicants for an ICT permit need to have been employed by their foreign company for at least 3 months. In Brussels, this period is raised to 6 months for managers and specialists. The permit is valid for a maximum period of 3 years for managers and specialists and of 1 year for trainee employees.

### *Seasonal workers*

As of 1 September 2019, foreign nationals can apply for a seasonal workers permit<sup>17</sup> for work and stay in Belgium for a period of more than 90 days at the level of the region (also see 1.2.4). Applicants need to engage in seasonal activities in either the agricultural sector (in any region), the horticultural sector (in Flanders or Wallonia) or the catering sector (in Flanders, Wallonia or the German-speaking Community). For each of these activities, the local employer should **prove that no qualified workers could be found** on the labour market within a reasonable period of time. The seasonal worker permit is valid for a period of up to 150 days in a 365 days period.

### *Low- and medium-skilled workers*

In addition to these EU-harmonised categories of foreign workers, the regions of Flanders and Wallonia also changed their admission policies for medium-skilled workers.

In *Flanders*, the first **shortage occupation list** for medium-skilled workers entered into force in January 2019 to respond to structural labour shortages in sectors such as construction, transportation and health care.<sup>18</sup> For the twenty professions mentioned on this list, Flemish employers can recruit third-country nationals irrespective of the labour market conditions. The list will be reviewed every two years.<sup>19</sup>

In a similar way, employers based in *Wallonia* no longer need to pass a labour market test for certain shortage occupations for medium-skilled workers. As of 2019, the minister for employment needs to publish an annual list of these occupations.<sup>20</sup> The first list, valid from 12 September 2019, includes seven occupations in the IT, maintenance and construction sectors.<sup>21</sup>

To date, no such shortage occupation lists for third-country nationals exist in the *Brussels Capital Region* and the *German-speaking Community*. In these entities, only third-country nationals with long-term resident status in another Member State are exempted from the labour market test if their if they exercise a shortage occupation.<sup>22</sup>

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<sup>17</sup> The Flemish government does mention that in practice, foreign nationals continued to apply for a work permit in Flanders.

<sup>18</sup> Ministerial Decision of 19 December 2018.

<sup>19</sup> Art. 18, §2 Decision of the Flemish Government of 7 December 2018 concerning the execution of the Law of 30 April 1999 on the employment of foreign workers, *Belgian Official Gazette*, 21 December 2018.

<sup>20</sup> Art. 2, §3 Decision of the Walloon Government of 16 May 2019, *Belgian Official Gazette*, 19 June 2019.

<sup>21</sup> The shortage occupation list has been published on the website of the Walloon government. Please see:

[https://emploi.wallonie.be/files/DOCS/permis-de-travail/m%20tiersp%20nurie\\_travailleurs%20trangers.pdf](https://emploi.wallonie.be/files/DOCS/permis-de-travail/m%20tiersp%20nurie_travailleurs%20trangers.pdf).

<sup>22</sup> Art. 9, 20° of the Royal Decree of 9 June 1999 concerning the employment of foreign workers, *Belgian Official Gazette*, 26 June 1999.

## Entrepreneurs, start-ups and investors

In 2019, no special measures were adopted to attract foreign entrepreneurs, start-ups or investors.<sup>23</sup> However, two general measures adopted at the federal and Flemish level made it easier for foreign entrepreneurs to set up a business in Belgium.

First, on 1 May 2019 the *federal Companies and Associations Code* entered into force. By introducing more flexible and simplified rules, this Code aims to promote Belgium as an attractive and competitive country for both Belgian and foreign companies.<sup>24</sup> For instance, the legal company forms were brought back to four and the minimum capital requirements were abolished.

Second, persons exercising a regulated profession no longer need to provide evidence of their **professional competence** to start a business in *Flanders*. In 2018, this requirement was already abolished for certain regulated professions.<sup>25</sup> In 2019, this rule was extended to professions in the construction sector.<sup>26</sup> In any event, special rules continue to apply to liberal, intellectual and service professions.

### 4.2.2 'Social dumping'<sup>27</sup> and labour exploitation

The federal government stepped up its fight against social dumping by adopting the Royal Decree of 17 August 2019. Since its entry into force in September 2019, inspectors of the **National Social Security Office (NSSO)**<sup>28</sup> can take action against the illegal secondment of posted workers.<sup>29</sup>

In addition, the **Federal Judicial Police** and the social inspection services concluded a long-awaited cooperation agreement to combat social fraud in the Fall of 2019. The agreement allows to establish mixed teams for investigation of cases of social fraud, including social dumping and undeclared work.<sup>30</sup>

Finally, the Federal **Action Plan to Combat Social Fraud 2020** was approved by the Council of Ministers on 20 December 2019. The plan announces to increase the number of social dumping investigations to 2 000, the aim being to trace illegally posted workers and/or violations of working conditions by foreign employers.<sup>31</sup>

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<sup>23</sup> For more information on this topic, please see study of EMN Belgium on *Migratory pathways for start-ups and innovative entrepreneurs in Belgium*, 2020.

<sup>24</sup> Belgian House of Representatives, legislative proposal of 4 June 2018 introducing a Companies and Associations Code and containing various provisions, Doc 54 3119/001, p. 3.

<sup>25</sup> Decision by the Flemish Government of 14 July 2017 abolishing the Royal Decrees related to professional competence, *Belgian Official Gazette*, 9 August 2017, entry into force 1<sup>st</sup> January 2018.

<sup>26</sup> Decision by the Flemish Government of 19 October 2018 abolishing the Royal Decree of 21 December 1974 and the Royal Decree of 29 January 2007, *Belgian Official Gazette*, 23 November 2018, entry into force 1<sup>st</sup> January 2019.

<sup>27</sup> While there is no definition of the concept of "social dumping" in EU law, the term is generally used to point to unfair competition due to the application of different wages and social protection rules to different categories of worker (Parliamentary questions, 27 May 2015, E-008441-15). The European Commission described the practice as a situation 'where foreign service providers can undercut local service providers because their labour standards are lower'.

<sup>28</sup> French: *Office National de Sécurité Sociale (ONSS)*, Dutch: *Rijksdienst voor Sociale Zekerheid (RSZ)*.

<sup>29</sup> Royal Decree of 17 August 2019 modifying the Royal Decree of 9 December 1987 designating the civil servants responsible for the supervision of the execution of the Law of 24 July 1987 concerning temporary work, agency work and secondment, *Belgian Official Gazette*, 11 September 2019.

<sup>30</sup> Article 'Speurders tegen sociale fraude bundelen krachten in heel België', *De Tijd*, 13 november 2019.

<sup>31</sup> Federal Action Plan to Combat Social Fraud 2020, 20 December 2019, p. 69, available at <https://www.siod.belgie.be/fr/publications/plan-daction-2020>.

### 4.2.3 Circular migration

In 2019, three projects on circular migration between Belgium and countries in North and West Africa took place.

Together with the EU and the International Centre for Migration Policy Development, the Belgian development agency Enabel launched a pilot project on labour mobility in the ICT sector.<sup>32</sup> The **PALIM<sup>33</sup> project** intends both to address labour market shortages in Flanders and to improve the employment chances of 60 young ICT graduates from Morocco. After having followed an additional training in Morocco, the participants will be coached to find employment in Morocco or Belgium. The project moreover aims to support the Moroccan employment agency in improving its service delivery.<sup>34</sup>

The International Organisation for Migration (IOM) moreover developed a project between Nigeria and Senegal on the one hand, and four EU Member States including Belgium on the other. The aim of the **MATCH<sup>35</sup> project** is to increase the employability of young West-African migrants, while at the same time addressing EU labour market shortages. Thanks to this temporary programme, 210 Nigerian and Senegalese workers have the opportunity to work for a European company (primarily in the IT, technology and digitalization sectors) and to participate in various trainings. Upon return to their home country, these migrants will be invited to engage in local projects in order to transfer their knowledge. Furthermore, employer organisations and employment agencies in the four EU Member States will assist their African counterparts in developing a capacity-building scheme.<sup>36</sup>

Finally, IOM also successfully concluded the **project on circular migration** between Tunisia and Belgium that had been launched in 2018. This project aimed at improving the labour market position of 30 Tunisian students and young graduates in their country of origin by means of a first professional experience in Belgium and targeted support upon their return to Tunisia.<sup>37</sup> In September, IOM reported that 80 percent of the participants had already found a job in a local enterprise.<sup>38</sup>

### 4.2.4 Other developments in work-related migration

On 3 January 2019, the federal and regional legislation on the **single permit** entered into force. All these legislative acts were adopted in 2018 to transpose Directive 2011/98/EU. Since the entry into force of this set of acts, third-country nationals who wish to work and stay in Belgium for more than 90 days can apply for a single permit through their employer at the level of the region. The application is assessed by the regional authority, competent for economic migration

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<sup>32</sup> For this project, Enabel collaborates with Ghent University, Université Catholique de Louvain and Fedasil, as well as with the Flemish employment agency VDAB, the Flemish employer organisation VOKA, the Belgian organisation for the technology industry AGORIA and their Moroccan counterparts.

<sup>33</sup> Acronym for Pilot Project Addressing Labour Shortages Through Innovative Labour Migration Models.

<sup>34</sup> Belgian Development Agency Enabel, *PALIM – European pilot project linking Moroccan ICT development and labour shortages in Flanders*, available at <https://www.enabel.be/content/palim-european-pilot-project-linking-moroccan-ict-development-and-labour-shortages-flanders>.

<sup>35</sup> Acronym for Migration of African Talents through Capacity building and Hiring.

<sup>36</sup> International Organization for Migration, *Migration of African Talents through Capacity building and Hiring MATCH. Project information sheet*, available at

[https://belgium.iom.int/sites/default/files/publication/EN\\_MATCH%20Info%20Sheet.pdf](https://belgium.iom.int/sites/default/files/publication/EN_MATCH%20Info%20Sheet.pdf).

<sup>37</sup> International Organization for Migration, *Enhancing Tunisian youth employability through vocational apprenticeships and professional internships in Belgian companies. Project information sheet*, available at [https://belgium.iom.int/sites/default/files/Gallery/EN%20-%20Factsheet%20Enhancing%20Tunisian%20Youth%20Employability\\_0.pdf](https://belgium.iom.int/sites/default/files/Gallery/EN%20-%20Factsheet%20Enhancing%20Tunisian%20Youth%20Employability_0.pdf).

<sup>38</sup> International Organization for Migration, *Belgian-Backed Labour Migration Initiative Boosts Employability of Tunisian Youth*, available at <https://www.iom.int/news/belgian-backed-labour-migration-initiative-boosts-employability-tunisian-youth>.

since 2014, and by the federal Immigration Office, competent for the entry and residence of foreign nationals.<sup>39</sup>

In the first year following its entry into force, the single permit procedure met with criticism from members of parliament<sup>40</sup> and practitioners,<sup>41</sup> who pointed in particular to the slower processing of applications due to the complexity of the procedure. In February 2020, the Minister for Asylum and Migration announced to reduce these **processing times** by adopting a series of measures:

- a second increase in the human resources of the Department of Long-term stay of the Immigration Office, following a first increase in June 2019;
- a reduction of the number of documents to be issued by the Immigration Office;
- the introduction of temporary permits to cover the work and stay of third-country nationals pending their application for renewal;
- the launch of an electronic platform for information exchange between the various actors at federal and regional level.<sup>42</sup>

Together with the single permit procedure, a new regime was created for foreign nationals staying in the territory for non-economic reasons. These persons, among other categories including applicants for international protection, refugees, family members and long-term residents, no longer have to obtain a separate work permit. Their residence permits now mention if and to which extent they have access to the labour market.<sup>43</sup>

### 4.3 Students and researchers

The transposition of Directive 2016/801 on students and researchers is still in progress at the federal level. In October 2019, the rectors of the Belgian universities openly criticised the government for **failure to transpose the directive on time**, as well as for inadequacies in the earlier transposition of the related Single Permit Directive. In a joint statement, the rectors asked to stimulate the international mobility of academics from third countries by simplifying administrative procedures and by enhancing their legal certainty. In particular, they urged the government to grant these students and researchers access to the labour market upon completion of their programme and to maintain the national system of "host agreements" between institutions and researchers next to the single permit procedure.<sup>44</sup>

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<sup>39</sup> EMN Belgium, *Annual Report on Migration and Asylum in Belgium 2018*.

<sup>40</sup> Belgian Chamber of Representatives, question n. 22 of 10 July 2019, Written questions and answers, 9 September 2019, QRVA 55 001, p. 101-120; question n. 128 of 17 October 2019, Written questions and answers, 29 November 2019, QRVA 55 006, p. 200-202.

<sup>41</sup> Pauline Mohimont, 'Emploi des ressortissants étrangers et permis unique en Belgique', *Revue du droit des étrangers*, 2019, n. 202, p. 147-164.

<sup>42</sup> Article 'Embaucher des travailleurs étrangers sera plus facile', *L'Echo*, 20 February 2020.

<sup>43</sup> Royal Decree of 2 September 2018 regarding the implementation of the Law of 9 May 2018 regarding the employment of foreign nationals who find themselves in a particular residence situation, *Belgian Official Gazette*, 17 September 2018. The regulation entered into force on 3 January 2019.

<sup>44</sup> Article 'Maak kennismigratie makkelijker voor internationaal talent', *De Tijd*, 15 October 2019.

## 4.4 Family reunification and family formation

### 4.4.1 European and national case law

#### *Retention of right of residence by ex-spouses victim of domestic violence*

The Constitutional Court ruled that the Immigration Office cannot end the residence rights of third-country nationals who are ex-spouses of a *Belgian citizen* and became victims of domestic violence during their marriage. Unlike the ex-spouses of a *third-country national* in the same situation, these persons still needed to submit evidence of sufficient resources and health insurance in order to retain their right of residence after the dissolution of their marriage. The Court found this unequal treatment to be unconstitutional.<sup>45</sup> The ruling led to a change in practice at the Immigration Office.<sup>46</sup>

#### *Grace period for beneficiaries of international protection*

In Belgium, family members of beneficiaries of international protection are **exempted from the material conditions for family reunification** if they file their application during the so-called “grace period”, i.e. the first year after international protection has been granted.<sup>47</sup> In practice, the Immigration Office used to apply this exemption during the first *thirteen months*, thus providing applicants with an extra month during which they did not have to meet the requirements of sufficient resources, health insurance or decent housing. Yet in 2019, the administration changed this practice in response to recent case law by the CJEU on the interpretation of EU Directive 2003/86.<sup>48</sup> As of 1 June 2019, the Office reduced the grace period to the legal time limit of *twelve months*.<sup>49</sup>

#### *Recent developments in requirement of sufficient resources*

Until recently, the Immigration Office did not take into account the “guaranteed income for the elderly”<sup>50</sup> as a resource for family reunification. After a ruling by the Council of State in February 2019,<sup>51</sup> the Office accepted this guaranteed income as a resource for a short period of time, but eventually returned to its previous practice following a new ruling by the Council of State in July 2019.<sup>52</sup>

In February 2019, the Council of State also ruled that benefits for persons with disabilities should be regarded as a resource for family reunification as well, in line with the intention of the

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<sup>45</sup> Constitutional Court, 7 February 2019, n. 17/2019. For more information on this ruling, please see Agentschap voor Integratie en Inburgering, *Ex-echtgenote van Belg slachtoffer van geweld tijdens huwelijk moet geen bestaansmiddelen en ziekteverzekering bewijzen voor behoud verblijfsrecht*, available at <https://www.agii.be/nieuws/ex-echtgenote-van-belg-slachtoffer-van-geweld-tijdens-huwelijk-moet-geen-bestaansmiddelen-en>.

<sup>46</sup> Information provided by the Immigration Office on 11 February 2020.

<sup>47</sup> Art. 10, §2, fifth paragraph Immigration Act.

<sup>48</sup> CJEU, 7 November 2018, C-380/17, *K, B t. Staatssecretaris van Veiligheid en Justitie*.

<sup>49</sup> Agentschap voor Integratie en Inburgering, *DVZ wijzigt termijn voor vrijstelling voorwaarden gezinshereniging met persoon met internationale bescherming*, available at <https://www.agii.be/nieuws/dvz-wijzigt-termijn-voor-vrijstelling-voorwaarden-gezinshereniging-met-persoon-met-internationale>.

<sup>50</sup> French: *garantie de revenus aux personnes âgées* (GRAPA); Dutch: *inkomensgarantie voor ouderen* (IGO).

<sup>51</sup> Council of State, 12 February 2019, n. 243.676.

<sup>52</sup> Council of State, 16 July 2019, n. 245.187. See Agentschap voor Integratie en Inburgering, *Bestaansmiddelenvoorwaarde bij gezinshereniging: ontwikkelingen in rechtspraak*, available at <https://www.agii.be/nieuws/bestaansmiddelenvoorwaarde-bij-gezinshereniging-ontwikkelingen-in-rechtspraak>.

legislator.<sup>53</sup> Since then, the Immigration Office takes these benefits into account in its assessment of the required resources.<sup>54</sup>

### *Time limits for decisions on family reunification*

According to the Immigration Act, national authorities should take decisions on applications for family reunification within set time limits, in accordance with EU Directives 2003/86/EC and 2004/38/EC. In Belgium, an authorisation to stay used to be granted automatically if the authorities failed to take a decision within these time periods.<sup>55</sup>

In 2019 however, the CJEU ruled that national legislation cannot provide for the automatic issuance of a residence permit for the family member of a third-country national once the time limit has been exceeded.<sup>56</sup> In its **Diallo ruling** in 2018, the CJEU had already pointed out that such automaticity is excluded for the issuance of a residence permit to the family member of a Union citizen.<sup>57</sup>

Pending the adoption of a legislative act amending the Immigration Act, the Immigration Office endeavours to process the applications in chronological order and to take decisions as early as possible in order to meet the deadlines set by the Immigration Act.<sup>58</sup>

### 4.4.2 Parliamentary debate on reform of rules on family reunification

In the Fall of 2019, members of the Belgian Chamber of Representatives submitted a series of legislative proposals related to family reunification.<sup>59</sup> Arguably the most prominent of these were the **proposals to raise the threshold for sufficient resources** from 120 to 140 per cent of the income support,<sup>60</sup> and to shorten the period during which beneficiaries of international protection should not meet the material requirements for family reunification (sufficient resources, health insurance and decent housing).<sup>61</sup> In November, parliamentary hearings were organised to discuss these proposals.

Debates on a reform of the rules on family reunification continued into 2020. In February 2020, for instance, some members of parliament proposed to impose monthly quota and to suspend the right to family reunification for beneficiaries of subsidiary protection in the first two years after the granting of their status. They also suggested to include the debate on family reunification in the (ongoing) federal government negotiations.<sup>62</sup>

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<sup>53</sup> Council of State, 12 February 2019, n. 243.676.

<sup>54</sup> Agentschap voor Integratie en Inburgering, *Bestaansmiddelenvoorwaarde bij gezinshereniging: ontwikkelingen in rechtspraak*, available at <https://www.agii.be/nieuws/bestaansmiddelenvoorwaarde-bij-gezinshereniging-ontwikkelingen-in-rechtspraak>.

<sup>55</sup> Articles 10ter, §2 and 42, §1 Immigration Act and Articles 51, § 2, first paragraph and 52, § 4, second paragraph of the Royal Decree implementing the Immigration Act.

<sup>56</sup> CJEU, 20 November 2019, C-706/18, *X v Belgische Staat*.

<sup>57</sup> CJEU, 27 June 2018, C-246/17, *Ibrahima Diallo v État belge*. Please also see EMN Belgium, *Annual Report on Migration and Asylum in Belgium 2018*.

<sup>58</sup> Information provided by the Immigration Office on 23 December 2019.

<sup>59</sup> For instance on the protection of victims of domestic violence (DOC 55 0654/001, 22 October 2019) and on the introduction of stricter rules for applications by “dependants” of Union citizens (DOC 55 0876/001, 13 December 2019).

<sup>60</sup> In its legislative advice, the Council of State concluded that the proposed increase of the resource requirement was disproportionate (Council of State, 18 December 2019, advice n. 66.741/4).

<sup>61</sup> Belgian House of Representatives, Legislative proposal modifying the Immigration Act in relation to the rules on family reunification, 10 October 2019, DOC 55 0574/001.

<sup>62</sup> Article ‘N-VA wil gezinshereniging op regeringstafel’, *De Standaard*, 2 February 2020.

## 4.5 Information on routes to and conditions of legal migration

Since January 2019, applications for a single permit in the *German-speaking Community* can be introduced through an online platform. On this platform, applicants need to submit all relevant information and documents concerning the local employer, the employee, the place and type of employment and other relevant elements.<sup>63</sup>

In addition, *Flanders* and *Brussels Capital Region* launched new websites for third-country nationals wishing to work and stay in their regions. Both websites provide information on the applicable procedures and the required documents for each professional category. The sites also include a wizard guiding the third-country national to the correct procedure.<sup>64</sup>

## 4.6 Other measures regarding legal migration

In September 2019, the Council of State annulled the Royal Decrees of 16 February 2015<sup>65</sup> and 14 February 2017<sup>66</sup> determining the **administrative fees** to be paid by applicants for certain types of residence statuses.<sup>67</sup> According to the Council, the government had failed to demonstrate sufficiently that the amount of the fees was proportionate to the services offered.<sup>68</sup> In practice, this ruling implies that some foreign nationals who applied for such a status since 2015 could demand a total or partial reimbursement of the amount paid. At the time of writing, it is still being discussed whether the annulment could have an impact on current applications as well.<sup>69</sup>

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<sup>63</sup> *Antrag auf Erlaubnis zur Beschäftigung eines ausländischen Arbeitnehmers*, available at <https://forms.mdg.be/KombinierteErlaubnis/>.

<sup>64</sup> Please see <https://www.vlaanderen.be/werken/in-vlaanderen-komen-werken> for Flanders and [http://werk-economie-emploi.brussels/en\\_US/foreign-employee-or-self-employed](http://werk-economie-emploi.brussels/en_US/foreign-employee-or-self-employed) for Brussels Capital Region.

<sup>65</sup> Royal Decree of 16 February 2015 modifying the Royal Decree of 8 October 1981 regarding the entry, residence, settlement and removal of foreign nationals, *Belgian Official Gazette*, 20 February 2015.

<sup>66</sup> Royal Decree of 14 February 2017 modifying the Royal Decree of 8 October 1981 regarding the entry, residence, settlement and removal of foreign nationals, *Belgian Official Gazette*, 21 February 2017.

<sup>67</sup> Among others, applications for humanitarian regularisation, family reunification and migration for economic or study reasons (Art. 1/1 Immigration Act).

<sup>68</sup> Council of State, 11 September 2019, n. 245.403 and n. 245.404. If this relation is not proportionate, an administrative fee gets the nature of a tax, in which case the amount should be provided by law and not by Royal Decree.

<sup>69</sup> Article *Dienst Vreemdelingenzaken blijft illegale taks heffen*, 'De Standaard', 11 december 2019.

## 5 Unaccompanied minors and other vulnerable groups

### 5.1 Unaccompanied minors applying for protection

#### *Unaccompanied minors applying for asylum*

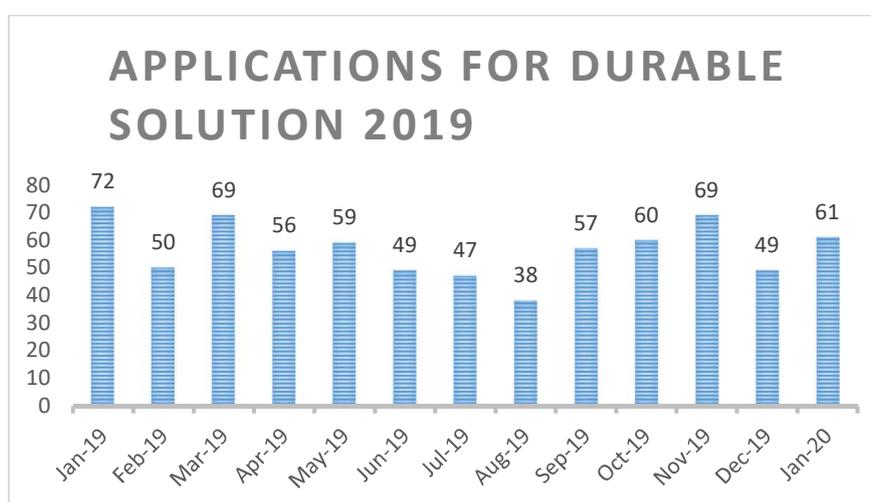
The number of unaccompanied minors filing an application for international protection **increased** from 811 in 2018 to 1220 in 2019 of which 156 (12.8 %) were lodged by girls.<sup>70</sup> The top five countries of origin of these unaccompanied minors in 2019 were Afghanistan (649), Guinee (73), Syria (72), Somalia (63) and Eritrea (53). Regarding the decisions taken in 2019, 266 unaccompanied minors were granted international protection (176 minors with refugee status and 90 with subsidiary protection) and 177 refusals to grant the refugee status and refusal to grant subsidiary protection status were taken by the CGRS. Twelve intermediary decisions were taken, that are awaiting a final decision. These decisions concern decisions declaring the application admissible in case of a subsequent application for international protection.<sup>71</sup> Fourteen Unaccompanied minors received a decision of refusal on another basis (voluntarily withdrawal of the application, return to country of origin, ...) or a technical refusal.<sup>72</sup>

#### *Durable solution procedure for unaccompanied minors*

In 2019, 675 new requests were submitted under the durable solution procedure for unaccompanied minors provided for in articles 61/14 to 61/25 of the Immigration Act.

In 2019, 53 unaccompanied minors were issued a decision ordering the guardian to bring back the unaccompanied minor to his/her country of origin (annex 38) in the framework of this procedure<sup>73</sup>, compared to 109 unaccompanied minors in 2018.

**Table 2:** Applications for the durable solutions procedure for unaccompanied minor (data source: Immigration Office)



<sup>70</sup> State of affairs on 8 January 2020. However, this figure may still change as a result of the age tests carried out by the Guardianship Service, and for which not all the results for 2019 are known yet.

<sup>71</sup> These figures refer to UAM that were still minor at the time of the decision. When also taking into consideration UAM that reached adulthood during their procedure, 729 decisions were taken, 228 persons were granted refugee status, 119 received subsidiary protection status and 292 decisions of refusal were taken.

<sup>72</sup> For example if the applicant does not show up for the interview and does not give a valid reason for his/her absence within 15 days or if the applicant does not comply with a request for information by the CGRS without a valid reason.

<sup>73</sup> A decision ordering the guardian to bring back the unaccompanied minor to his/her country of origin (annex 38) delivered in 2019 does not necessarily concern an application for international protection made in 2019.

## 5.1.1 Reception of unaccompanied minors

### *Reception capacity for unaccompanied minors*

In 2019, the overall reception capacity for unaccompanied minors remained almost the same, with 1 689 reception places at the beginning of January to 1 668 places by the end of December 2019.

**First reception phase:** The number of places in the Observation and Orientation Centres slightly increased from 223 to 239 reception places. The last months of 2019, Fedasil was confronted with an increasing influx of unaccompanied minors. In addition, the transfer to the second phase was sometimes difficult, resulting in an extension of the average length of stay in the first reception phase.<sup>74</sup>

**Second reception phase:** The capacity for unaccompanied minors in collective reception centres was further reduced during the first half of 2019. A large number of places were converted to adult reception places because of the shortage of these places in the reception network. The vast majority of these conversions took place at the centres of the reception partners Croix Rouge de Belgique (78 places) and Rode Kruis Vlaanderen (Flemish Red Cross) (52 places). Later in 2019, the reception capacity for unaccompanied minors had to be increased again. On the one hand as a result of the rising influx of unaccompanied minors from August 2019 onwards and on the other hand the longer processing time for asylum applications resulting in a longer stay of unaccompanied minors in the second reception phase.

In total, the reception places in the second phase decreased from 1 056 places in the beginning of January to 1 016 reception places by the end of December 2019.

**Third reception phase:** The reception places in the Local Reception Initiatives stayed the same throughout the year with 318 places on 2 January 2019 and 319 places on 31 December 2019.

**Specific reception needs:** The number of reception places available for unaccompanied minors with specific reception needs, such as teenage mothers and unaccompanied minors with mental health problems, remained about the same, with 92 places in January and 94 places by the end of 2019.

### *Reception of unaccompanied minors by the Flemish and French Community*

In order to embed the policy of the regional authorities co-financing the reception of unaccompanied minors more structurally, the Flemish Minister for Welfare, Public Health and Family and Fedasil signed on 9 January 2019 an agreement, with retroactive effect to 1 July 2018<sup>75</sup>. The agreement applies to unaccompanied minors younger than 15 years of age, or Unaccompanied minors older than 15 years for who a clear vulnerability is established, or brothers and sisters of whom one of the two is a UAM of less than 15 years, regardless of whether they applied for asylum or not. As in 2018, the Agency for Youth Welfare of the Flemish Community offered 145 reception places in 13 facilities with at most 15 unaccompanied minors per facility. In the French Community, the General Administration of Youth Care provided 104 reception places, a decrease of four places compared to 2018

The co-financing contribution by Fedasil rose from € 81.86 in 2018 to € 83.49 per available reception place per day.

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<sup>74</sup> Note that the Observation and Orientation Centre in the town of Sugny provides accommodation for unaccompanied minors who did not apply for international protection (15 places).

<sup>75</sup> On 27 April 2018 April, the agreement was signed between Fedasil and the French Community (by the Minister for Youth Welfare).

### 5.1.2 Staff reinforcement and training

In 2019 the **CGRS** continued training protection officers and supervisors in interviewing children to join the Minors Team.<sup>76</sup> Informative session on unaccompanied and accompanied children were organised for all new protection officers of the CGRS. The aim was to make them aware of the specificities of applications for international protection by minors.<sup>77</sup>

In 2019, the staff of **Fedasil** in the federal reception centres for unaccompanied minors increased from 174.43 full-time equivalents in 2018 to 186.73 in 2019. The number of staff working on unaccompanied minors in the headquarter and the regional offices of Fedasil, remained the same with seven full-time equivalents.

Fedasil structurally embedded the training course on 'Restorative Practices' developed by the non-profit organisation Oranjehuis. The aim of this training is to empower unaccompanied minors and the staff of the reception centres for unaccompanied minors in the prevention and sustainable handling of conflicts. By implementing a focus on recovery, Fedasil wants to prevent sanctions and disciplinary transfers of unaccompanied minors and to promote the conditions for living and working together, both for the residents and for the employees. The core of the restorative vision is about the concepts of "ownership" and "connectedness." In a preventive sense, this means creating a safe living environment in which young people and employees can feel good. In curative terms, this means that young people and supervisors who become involved in a conflict are called to take responsibility for their share. In 2019, only a very limited number of centres received the training because of the high budgetary impact.<sup>78</sup> The project will continue next year for the staff of centres that were unable to participate.

The **Guardianship Service** recruited 42 new guardians in 2019. The total number of guardians decreased from 592 guardians in 2018 to 526 guardians in 2019 of which 308 Dutch-speaking guardians and 218 French-speaking guardians.<sup>79</sup> The new guardians received a five-day basic training which included the following topics: role and tasks of the guardian, residence procedures, reception, education, psychological well-being, trauma, building a relationship of trust and social rights. In addition, the following courses were organised within the framework of the permanent training of guardians: the special residence procedure for unaccompanied minors, the procedure for international protection and family reunification. The guardians could also participate on trainings organised by the employee-guardians of Caritas International and Rode Kruis Vlaanderen (Flemish Red Cross) through the coaching programme that was funded and financed by the Guardianship Service. Topics of the trainings were amongst others: social rights, working with the family, housing and human trafficking. In 2019 multiple training sessions for guardians were organised by the CGRS, in cooperation with the Guardianship Service, regarding the procedure for international protection of unaccompanied minors.

The Guardianship Service also organised seven external trainings sessions for guardians on the specific procedures for unaccompanied minors who do not apply for international protection in

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<sup>76</sup> This training will continue in 2020. By the end of February 2020, 25 new protection officers and supervisors will have received training in interviewing children.

<sup>77</sup> Protection officers must be working 2 years as a "regular" protection officer before they can join the Minors Team and handle applications of children.

<sup>78</sup> The staff of two reception centres of Fedasil (Kapellen, Sint-Truiden) and one centre of the Flemish Red Cross (Lanaken) received an intensive training (a basic formation, weekly coaching, monthly spearhead consultation and leadership training).

<sup>79</sup> This decrease is due to guardians who drop out for various reasons: (change of) work, family, illness, incorrect assessment of workload, etc.

cooperation with the Immigration Office and the employee-guardians of Caritas International Belgium.

### 5.1.3 Legal guardianship, age assessments and foster care

#### *Legal guardianship*

The Guardianship Service continued in 2019 with the AMIF project '**Strengthening the Guardianship System**'. The project aimed to develop a method for the monitoring of guardians and a methodology regarding the Best Interests Assessment for unaccompanied minors and to improve the visibility and communication of the Guardianship Service towards guardians, unaccompanied minors and external partners. In 2019, the Guardianship Service started with a pilot project on intervisions for guardians and interviewed unaccompanied minors about their opinion on the Guardianship system.

The Guardianship Service also started to update the handbook for guardians, the latest version of which dates from 2007.<sup>80</sup>

The **protocol agreements** between the Guardianship Service and the **guardians' associations** have been adjusted in 2019, following the **Royal Decree of 6 December 2018** amending the Royal Decree of 22 December 2003 implementing Title XIII, Chapter 6 "Guardianship of unaccompanied minor foreigners", of the Programme Law of 24 December 2002 that **increased the allowance granted to guardians' associations** with which the Guardianship Service has a protocol agreement to exercise guardianships, to € 28 000 per year per full-time employed guardian who exercises at least 25 guardianships simultaneously.

#### **Text box 3: toolkit for voluntary guardians of unaccompanied minors<sup>81</sup>**

The non-profit organisation Vluchtelingenwerk Vlaanderen examined how to better protect unaccompanied minors. Interviews were held with 30 voluntary guardians<sup>82</sup>, 23 (ex-) unaccompanied minors and 20 others stakeholders. Based on these discussions, recommendations concerning unaccompanied minors and their voluntary guardians were compiled in a report published in February 2019.<sup>83</sup> The findings from the interviews also served as the basis for the **development of a practical toolkit with checklists to support the voluntary guardians** in August 2019.

The report and toolkit are available in Dutch on the website of Vluchtelingenwerk Vlaanderen.<sup>84</sup>

#### *Age assessment*

In 2019 **1 423 age assessments** were carried out, which is a considerable increase compared to the 1 090 age assessments in 2018. Also, more interviews with self-declared unaccompanied

<sup>80</sup> The first revised chapters are expected to be ready by the end of 2020.

<sup>81</sup> The focus on the role of voluntary guardians is part of the two-year European project Guardianship Advanced Instruments for child protection in Europe (G.A.IN). Within this project, Vluchtelingenwerk Vlaanderen pursues, together with partner organisations in Italy, Greece and Hungary, to better protect unaccompanied minors through the support of their voluntary guardians.

<sup>82</sup> There are three statutes for a guardian in Belgium: the "voluntary" status, the "independent" status and the status "employee of an association". The voluntary guardians, guardians, who are currently in the majority, do not have more than five concurrent guardianships and receive tax exemption for income generated by their job as guardian.

<sup>83</sup> Vluchtelingenwerk Vlaanderen, Als jouw kind moet vluchten, wil je ook dat iemand voor hem zorgt.

Naar een betere bescherming van niet-begeleide minderjarige vreemdelingen en een betere ondersteuning van hun vrijwillige voogden, February 2019.

<sup>84</sup> Please see: <https://www.vluchtelingenwerk.be/nieuws/toolkit-voor-vrijwillige-voogden-van-niet-begeleide-minderjarige-vreemdelingen>.

minors took place at the Guardianship Service. The period between the moment that the authorities raised a doubt about the age of the person and the actual medical examination was made shorter.

The number of appeals lodged against the age decisions almost tripled in 2019: 106 compared to 38 in 2018. The jurisprudence of the Council of State however remained constant.

### *Foster care*

In the **Flemish Community**, 194 unaccompanied minors were placed in foster care, of which 172 in kinship foster families<sup>85</sup> and 132 foster care placements were terminated in 2019. The main reasons for termination are family reunification and independent living of the youngster. In total, 467 unaccompanied minors were living in foster care in 2019.

In the **French Community, foster care for unaccompanied minors** is not integrated in the general service for foster care, but a separate unit within the General Administration of the Youth Care Service of the French Community (AGAJ) is solely dedicated to unaccompanied minors. This unit is in charge, among others, of the foster care for unaccompanied minors and outsources the foster care for unaccompanied minors to two non-profit organisations. These organisations 'Mentor-Escale' and 'Famille sur Mesure' are responsible for recruiting, screening and counselling families as well as monitoring the children placed in foster care. By the end of 2019, Mentor-Escale and Famille sur Mesure had supervised 52 unaccompanied minors.

**Belgium** continued to participate in the **Alternative Family Care II project (ALFACA II)** which ran from February 2018 until July 2019.<sup>86</sup> The project aimed to improve the reception and care for unaccompanied children by structurally increasing the quality and quantity of family based care available to them. The project collected and spread practical knowledge about the state of the art on providing family based care for unaccompanied children in the participating countries (Belgium, Croatia, Cyprus, Greece and Italy). It intended to improve family based care where it was already (scattered) practice and provided the possibility to set it up as a reasonable alternative to institutional care where it hardly exists, but opportunities and will for development do.

**Belgium** also continued to participate in an European project of IOM, **Fostering Across Borders**, which ran from January 2018 to September 2019.<sup>87</sup> The project aimed to improve the quality and expand the availability of family-based care for unaccompanied migrant children in six EU Member States: Austria, Belgium, Greece, Luxembourg, Poland and the United Kingdom. The project developed a set of useful documents and materials to assess, support and improve the provision of family-based care to unaccompanied migrant children in the countries of implementation. Belgium **developed a training package** (manual and slides): 'Caring for unaccompanied migrant children' to enable professionals, such as social workers and trainers, and experienced family-based carers, such as foster carers, to run a short modular course for family-based carers already caring for or looking to foster unaccompanied migrant children.<sup>88</sup>

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<sup>85</sup> Foster families can be found within the family or the social network of the family of origin and is called network foster care, otherwise it is called stock foster care. Both types of foster families are screened and supervised by a foster care service.

<sup>86</sup> Country reports and other publications of the project are available on <https://engi.eu/projects/alfaca-ii/>.

<sup>87</sup> The Fostering Across Borders project was funded by the Rights, Equality and Citizenship Programme of the European Union (2014-2020) and led by IOM.

<sup>88</sup> The training package is available in Dutch and French on the website of IOM. Please see: [https://eea.iom.int/fostering-across-borders#FAB\\_materials](https://eea.iom.int/fostering-across-borders#FAB_materials).

## 5.1.4 Protection and care of unaccompanied minors

### *Access to family allowances for unaccompanied minors*

The Flemish family allowance system was reformed and is now called **Groeipakket** ('Growth Package')<sup>89</sup> which came into effect on 1 January 2019.

Unaccompanied minors also open the right to this Groeipakket, even if they are still in a procedure to obtain international protection. The minors receive a certain amount of money on a monthly basis (+/- € 160). The 'growth package' also includes a **school allowance**. For unaccompanied minors this can amount to just over € 3 000 per year. The unaccompanied minors themselves are beneficiaries of the allowance, but their guardian has the responsibility to manage the funds. It is the first time that unaccompanied minors can enjoy such financial support in the second reception phase due to the school allowance that is awarded to them from the moment they are in possession of an attestation of immatriculation.

### *Projects to improve the protection and care of unaccompanied minors*

Fedasil continued to subsidise several projects, under its national funding and AMIF, to improve the care and protection of unaccompanied minors. As in the previous year, a focus was put on psychological and psychiatric care.<sup>90</sup> One of the projects, financed through AMIF (2018-2019), was the project 'Residential psychiatric care for underage refugees (unaccompanied or with family and beneficiaries of reception)' implemented by the University of Leuven (KU Leuven) in collaboration with PraxisP (transcultural traumatological care for refugees – Faculty Psychology and Pedagogical Sciences) and the Child Psychiatry Department UCP of the University of Leuven (KU Leuven). The project aimed to establish a residential child psychiatric and trauma-therapeutic offer, in a private residence outside the regular hospital setting, with a reception capacity for 12 young people with serious psychological and psychiatric problems. The project has suffered some delay but will be prolonged. It is the intention to have a semi-residential child psychiatric service ready in 2020.

## 5.1.5 Provision of information

In January 2019, the **CGRS** published an updated version of the 'Guide for unaccompanied minors who apply for asylum in Belgium'. This guide explains the stages an unaccompanied minor goes through when he/she applies for asylum in Belgium. At the request of the CGRS, the Immigration Office presents this guide to every unaccompanied minor when his/her asylum application is being registered. This guide is available in Dutch, French, English, Arab, Tigrinya, Dari, Pashto, Pular, Somali and Albanian.<sup>91</sup>

In April 2019, the **Federal Public Service Home Affairs** launched a short video on unaccompanied minors applying for international protection in Belgium. The video explains the different steps of the application for international protection and the role of the Immigration Office, the CGRS and Fedasil.<sup>92</sup>

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<sup>89</sup> Parents will receive a Groeipakket for each child living in Flanders from 1 January 2019 onwards. This includes the family allowances (the former child benefit) and other customised financial allowances for each child. More information on: <https://www.groeipakket.be/en/what-is-included-in-the-groeipakket>.

<sup>90</sup> More information on these project is available in Dutch and French on the website of Fedasil: <https://www.fedasil.be/nl/nieuws/sensibilisering/15-projecten-krijgen-subsidies-2019>.

<sup>91</sup> Please see: <https://www.cgrs.be/en/publications>.

<sup>92</sup> Please see: <https://emnbelgium.be/nl/node/3856>.

## 5.1.6 Voluntary return of (former) unaccompanied minors

In 2019, 15 unaccompanied minors returned to their country of origin via an assisted voluntary return and reintegration, a **decrease** compared to 23 unaccompanied minors who returned in 2018. Nine of them were minor on the day of departure, four turned 18 years in the period between the start-up of the return application and the departure date and two of them were adults on the day of the start-up of the return application, but previously had the status of unaccompanied minors.

All 15 youngsters followed a re-integration trajectory in the country of return. The countries of return were Brazil, Iran, Lebanon, Peru, Ivory Coast, Albania, Macedonia, Burkina Faso, Afghanistan and Kosovo.

## 5.2 Unaccompanied minors not applying for protection

### 5.2.1 Legal guardianship

The Guardianship Service created in 2019 a **specific group of guardians trained on transmigration**. These guardians were assigned to unaccompanied minors who wanted to migrate to the United Kingdom and were not willing to accept a place in a reception centre. The guardians could be assigned immediately after the Guardianship Office received a referral by a police service in the province of West-Flanders, mostly the harbour police of Zeebrugge. The guardians would meet their pupils at the police office within the two hours after being assigned to talk with them about their situation, rights, the Belgian system for unaccompanied minors and the risks of continuing their voyage to the United Kingdom. A guardian of this specific pool could also be assigned in case of a referral by an NGO of an unaccompanied minor unwilling to enter the protection system.

### 5.2.2 Projects improving the protection and care of unaccompanied minors

The **Amina** - Safeguarding Migrant Children Across Europe project<sup>93</sup>, in which the Unaccompanied minors Unit of the Immigration Office participated until November 2019, aimed to identify measures for an adapted registration of unaccompanied minors in risk situations, including by improving the training of primary care actors and through innovative tools that encourage cross-border cooperation. A handbook was produced to stimulate and disseminate good practices on how to better cooperate in prevention, response and after care of missing or exploited children in migration<sup>94</sup>.

Under its 2019 annual budget to support specific projects, including projects to improve the care and protection of unaccompanied minors, Fedasil financed the **Xtra MENA** project, implemented by the non-profit organisation Minor-Ndako in cooperation with Caritas International Belgium from 1 April 2019 to 31 December 2019. The aim of this project was to reach out to and inform unaccompanied minors, mainly unaccompanied in transit to the United Kingdom, staying in the Maximilian Park in Brussels and in the train station of Brussels North, in order to convince them to integrate in the reception network. To this end a mobile team consisting of professionals and

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<sup>93</sup> The Amina project is a cross-border cooperative project that aims to safeguard children migrating in Europe by addressing the protection gaps that lead to disappearance and exploitation of children in migration and to contribute to creating an environment where policy and legislative processes across Europe give primary consideration to the best interest of the child, coordinated by Missing Children Europe. Project partners have been selected from six European countries, including two refugee reception countries (Italy and Greece), two transit countries (Belgium and France) and two destination countries (the UK and Sweden). One of the activities consisted in the development of a practical smartphone application to support the children to complete their journeys across Europe in safety. The application will map services (hostels, support centres, etc.) and information on their rights in the country they find themselves in.

<sup>94</sup> The handbook is available on: <http://missingchildreneurope.eu/catalog/categoryid/9/documentid/479>.

volunteers was present at the places where the young migrants in transition are located to inform them on their possible options in Belgium and to support them. Furthermore, a series of tailor-made training courses were offered to the various frontline actors and organisations involved with the care and reception of unaccompanied minors, such as the staff of the Observation and Orientation Centres and the guardians active within the framework of the 'Zeebrugge project' of the Guardianship service. In 2019 the project reached out to 141 minors. 82% of them were boys. 56% of the minors met ultimately chose to report themselves. This figure shows that after building functional trust and receiving correct information, slightly more than half of the young people in transit chose to enter the system in a sustainable manner.

Another important group that does not want reception, concerns **Maghreb children living in the streets in Brussels**. At the end of 2019, on the initiative of Minor Ndako<sup>95</sup>, a number of meetings were organised with all actors involved: Fedasil, Youth Care Services of the Communities, the Children's Rights Agency, Child Focus, Public Prosecutors, etc. This working group is led by the Flemish Children's Rights Commissioner and the General Delegate for the Rights of the Child in Wallonia and Brussels and has met three times to reflect on suitable support for Unaccompanied minors under 15 years wandering the streets and often faced with drug addiction problems. The reflections relate to street work, possibly to be extended to a low threshold reception, but no real concrete results were obtained in 2019.

## 5.3 Other vulnerable groups applying for asylum

### 5.3.1 Change in policy regarding FGM-related applications

In April 2019, the CGRS changed its policy regarding decisions on applications for international protection from parents on behalf of their daughter(s) under 18 fearing female genital mutilation (FGM). This change followed the Council for Alien Law Litigation's case law. If a girl under 18 has a well-founded fear of persecution owing to a risk of being subjected to FGM, she will be recognised as a refugee. However, if her parent(s) do not have a well-founded fear of persecution for themselves, they will from now on be refused refugee status and subsidiary protection status.

Recognition of the daughter's refugee status (for which the CGRS is competent) has to be distinguished from the right to stay of the parent(s) (competence of the Immigration Office). With this policy change, the parents are no longer automatically granted a derived refugee status on the basis of the principle of family unity.

When the parents' application is rejected because they do not personally fear persecution or run a risk of serious harm, they still can apply for an authorisation to stay in Belgium under the humanitarian regularisation procedure (article 9bis of the 1980 Immigration Act).

Fedasil grants the daughter, recognised as a refugee, a **postponement to leave the reception facility**. The parents receive an extension of their right to reception if they submit proof of their humanitarian regularisation request. The reception is extended pending the decision of the Immigration Office on this application, because Fedasil is aware that it is impossible to find housing if the parents do not have a residence permit.

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<sup>95</sup> The non-profit organisation Minor-Ndako offers specialised care and help for children and youngsters, including unaccompanied minors, in problematic situations. Minor-Ndako has been recognised by The Flemish Government within the framework of Integrale Jeugdhulp (Integrated Youth Care).

### 5.3.2 Applicable procedural safeguards

In May 2019, the CGRS began a **quality control of the processing of international protection applications related to gender**. This exercise was provisionally limited to a single ground related to gender, sexual orientation, since, quantitatively, it is the most important reason for gender related asylum applications treated by the CGRS. The objective of this exercise was to verify the effective application of the "Sexual Orientation Guideline" of the CGRS on a sample of 100 to 120 files per year in order to detect any problems that arise, at macro level, in the processing of these files and to provide the necessary remedies. Gradually, the processing of protection requests based on other gender-related themes will also be subject to such monitoring.

Furthermore, to ensure the correct treatment of applications for international protection in which gender-related grounds were invoked, the CGRS set up a **team of specialised protection officers and supervisors** in dealing with gender-related asylum applications in June 2019. Hereto, a total of 25 protection officers and supervisors, who were working in the six geographic sections of the CGRS and who were already experienced in the processing of applications for international protection - all grounds for asylum combined - started a specific training course in order to acquire more expertise for the processing of gender cases.

In 2019, **gender training** was given to all new CGRS protection officers. About fifty protection officers, hired by the CGRA in 2019, have received a solid training on gender and gender-related topics encountered in the asylum procedure. The training consisted of two parts. A general training on how to take gender into account in the asylum procedure, the presentation of the gender concepts, the guiding principles of the CGRS in matters of the personal interview and the decision-making in gender cases, as well as information on tools and resource persons available. And a specific and more practical training on dealing with applications for international protection linked to the themes of sexual orientation, sexual violence, forced marriage and female genital mutilation.

In September 2019, the CGRS organised a **study day on the subject of sexual orientation** for protection officers and supervisors already experienced in the matter and for members of the legal service of the CGRS, as well as for researchers from Cedoca, CGRS' Centre for documentation and research<sup>96</sup>. The study day focused on the contextualisation of country of origin information (COI) and discussions on aspects related to the assessment of the credibility of the sexual orientation related asylum stories. The more specific objective of this study day was to develop a less 'European-centered' and more pragmatic approach in understanding the problem as experienced in the countries of origin of the applicants and to draw the attention to the most appropriate ways to use the specific country of origin information relating to the theme of sexual orientation. The study day was supported by an expert specialised in the situation of LGBT-persons in Maghreb countries.

### 5.3.3 Project to improve the protection and care of vulnerable groups

Regarding identification of vulnerabilities, Fedasil opted, under AMIF 2018-2019, to subsidise five projects to strengthen the capacity of the reception network with regard to the reception and care of adults and minors with psychological or psychiatric problems (see also above). One of these projects is the successor of the 'FGM Global Approach' project, implemented under AMIF 2016-2017. This project, 'Gender Based Violence & Asylum: an integrated approach',

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<sup>96</sup> Cedoca is the research desk of the CGRS and encompasses a team of researchers and a library. Cedoca gathers and analyses information about the countries of origin of applicants. This information or Country of Origin Information (COI) is provided by the researchers via reports to the caseworkers who investigate the applications. More information available on: <https://www.cgrs.be/en/country-information/cedoca>.

coordinated by the non-profit organisation GAMS Belgium<sup>97</sup>, together with the non-profit organisation INTACT<sup>98</sup> and the European Family Justice Centre Alliance (EFJCA)<sup>99</sup>, developed guidance a trajectory to identify, support and refer female applicants for international protection who are victims of sexual and gender-based violence, such as forced marriages, domestic violence, child abuse, sexual exploitation.<sup>100</sup> Factsheets other than female genital information. Factsheets were developed among others on the consequences of gender-based violence and the national and international protection systems in place for victims.

**Text box 4: Appropriate Community-based Care and Empowering Support Services (ACCESS)<sup>101</sup>**

The ACCESS project aims to improve prevention, protection and support for migrant women in Europe who are confronted with different types of gender-based violence. It is coordinated by GAMS Belgium, in partnership with FORWARD UK and Médicos del Mundo Spain. The project consists of an awareness campaign, '*ACCESS, let's end silence on violence against migrant women!*', launched on 21 November 2019, activities by and for affected communities on the issue of gender-based violence, four videos in different languages to recognise violence, an interactive mapping of support services per country, an online chat service and the training of front-line professionals.

ACCESS offers online **chat sessions**, in different languages, to facilitate access to support for migrant women confronted with gender-based violence who do not necessarily speak the national languages. Among the languages available: Arabic, Somali, Fulani, Tigrinya, Lingala, English, Spanish, French. In the chat schedule on the website, women can check when the next sessions in her language will be held.

The tools are available on the ACCESS website: [www.we-access.eu](http://www.we-access.eu).

### 5.3.4 Provision of information

In 2019, the CGRS published a guide for accompanied children in the asylum procedure and a guide for parents or guardians accompanied by minor children regarding their **right to be heard**.

The first guide informs children who accompany their parents or guardian, about their right to be heard during the asylum procedure of their parents or guardian in Belgium. It explains that in exceptional cases, they can file their own application for international protection. The second guide informs parents or guardians who started an asylum procedure, about the right of the children who accompany them, to be heard. The brochures are distributed at the Immigration Office and are also available on the website of the CGRS. Both guides are available in Dutch, French, English, Albanian, Arab, Dari, Pashto and Russian.<sup>102</sup>

<sup>97</sup> Group for the Abolition of Female Genital Mutilation, please see <http://gams.be/en/who-are-we/>.

<sup>98</sup> Vzw INTACT, please see <https://www.intact-association.org/nl/intact-nl.html>.

<sup>99</sup> Please see: <https://www.efjca.eu/>.

<sup>100</sup> In cooperation with organisations specialised in different types of gender-based violence such as Payoke, Merhaba and Sensoa.

<sup>101</sup> ACCESS is a European project co-financed by the European Commission's REC programme, la Promotion de la Citoyenneté et de l'Interculturalité of the Federation Wallonia-Brussels as well as Equal.brussels.

<sup>102</sup> Please see: <https://www.cgra.be/en/publications>.

## 6 Integration

### 6.1 Integration of third-country nationals

#### 6.1.1 Integration through socio-economic participation

##### *Measures to improve attainment in schooling and the education system*

##### **Flanders**

The **kindergarten participation action plan**<sup>103</sup>, which started in 2016, focuses on enrolments and attendances in pre-school education, with special attention for vulnerable groups. An action plan concerning the transition between home and child care and pre-school education was developed by the policy departments of Education, Integration and Civic Integration and Welfare, Public Health and Family. The plan includes 13 actions for a quality transition between home, childcare and kindergarten. The coordinating working group continued its policy efforts in 2019. The Flemish Minister of Education made his ambition explicit to have 100 percent of the 3-year-olds participate regularly in pre-school education and therefore will sought cooperation between others policy authorities.

In order to increase participation in pre-school education, the Flemish Government retained **the financial incentive for the participation of children in pre-school education**. The participation allowances replaced the school allowance: parents whose children of three or four years regularly participate in pre-school education receive a child allowance on top of the regular family allowance. This measure took effect as from 1 January 2019.<sup>104</sup>

**Role models** are important for young people in their development to adults, therefore, the Flemish education policy focuses **on coaching young people of foreign origin through successful role models**. In 2019, the Education Department also subsidised the **non-profit organisation 'PEP!'** for the implementation of three projects that provide young people with insight and skills that improve their position in education and thus increase the chance of a qualification after the school trajectory.<sup>105</sup>

Moreover, the education department provides subsidies for projects of **student tutoring**: college and university students accompany 10 to 18 year old students after school hours. This was also continued in 2019.

In the 2018-2019 school year, the **Action Plan to strengthen reception education in primary and secondary education** was launched. Its focus was on further professionalisation, expertise sharing and networking for the actors involved in reception education in primary and secondary education. The process culminated at the end of the legislature in two conferences that were widely attended. Participants and the education inspectorate formulated a number of policy recommendations. However, no further policy measures have been taken since, as the new Minister has only recently taken office.

##### *Measures to enhance language skills*

##### **Brussels Capital Region**

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<sup>103</sup> Introduced in December 2016 and available in Dutch on: <https://onderwijs.vlaanderen.be/nl/actieplan-kleuterparticipatie>.

<sup>104</sup> Flemish Decree of 27 April 2018 regulating the allowances in the context of family policy, available on [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=nl&la=N&cn=2018042727&table\\_name=wet](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2018042727&table_name=wet).

<sup>105</sup> Please see: <https://www.pepvzw.be/>.

The Ordinance of 11 May 2017 of the Joint Community Commission of the Brussels-Capital Region established a **mandatory integration programme** for certain newcomers. This obligation is being further developed in the Decision of the United College of 19 July 2018 and in the Cooperation Agreement of 20 December 2018 concluded between the Joint Community Commission, the French Community and the Flemish Community (approved by the different parliaments in May 2019). The regulation has not yet entered into force, but the implementation is being prepared.

### **Flanders**

In adult education, **additional resources** were provided to compensate for the increased influx of newcomers to the courses of '**Dutch as second language**' (NT2). These additional resources were again extended until the end of 2020. The deployment of these funds is monitored as in previous years.

The new Government Agreement 2019-2024 emphasises the importance of learning Dutch as a second language for all newcomers and their children and specific measures will be put in place in the next years.

### *Access to social security, social assistance, healthcare, housing and other basic services*

### **Flanders**

A call for projects on a **culture-sensitive policy in the care sector** resulted in a reflection tool for organisations in the care and health sector. The tool provides answers to questions from care and welfare organisations on how to deal with super diversity among clients, how to adapt their offer to ethnic-cultural diversity and how to develop a culture-sensitive policy as part of the organisation's quality policy. The project partners will further disseminate this tool in 2020.<sup>106</sup>

### *Integration into the labour market*

### **German-speaking Community**

The Decree of 11 December 2017 of the **German-speaking Community**, which entered into force on 1<sup>st</sup> January 2018, established a **mandatory integration programme** for certain third-country nationals in the German-speaking Community, which includes a module on the **social and professional orientation** of newcomers. In 2019 the government decided to develop a **follow-up programme** for those who finished successfully the integration programme in order **to promote labour market integration**. A concept is being worked out. Already **additional languages classes** are offered to reach the B1 level of the Common European Framework of Reference for Languages for those who finished successfully the integration programme in order to allow for their labour market integration.

### **Flanders**

In 2019, the VDAB, the public employment and training service of Flanders, continued implementing the principles of the programme "**Integration through Work**" into its entire organisation.<sup>107</sup>

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<sup>106</sup> Please see: <https://www.vivosocialprofit.org/tool-bouwen-aan-cultuursensitieve-zorg>.

<sup>107</sup> Integration Through Work aims to provide support to jobseekers with a migration background, in order to help them integrate the labour market. This is done by providing services that are adapted to the skills and profiles of each of these jobseekers. More information on <https://partners.vdab.be/sites/web/files/doc/vluchtelingen/Integration%20through%20work.pdf>.

In Ghent and Antwerp, the local governments, the VDAB and the Integration and Civic Integration Agencies worked together in one stop shops for **fast labour market integration of refugees** (in Antwerp specifically third-country welfare beneficiaries, in Ghent all third-country newcomers). Financed by the European Social Fund (ESF), these projects ended in December 2019 and were evaluated positively. The organisations involved will embed good practices from these projects into their regular workflows.<sup>108</sup>

For new migrants, the focus is put on the activation and integration in the labour market. Therefore, the existing strategies (integration through work) and projects (one-stop-shops) will be further developed. In the integrated trajectories, whereby language learning and vocational training are offered simultaneously, more attention will go to the language aspects. In 2019, **VDAB therefore continued the close cooperation with the Flemish Agency of Integration and Civic Integration**, in developing integrated trajectories with civic integration and labour market mediation, improving data exchange etc.<sup>109</sup>

The VDAB also published a guide '**#ZeroExclusion. Inclusion as the DNA of innovative organisations**' to stimulate employers to invest in inclusive policies in their organisation in order to increase the employment rate of people with a migrant background. Fifteen experts and ten employers (ambassadors) explain why inclusive organisations matter and how inclusiveness can be implemented. #ZeroExclusion is also the start of a **movement on the labour market to connect employers** through events, webinars, projects,... to share, connect, learn and work on inclusion and innovation.<sup>110</sup>

**Employers who want to get started with recruiting and coaching employees with a migration background** can visit the **website 'www.vreemdevrage.be'** since May 2019.<sup>111</sup> This new information site offers concrete tips, useful tools and practical examples for managers and human resources departments who want to focus on recruitment, communication and cultural differences in the workplace. 'Vreemdevrage.be' is a collaboration between the West-Flemish RESOCs (Regional Social-Economic Consultation Committee), the Flemish Agency for Integration and Civic Integration, the Province of West-Flanders and the VDAB.

The Flemish Decree concerning **an integrated policy on the Validation of Prior Learning (VPL)**<sup>112</sup> was adopted by unanimity on 26 April 2019. Since September 2019 the implementation has started by **the indication of a list of 10 professions for which VPL-procedures and instruments will be developed**. After the approval of the validation standards, recognised validation bodies (assessment centres) will start certifying in 2020. VPL can be of importance for newcomers who cannot (fully) prove their skills and competences by a diploma. Therefore, in its implementation, the Flemish Government wants to ensure that this VPL-policy increases the employment opportunities of people of foreign origin, including non-Dutch speaking newcomers. The communication during the VPL-assessment will always take place in Dutch, and communicative tasks in the assessment will have to be performed in Dutch. However, attention will be paid to linguistic and cultural barriers in the development of the VPL-tests for the (admission to) assessment of competencies.

## 6.1.2 Integration through active participation and social inclusion

### Brussels Capital Region

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<sup>108</sup> Please see: <https://partners.vdab.be/esf-oproepen>.

<sup>109</sup> Please see: <https://www.vdab.be/nieuws/pers/vdab-agii-versterken-samenwerking>.

<sup>110</sup> Please see: <https://www.diekeure.be/nl-be/professional/9941/-zeroexclusion>.

<sup>111</sup> Please see: <https://www.vreemdevrage.be/>.

<sup>112</sup> Flemish Decree of 26 April 2019 concerning an integrated policy on the Validation of Prior Learning, *Belgian Official Gazette*, 3 June 2019.

While in Flanders, Wallonia and the German-speaking Community a mandatory integration programmes for newly arrived TCNs has been implemented, in the Brussels-Capital Region, participation in the integration programme is currently still on a voluntary basis. A mandatory integration programme for Brussels was established by the Ordinance of the Joint Community Commission of the Brussels-Capital Region of 11 May 2017 and further developed in the Decision of the United College of 19 July 2018 and in the Cooperation Agreement of 20 December 2018 concluded between the Joint Community Commission, the French Community and the Flemish Community (approved by the different parliaments in May 2019).

At this moment, the Joint Community Commission itself does not offer an integration programme, therefore newcomers have to address the services of BAPA Bruxelles, BAPA VIA, BAPA Convivial and BON. The regulation has not yet entered into force, but the implementation is being prepared.

## 6.2 Promoting integration of specific categories of third-country nationals

### 6.2.1 Integration into the labour market

#### Flanders

After the AMIF funded project '@level2work' ended in 2018, VDAB paid specific attention to embedding good practices and continues to offer specialised services for the labour market integration of **higher educated newcomers**.<sup>113</sup> During the '@level2work' project, partner organisations with the support of VDAB experimented with "**mentoring to work**", where a volunteer guides a highly educated newcomer on the labour market and transmits sector specific knowledge to the mentee/jobseeker. At the end of 2019, VDAB launched a call for proposals for 'mentoring to work' projects. The target group consists of all non-native job seekers with a migration background, in order to further improve their participation on the labour market.<sup>114</sup>

The VDAB has also conducted a research on **inactive women with a migrant background and the barriers and leverages they face on their way to the labour market**.<sup>115</sup> Through focus groups with women, a survey on social media and qualitative fieldwork in informal local networks, insight was gained in the structural barriers and leverages. A qualitative study amongst employers was conducted to determine which obstacles and resources employers experience in attracting, engaging and retaining women with a migrant background.<sup>116</sup> These results were the starting point for a two-day 'future search conference' in May and June 2019 in which over 100 stakeholders participated (employers, target groups, governments and intermediary organisations). The aim was to create awareness and insight on the situation of (inactive) women with a migrant background and also to instigate creative projects and experiments.<sup>117</sup> A network of stakeholders in different domains continues the work through experiments and projects in the field, as well as by focusing on policy measures.

The Flemish Government Agreement 2019-2024 puts **increasing the employment rate forward as a general priority**. The focus is on 'inactive' groups, i.e. persons who are not employed and neither receive an unemployment benefit. Special attention will be given to

<sup>113</sup> Please see: <https://www.atlevel2work.be/nl>.

<sup>114</sup> Please see: <https://partners.vdab.be/subsidieoproepen/50081>.

<sup>115</sup> Please see: <https://www.vdab.be/waarom-elt-talent-telt/drempels>.

<sup>116</sup> Wafiki, *Werkgevers aan het woord. Onderzoek naar drempels bij bedrijven n.a.v. aantrekken en tewerkstellen van VMMA*, 2019, commissioned by VDAB, available on <https://partners.vdab.be/waarom-elt-talent-telt/drempels>.

<sup>117</sup> The main findings of the search conference "every talent counts" 2019 are available in Dutch on:

<https://www.vdab.be/waarom-elt-talent-telt> and <https://www.vdab.be/sites/web/files/doc/BEVINDINGEN%20waaromeltalenttelt%20.pdf>.

**women with a non-EU background**, as their participation to the labour market is significantly lower than other groups.<sup>118</sup>

## 6.2.2 Integration through active participation and social inclusion

### German-speaking Community

In order to support unaccompanied minors wishing to settle in the German-speaking region, the government of the German-speaking Community concluded a two-year contract in 2018 with the non-profit organisation "Soziale Integration und Alltagshilfe" (S.I.A.)<sup>119</sup>. According to this contract, S.I.A. is responsible for providing ambulatory accompaniment for unaccompanied minors and unaccompanied young foreign adults (up to 26 years old), who obtained the refugee status or were granted subsidiary protection and wishing to settle in the German-speaking Community in order **to support their social integration**. This ambulatory accompaniment included socio-therapeutic support for young people, individual advice on administrative matters and support for personal development and integration. The entire project of accompanying minors and young adults with a migration background was taken over by the Youth Welfare Department of the Ministry of the German-speaking Community on 1 January 2019.<sup>120</sup> Since more and more minors and young adults with a migration background are making use of this support and in order to meet the additional demand, the government of the German-speaking Community extended the cooperation with the S.I.A. by concluding a new one-year contract for 2020. This contract specifies 38 hours for accompanying 6 minors and young adults.

## 6.3 Non-discrimination

### Federal level

The establishment of a **National Human Rights Institution (NHRI)** was a long-time on-going discussion in Belgium. Belgium already has numerous sectoral bodies for the protection and promotion of human rights. However, each of these bodies have a specialised mandate. To ensure that all human rights for federal competences are protected, the law of 12 May 2019 established the legal base for a new body (to be set up), the **Federal Institute for the Protection and Promotion of Human Rights**<sup>121</sup>. This NHRI will have so-called residual authority for matters falling under federal competences, meaning that, if a matter was not assigned to another body, the Federal Institute is competent. The Institute should cover all human rights, at least for federal competences. The aim of the legislator is that this Institute will be transformed to become "Interfederal" and therefore also competent for matters falling under the competences of the Regions and Communities.

The Federal Institute will primarily have an advisory role with regard to human rights vis-à-vis the federal parliament, the federal government and the various government departments. In addition, it will actively monitor whether Belgium is complying with international human rights obligations and will encourage the ratification of new international human rights instruments. Not only at the political level, but also with regard to the public since the Federal Institute will also assume a social awareness raising role. Finally, the Federal Institute may go to the

<sup>118</sup> Governmental agreement of the Flemish Government 2019-2024, October 2019, available on: <https://www.vlaanderen.be/publicaties/regeerakkoord-van-de-vlaamse-regering-2019-2024>.

<sup>119</sup> Please see: <https://www.siaeupen.be/>.

<sup>120</sup> Before 1 January 2019, the project of accompanying youths and young adults with a migration background was part of the Department of Family and Social Affairs.

<sup>121</sup> Law of 12 May 2019 establishing a Federal Institute for the Protection and Promotion of Human Rights, *Belgian Official Gazette*, 21 June 2019. Please see: [https://www.ejustice.just.fgov.be/cgi/article\\_body.pl?language=nl&caller=summary&pub\\_date=2019-06-21&numac=2019012931%0](https://www.ejustice.just.fgov.be/cgi/article_body.pl?language=nl&caller=summary&pub_date=2019-06-21&numac=2019012931%0).

Constitutional Court and the Council of State if normative acts of the executive or legislative power, in its opinion, violate fundamental rights. This is of course only the case if the matter falls within its residual powers.

The Federal Institute for the Protection and Promotion of Human Rights will consist of two bodies:

- a board of directors (12 members) consisting of the social partners, civil society, people from the judicial world and people from the academic world;
- at a later stage, a consultation council in which all authorities involved in human rights are represented.

The Law of 5 May 2019 **amending the Criminal Code** in order to focus more on **alternative measures to curb racial or xenophobic delinquency and to combat recurrence in the context of discrimination** more effectively entered into force on 7 June 2019.<sup>122</sup> This amendment to the Criminal Code provides for the possibility of focusing more on alternative measures to the probation conditions that can be imposed under the Anti-racism law, Anti-discrimination law, Negationism law and the Sexism law.

The Royal Decree of 11 February 2019 determining the conditions for **positive actions**<sup>123</sup> sets out the actions that a private employer can take with regard to disadvantaged groups such as young or low-skilled persons and people from ethnic minorities or migrants. The Decree was published in the *Belgian Official Gazette* on 1<sup>st</sup> March 2019.

### **(Inter)federal level**

On 20 March 2019, the two Belgian institutions concerned with the fight against discrimination, **the Institute for the Equality of Women and Men, competent for gender discrimination, and Unia, dealing with other forms of discrimination, signed a protocol** to formalise their cooperation. The institutions commit themselves to cooperate more closely, among other things by organising consultation meetings and taking joint initiatives. In addition, they commit to immediately transmit reports that reach one institution, while they clearly fall under the authority of the other institution. The protocol formalizes the existing cooperation, which has existed for years, and thus makes more and better exchanges possible.<sup>124</sup>

### **Brussels Capital Region**

On 1<sup>st</sup> September 2019, the Decision of 21 March 2019 of the Brussels-Capital Government implementing the Ordinance of 21 December 2018 amending the Brussels Housing Code to **strengthen the fight against discrimination in access to housing** came into force. Article 214ter of the Brussels Housing Code provides that the Regional Inspectorate can establish discrimination, whether or not on the basis of a practical test. This decision regulates the further implementation thereof.<sup>125</sup>

In the Brussels Capital Region, the Framework Ordinance of 25 April 2019 for a policy of **promoting diversity and combating discrimination with the Brussels local civil service** came into force on 3 June 2019. This Framework Order introduces the promotion of diversity

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<sup>122</sup> Law of 5 May 2019 on amendment of the Criminal Code, in order to focus more on alternative measures to curb racial or xenophobic delinquency, and to combat recurrence in the context of discrimination more effectively, *Belgian Official Gazette*, 28 May 2019. Please see:

[http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=nl&la=N&table\\_name=wet&cn=2019050512](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=2019050512).

<sup>123</sup> Royal Decree of 11 February 2019 determining the conditions for positive actions, *Belgian Official Gazette*, 1 March 2019. Please see:

[http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=nl&la=N&cn=2019021109&table\\_name=wet](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2019021109&table_name=wet).

<sup>124</sup> The protocol is available on <https://www.unia.be/nl/publicaties-statistieken/publicaties/protocolakkoord-tussen-het-instituut-en-unia>.

<sup>125</sup> Please see: [http://www.ejustice.just.fgov.be/cgi\\_loi/loi\\_a.pl](http://www.ejustice.just.fgov.be/cgi_loi/loi_a.pl),

and the fight against discrimination at the level of local authorities, including for employees who are contractually employed.<sup>126</sup>

Actiris, the Brussels regional employment service, established **an anti-discrimination counter** in 2019. Jobseekers who feel that they have not been treated fairly during their search for work can contact Actiris Inclusive. This service informs job seekers in Brussels about discrimination on the labour market, guides those who feel excluded and jointly looks for tailor-made solutions and sensitises professionals, and by extension the whole society, about discrimination.<sup>127</sup> The follow-up of the discrimination reports is recorded in collaboration with Unia.

## Wallonia

The decree pertaining to the fight against certain forms of discrimination of 6 November 2008 has been modified by decree of 2 May 2019. The **new decree** reinforces the prevention and the fight against discriminations by better defining the different forms of discrimination, by extending the list of protected criteria and by extending the protection to a broader public. Prior to this decree, a complaint could only be introduced against only one discrimination, leaving other possible discriminations ignored. The new decree introduces, for the first time in Belgium, the possibility to make a complaint about **multiple discriminations**, opening the possibility for **multiple sanctions**. The concept of **discrimination by association** has also been introduced to protect the relatives of those suffering from discrimination. The new decree also introduces **the protection of witnesses** of discrimination defending or testifying in favour of potential victims of discrimination. Finally, the decree allows any **moral person** or **organisation of public interest**, such as a non-profit organisation, to take part in legal proceedings to defend the rights of individuals.

The Decree of 2 May 2019 amending the Walloon Code of Housing and Sustainable Housing and the Decree of 15 March 2018 relating to the housing lease with a view to **inserting the concept of light housing** entered into force on 1 September 2019. As a result, caravans, yurts, cabins, chalets, tiny houses, mobile homes, etc. are recognised as a form of accommodation. It is a breakthrough for travelers and nomadic communities even if different by-laws have yet to be issued and municipal planning regulations may remain a problem.<sup>128</sup>

More than 5 years ago, the Walloon Code of Social Action and Health (CWASS) was supplemented by a new Title relating to the **assistance to travelers**. These provisions were reviewed and strengthened in order to grant subsidies to municipalities for the acquisition, development and extension of areas intended for travelers.<sup>129</sup>

## 6.4 Promoting integration at local level and cooperation, consultation and coordination local stakeholders

### Interfederal level

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<sup>126</sup> Please see:

[http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lq.pl?language=nl&la=N&cn=2019042527&table\\_name=wet](http://www.ejustice.just.fgov.be/cgi_loi/change_lq.pl?language=nl&la=N&cn=2019042527&table_name=wet)

<sup>127</sup> Please see: <http://www.actiris.be/diversite/tabid/959/language/nl-BE/Anti-discriminatieloket.aspx>.

<sup>128</sup> Decree of 2 May 2019 amending the Walloon Code of Housing and Sustainable Housing and the decree of 15 March 2018 relating to the housing lease in order to insert the concept of light housing, *Belgian Official Gazette*, 28 May 2019. Please see:

<https://wallex.wallonie.be/sites/wallex/contents/acts/18/18132/1.html>

<sup>129</sup> The Walloon Decree of 2 May 2019 relating to the assistance to Travellers modifying Part Two, Book 1, Title VII, of the Walloon Code of Social Action and Health. Please see:

<https://wallex.wallonie.be/contents/acts/18/18087/1.html>

On 18 December, Unia and all the Belgian employers' organisations signed, for the first time, a **cooperation agreement**. The agreement regulates the collaboration between Unia and the employers' organisations on four major axes related to discrimination and the promotion of diversity. In the agreement, the signatories promise to jointly invest in making the workplace more diverse and to exchange knowledge and good practices, for example in the area of anti-discrimination legislation.<sup>130</sup>

## Flanders

In February 2019, the Flemish Agency for Home Affairs (*Vlaams Agentschap voor Binnenlands Bestuur*)<sup>131</sup> launched a **database to provide solutions to local authorities to prevent or tackle polarisation between and within population groups** and to **increase social cohesion** at the level of the neighbourhood. The digital database collects inspiring projects, methodologies or interventions that (actively) combat polarisation and strengthen social cohesion. The database is part of the action plan against violent polarisation and radicalisation. The Integration and Civic Integration Agency cooperated in the realisation of the database.<sup>132</sup>

In December 2019, the seventh edition of the **Flemish Local Civic Integration and Integration Monitor (LIIM)** was published. The LIIM bundles data at municipal level on the size and social position of the group of foreign nationals and persons of foreign origin in the areas of employment, housing, education, welfare, poverty and participation in their community in order to support the local authorities with reliable figures for the planning and development of their (civic) integration policies. For every municipality in the Flemish and Brussels Capital Region, a digital report is available with the municipal results on the various indicators and a comparison of these results with the score of the Flemish or Brussels Region as a whole and the average score of a group of comparable municipalities.<sup>133</sup>

## 6.5 Awareness raising on migration in the Belgian society

### Flanders

After a building, that was being converted into a temporary reception centre in the town of Bilzen, was deliberately set on fire in November 2019, the Flemish Integration and Civic Integration Agency (*Vlaams Agentschap Integratie en Inburgering*) appointed **liaison officers** at the request of the Flemish Minister of Internal Administration, Administrative Affairs, Civic Integration and Equal Opportunities. At the Flemish level, it has been agreed with Fedasil and Rode Kruis Vlaanderen (Flemish Red Cross) that they will inform the Integration and Civic Integration Agency when a new reception centre will be opened. The Agency appoints a liaison officer, who supports the local administration in the period between the announcement of the arrival and the effective opening of the reception centre for applicants for international protection. During this period, there is much uncertainty and there are many concerns among the residents of the municipality which often leads to sharp debate between residents and in the media. The **liaison officer supports the local administration** in responding to these concerns, but also in providing **correct information**. Together with the local administration and the reception partner, it is examined whether schools, youth and sports clubs, etc. in the vicinity need additional guidance. The support is always tailor-made and takes place in coordination with Fedasil, Rode Kruis Vlaanderen (Flemish Red Cross), the Flemish Agency for Educational Services (AGODI) and other Flemish and local actors. Once the reception centre is opened, the Integration and Civic Integration Agency continues to play its role in offering support to the local government

<sup>130</sup> Please see: <https://www.unia.be/nl/artikels/werkgevers-en-unia-ondertekenen-samenwerkingsakkoord>.

<sup>131</sup> Vlaams Agentschap voor Binnenlands Bestuur.

<sup>132</sup> Please see: <https://databank-sociale-samenhang.vlaanderen.be/>.

<sup>133</sup> More information is available on <http://integratiebeleid.vlaanderen.be/wat-we-doen/gegevensverzameling-en-monitoring/liim>.

in dealing with diversity (education, youth, welfare) and towards a longer-term approach of the tensions that may arise. Agreements are also made with the reception facility about Dutch as second language (NT2) screening of the residents, the offer for volunteers, the coordination of education, leisure time, etc.

## 7 Borders, visa and Schengen

### 7.1 Enhanced border management at the external borders

#### *Border Control Measures / management*

Several new developments in relation to border control measures/ management were implemented during 2019?

For example when it comes to BelPIU. BelPIU is part of the Crisis Centre of the Federal Public Service Interior, and collects, saves and analysis information of passengers who use international transportation from, to or in Belgium. It became operational in January 2018, in the framework of measures in the fight against terrorism and crime.

Due to a modification of the national legislation on **API/PNR** (Advanced Passenger Information/Passenger Name Record), the Belgian Passenger Information Unit (BelPIU) will become responsible for the processing of API in the framework of illegal immigration (EU API Directive). This means that – once fully implemented – border checks will be significantly enhanced by automated cross-checking with relevant databases and rules based targeting.<sup>134</sup>

In 2019, the Belgian Passenger Information Unit or BelPIU processed 72% of passenger data (API and PNR) from incoming, outgoing and transiting **air passengers**. Numbers have doubled in comparison with 2018.

After having concluded a common agreement with France, UK and the Netherlands on the collection of passenger data from **high speed railway and international bus carriers** in 2018, Belgium has started in 2019 technical consultations with bus and railway companies on setting-up pilot projects. Although mainly aimed at counterterrorism and to combat serious crime, the processing of passenger data for connections from/to the United Kingdom is relevant in the framework of enhanced border management.<sup>135</sup>

In June 2019 Belgium has become the chair of the **European Informal Working Group** on PNR which aims at gathering experts on the processing of passenger data to exchange best practices, decide on common procedures, etc.<sup>136</sup>

On 24 October 2019 Belgium organized a **workshop** on rules based targeting. Representatives of around 15 Member States participated. The workshop aimed to help other Passenger Information Units determining and setting-up their set of criteria to cross-match with incoming passenger data in the framework of counterterrorism, combatting serious organized crime and the management of external (air-)borders.

#### *Activities to improve the effectiveness of controls at external borders*

Within the framework of the Entry/Exit System or EES, the procedure for the purchase of fixed **scanners** for the read-out of passports and for taking fingerprints was started, while the procedure for the purchase of mobile scanners was prepared. These scanners must ensure a more effective control of the external borders.

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<sup>134</sup> Loi modifiant diverses dispositions relatives au traitement des données des passagers, *Belgian Official Gazette*, C-2019/12653, law of 2 May 2019, published on 24 May 2019.

<sup>135</sup> Belgian Passenger Information Unit (BelPIU) of the Federal Public Service Interior.

<sup>136</sup> The informal forum was created to promote a coherent and harmonised implementation of the Directive, foster mutual support as well as the sharing of best practices and knowledge in this field. All EU Member States, different European institutions (Europol, European Commission, Council, ...) and a few third-countries (USA, UK, Norway, Switzerland, ...) are part of this working group.

## 7.2 Visa policy

In 2019 there were several new developments in relation to the implementation of the Visa Code and the Visa Information System (VIS).

During 2019, a new **Visa Outsourcing Working Group** saw the light, following the initiative by the Dutch Minister of Foreign Affairs to organize such a gathering with a small group of Member States, all working with external service providers or ESP's but with relatively small visa volumes. The first meeting took place in the Hague in January 2019, followed by a second edition in Brussels in June 2019 and a third gathering in Dubai in November 2019. Member States taking part so far: the Netherlands, Belgium, Finland, Norway, Sweden, Switzerland, Austria and Estonia. Purpose of this working group is to compare, exchange and streamline visa outsourcing practices.

In 2019, the roll out took place of the contracts attributed by the Federal Public Service Foreign Affairs following the public procurement launched late 2017 (Jordan, Qatar, Kuwait, Lebanon, Iraq, Iran, Cameroon, Senegal, Ivory Coast, Uganda and Ethiopia) and an additional procurement was launched and attributed for Rwanda. As all current contracts will come to expire end of July 2020, the text for a new procurement was drafted and prepared for its publication in January 2020.

In the meantime, pilot projects were launched in Cameroon, Egypt, Tunisia and Algeria with regard to the **outsourcing of the reception of documents for legalization**, as this activity will also be part of the outsourced services under the new tender. Another additional service that will be asked from the ESP's under the new contract is the scanning of documents for long stay visa. In the new tender, several new countries were added to the list of outsourced visa and legalization services: the United States, Canada, Japan, Australia, New Zealand, Angola, Luanda, Tanzania and Bhutan.<sup>137</sup>

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<sup>137</sup> Federal Public Service Foreign Affairs.

## 8 Irregular migration including smuggling

### 8.1 Preventing and tackling misuse of legal migration channels

#### *Irregular migration as a result of visa liberalisation*

The number of **asylum applications of Albanians** remains high. That's why in January 2019 the Director General of the Immigration Office visited Tirana, where he met with the Albanian Minister of Interior, the Vice-Minister for asylum and human smuggling, and the Albanian police.<sup>138</sup>

With the help of an external firm, the Immigration Office has set up an **awareness campaign** on the internet and social media. The campaign, which ran from January 2019 until September 2019, costed € 109.000,-. The campaign targeted inter alia visa free nationalities like Albanians and Georgians, and migrants in transit in Belgium (please see also section 8.2).

#### *Irregular migration as a result of misuse of legal migration channels*

In order to tackle misuse of legal migration channels by third-country national students, an **information campaign** on student visa fraud was organised in Cameroon in June 2018 by the Immigration Office. This campaign continued in 2019. In the spring of 2020 a new campaign will start.

#### *False travel documents*

Identity fraud and document fraud are two closely linked phenomena that have the particularity of being "*logistical*" phenomena for other forms of crime, including trafficking in human beings. According to a poly-criminal approach, the Judicial Police is developing a policy to combat document fraud aimed at forgers and resellers of stolen, counterfeit or falsified identity documents.

This new orientation is also approached from an international perspective where, within the framework of the **EMPACT** Action Plans, Belgium has become co-leader of several projects targeting the said documentary fraud.<sup>139</sup>

The Federal Public Service Foreign Affairs organized regional conferences in Nairobi (June 2019) and Kinshasa (December 2019) for the consuls, visa agents and Document Verification Officers of the Belgian diplomatic posts. Also staff of the Immigration Office and the Federal Police participated. The conferences focused on evaluating the functioning of the **VIS**, including the link with irregular migration and the use of fraudulent documents.<sup>140</sup>

In 2019 a **new internal structure** regarding the detection of false and falsified documents at the Belgian external borders was implemented by the federal police.<sup>141</sup>

**Document Verification Officers** were deployed in Pakistan and Kenya in 2019.

On 23 July 2019 the EMN Netherlands launched an **ad-hoc query on the process of checking breeder documents**. Twenty-two countries, including Belgium, provided an answer to the query. Breeder documents are crucial elements when applications for residence permits are

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<sup>138</sup> Immigration Office, Ilobel unit

<sup>139</sup> Cell human trafficking of the Judicial Police

<sup>140</sup> Federal Public Service Foreign Affairs

<sup>141</sup> Federal police

assessed. Based on the contents of such documents third country nationals are admitted (or not). For example, when lodging an application for family reunification, applicants have to submit different breeder documents (i.e. marriage certificates and birth certificates). One of the main findings of the ad-hoc query, is that most Member States have to rely on the cooperation of the issuing authorities in the country of origin in order to carry out an assessment on the authenticity of breeder documents.<sup>142</sup>

## 8.2 The fight against facilitation of irregular migration ('smuggling') and prevention of irregular stay

For several years now, Belgium has been subject to **strong migratory pressure**, inter alia because of transmigration to the United Kingdom, which has intensified in the last months of 2019 following the announcement of Brexit.

The workload involved in dealing with all the administrative and judicial formalities when intercepting migrants, trans migrants or traffickers in human beings required a huge investment of time and operational capacity from the Belgian police.

The police noticed that criminal organizations active on our national territory move very easily from one country to another (France/Belgium/Netherlands/United-Kingdom). The police also found that they act in a relatively "professional" manner. They seem to have significant resources that they use to implement counter-strategies to thwart police actions.

To tackle this issue, the police focused in 2019 on absolute involvement and investment in international cooperation at strategic, tactical and operational levels. The police, in an integral and integrated manner, aims to broaden its field of action beyond its borders by strengthening its capacity to collaborate with its international partners. EUROPOL, FRONTEX, INTERPOL and other Member States are, in this context, privileged partners for the police.

In 2019 the action plan 'human smuggling 2015-2018' was updated. Because of the end of the legislature (federal elections were held on 26 May 2019, together with European and regional elections, and the negotiations to form a new federal government are still ongoing) it wasn't considered appropriate to draft a new action plan.

The main measures in the **updated action plan** are: 1. The identification of human smuggling cases through monetary flows and money laundering; 2. The continuation of control activities. The updated action plan focuses on a global approach of these control activities. The plan emphasises the need to verify during control activities (on for example transmigration) if there are elements that might indicate human trafficking. In case there are victims of aggravated forms of human smuggling, the national referral mechanism must be applied; 3. The continuation of efforts in terms of training (of the police).<sup>143</sup>

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<sup>142</sup> EMN Ad-Hoc Query No. 2019.73 on 'Process of checking breeder documents', launched by the EMN Netherlands on 23 July 2019. A compilation of answers is available on the website of the EMN: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/201973\\_process\\_of\\_checking\\_breeder\\_documents.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/201973_process_of_checking_breeder_documents.pdf)

<sup>143</sup> Criminal Police Service of the Federal Public Service Justice, *Actieplan ter bestrijding van mensensmokkel 2015-2018 – Actualisatie 2019*. Please see: [https://www.dsb-spc.be/doc/pdf/ACTIEPLAN\\_MS\\_2019\\_NL.pdf](https://www.dsb-spc.be/doc/pdf/ACTIEPLAN_MS_2019_NL.pdf)

**Text box 5:** On 1 October 2019 the **Reach Out project** was started. The Reach Out project has two components.

The first component is outreach to undocumented and homeless migrants (especially migrants in transit). There is one coordinator, 2 outreachers in Belgium (Brussels, homeless shelters near the Maximilian Park and the railway station Brussels-North) and two in France (region of Nord-Pas-de-Calais). They have once a week a joint outreach activity (alternating between Belgium and France). The aim is to establish a relationship of trust with the migrants in transit and inform them of their rights in terms of access to the asylum procedure, reception and social support, and the possibilities of voluntary return. The Reach Out team was formed with the assistance of the European Return and Reintegration Network (ERRIN) and with funding from AMIF.

The second component is a 'community of practice' of cities who exchange information on outreach and return counselling towards undocumented migrants. The following cities are part of this community of practice: Ghent (BE), Antwerp (BE), Utrecht (NL), Amsterdam (NL), Milan (IT) and Newcastle (UK). This component is in collaboration with EUROCITIES, the network of major European cities.<sup>144</sup> The kick-off of this component was held in Amsterdam on 14 November 2019.<sup>145</sup>

On 23 October 2019 the bodies of 39 Vietnamese were found in a refrigerated truck near Essex. The victims died of suffocation. It is believed that they boarded the trailer in France and Belgium. Via the port of Zeebrugge the trailer was shipped to the UK. This **Essex tragedy** was widely covered by the Belgian media.<sup>146</sup>

In August 2019, the body of an unfortunate migrant who tried to **swim** across the Channel from France to the UK was found off the coast close to Zeebrugge.

On 15 December 2018 the Minister of justice, the Minister of the interior, the Secretary of State for asylum and migration policy, and the Board of Procurators General adopted a **new directive on criminal policy regarding human smuggling** and assistance to illegal entry, transit and residence (COL 13/2018). This directive is entirely confidential. It provides guidance to magistrates for the application of article 77 of the Immigration Act. This article concerns assistance to illegal entry, transit and residence, and has a clause excluding liability when assistance is mainly provided for humanitarian reasons.<sup>147</sup>

The Federal Migration Centre Myria has published in February 2020 a **report on transmigration** in Belgium. Migrants in transit are often men between 17 and 25 years old from Sudan, Eritrea and Iraq. Their administrative situation varies: some have applied for asylum in another Member State, some have been granted protection in another Member State, others have never applied for international protection, ... In this report Myria emphasizes the importance of respecting the human rights of migrants in transit.<sup>148</sup>

<sup>144</sup> EUROCITIES is the network of major European cities. Its members are the elected local and municipal governments of major European cities. EUROCITIES was founded in 1986 by the mayors of six large cities: Barcelona, Birmingham, Frankfurt, Lyon, Milan and Rotterdam. For more information, please visit [www.eurocities.eu](http://www.eurocities.eu).

<sup>145</sup> International Unit of Fedasil

<sup>146</sup> For example article 'Hoe een lege oplegger plots 39 doden bevat', *De Standaard*, 15 February 2020. Please see [https://www.standaard.be/cnt/dmf20200214\\_04849365](https://www.standaard.be/cnt/dmf20200214_04849365).

<sup>147</sup> Federal Migration Centre Myria, *Rapport annuel traite et trafic des êtres humains 2019: de la force d'action pour les victimes*, p. 102-103. Please see: <https://www.myria.be/fr/publications/rapport-annuel-traite-et-traffic-des-etres-humains-2019-de-la-force-daction-pour-les-victimes>

<sup>148</sup> Federal Migration Centre Myria, *Myriadoc 1: La Belgique, une étape vers le Royaume-Uni*, February 2020. Please see: <https://www.myria.be/fr/publications/myriadoc-10-migration-de-transit>.

### *Prevention of irregular migration*

In April 2019 the Immigration Office has set up a **'rapid alert' system** for new trends in irregular migration. When one of the services of the Immigration Office has information on for example a sharp rise of false Schengen visa used by TCNs with a certain nationality, or a new modus operandi regarding marriages of convenience, ... this information is shared immediately by e-mail with relevant other services within the Immigration Office in order to tackle these new trends.<sup>149</sup>

With the help of an external firm, the Immigration Office has set up an **awareness campaign** on the internet and social media. The campaign, which ran from January 2019 until September 2019, costed € 109 000,-. The campaign targeted potential TCNs who were still in their country of origin or in a transit country. The goal of the campaign was to inform them about the risks of irregular migration, and the chances of being granted international protection or a residence permit in Belgium. The campaign also aimed to inform TCNs already in Belgium on the possibility of return.

Special attention was given to Moroccans, Palestinians, Afghans, Guineans, visa free nationalities like Albanians and Georgians, and migrants in transit in Belgium.

A website ([www.factsaboutbelgium.be](http://www.factsaboutbelgium.be)) and a Facebook page were set up. Over 4.5 million people were reached on Facebook. Each of these 4.5 million people were reached on average 7.7 times. The campaign has generated 47 778 likes, 1 353 comments and 780 shares.<sup>150</sup>

In 2019 a **social media campaign** was held in Morocco in order to raise awareness on the dangers of irregular migration.

### *Cooperation with third countries to prevent irregular migration*

A cooperation activity was developed in 2019 between Belgium and the DR Congo to prevent irregular migration in relation to the specific regions outlined below.

In 2018 the Immigration Office financed the IOM project called *'Renforcement des capacités pour une gestion efficace de la frontière à Kalamba Mbuji, province du Kasai Central'*. This project consists of the **equipment of a border post and the training of staff**. This project was successfully finished in July 2019. It is part of a long term commitment of the Immigration Office to help the DR Congo in developing a coherent migration policy and more specifically an efficient border control.

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<sup>149</sup> Immigration Office, Ilobel unit

<sup>150</sup> Immigration Office, Ilobel unit

## 9 Trafficking in human beings

### 9.1 National strategic developments

The Belgian authorities were still implementing the **national action plan on the fight against trafficking in human beings** adopted on 15 July 2015 and covering the period 2015-2019.<sup>151</sup>

On 25 April 2019, the Belgian parliament adopted a legislative proposal on the trafficking of human organs and on the **principle of non-punishment of victims of human trafficking**.<sup>152</sup> The law has entered into force on 1 July 2019.

It introduces in the penal code the principle of non-punishment of victims of human trafficking for acts they have committed as a direct result of their exploitation. And this no matter what type of exploitation they are victims of (sexual, criminal and labour exploitation, exploitation of begging, removal of organs, ...). As a result of this law, article 433quinquies of the penal code was changed.<sup>153</sup>

The principle of non-punishment was established in the Council of Europe Convention of 16 May 2005 on actions against trafficking in human beings, and in the Directive 2011/36/EU on preventing and combatting trafficking in human beings and protecting its victims.

### 9.2 Improving identification and provision of information to victims of human trafficking

#### *Provision of information on assistance and support to third-country national victims*

A **flyer** to inform TCNs applying for a work visa was updated in 2019. This flyer contains information on Belgian labour standards and on services that can be contacted in case of exploitation.<sup>154</sup>

In November 2019 the **biannual plenary meeting** of the expert network on human smuggling and human trafficking of the Board of Procurators was being held. At this meeting experiences were exchanged on different topics (e.g. on slum lording).

As the independent national rapporteur on trafficking in human beings in Belgium, the Federal Migration Centre Myria drafts an **annual independent policy evaluation** in this regard. In its 2019 report, Myria focused on the importance of providing victims with legal aid and informing them about their rights. This report states that Belgium used to play a pioneering role when it comes to the fight against human trafficking. But in recent years this issue is not as high on the political agenda as it used to be, which has negative

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<sup>151</sup> Federal Public Service Justice

<sup>152</sup> Draft law of 9 April 2019, DOC 54-3537/005.

<sup>153</sup> Federal Migration Centre Myria, *Rapport annuel traite et trafic des êtres humains 2019: de la force d'action pour les victimes*, p. 99. Please see: <https://www.myria.be/fr/publications/rapport-annuel-traite-et-traffic-des-etres-humains-2019-de-la-force-daction-pour-les-victimes>

<sup>154</sup> The flyer was updated by the Interdepartmental Coordination Platform against Smuggling and Trafficking, which is chaired by the Federal Public Service Justice.

consequences for the victims of human trafficking. According to Myria there are still major challenges regarding the detection and protection of them.<sup>155</sup>

In 2019 Luxembourg, who held the presidency of the Benelux, focused on the vulnerability of migrants and the risk of exploitation linked to human trafficking. On 10 December 2019 a **conference** was held on this topical issue. At this conference the Belgian, Dutch and Luxembourgish authorities signed a declaration of intent on new steps in cross-border cooperation to tackle human trafficking.

### *Identification of victims of human trafficking in human beings*

On 17 October 2019, a day before the EU Anti-Trafficking Day, the European Crime Prevention Network or **EUCPN** launched a prevention campaign on trafficking in human beings. The campaign aimed to step up the fight against this crime by informing victims of their rights and on where they can find help, protection and information. Belgium was one of the participating countries. Different Belgian cities were involved in this campaign. The campaign '#YouHaveRights!' included a poster, sticker and video.<sup>156</sup>

In April 2019 was the official announcement of the Belgian contribution to **United Nations Trust Fund for Victims of Human Trafficking**.

On 30 June 2019, the World Day against Trafficking in Persons, different initiatives were taken within the framework of the Blue Heart Campaign. For example the cities of Brussels and Bruges illuminated their town halls in blue in solidarity with the victims of human trafficking. On the same day the United Nations Office on Drugs and Crime or UNODC and the Samilia Foundation co-hosted a theatre performance entitled "Lal batti express", which showcased the lives of young women who work in Mumbai's infamous red-light area.

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<sup>155</sup> Federal Migration Centre Myria, *Rapport annuel traite et trafic des êtres humains 2019: de la force d'action pour les victimes*, November 2019. Please see: <https://www.myria.be/fr/publications/rapport-annuel-traite-et-traffic-des-etres-humains-2019-de-la-force-daction-pour-les-victimes>.

<sup>156</sup> For more information on this campaign, please see <https://eucpn.org/prevenhumantrafficking>

## 10 Return and readmission

### 10.1 Swift, sustainable and effective return

Return and readmission remained of the utmost importance for the Belgian government during the year 2019. The Minister of Social Affairs and Public Health, and Asylum Policy and Migration has recalled her will to **increase the number of forced returns** by, among other measures, **increasing the capacity in closed centres**<sup>157</sup>. The focus was also on potential returnees who present a threat to the national security.

Belgium was in 2019 the **first EU country to benefit from the EU funds to carry out return operations** (1 540 individuals have been repatriated via Frontex)<sup>158</sup>. This year, for the first time, Belgium also **made use of Frontex in the framework of voluntary returns**. In this regard, Fedasil piloted the **Frontex Application for Return (FAR)** booking tool which improves the speed of departure for returnees and decreases the dependence on IOM for this process. This allows Fedasil to enhance the return operations and to fasten the departure. The Immigration Office also intensified this year its use of the FAR to book scheduled flights.

The projects already initiated in 2018 through the AMIF funding 2018-2019 continued in 2019. In this regard several working groups were set up in 2019 to discuss the priority objectives for the 2020-2021 programme. Among the new projects launched, Fedasil implemented the **'Your Global Future'** project (an ESF project). It consists in a training geared towards applicants for international protection. The aim is to ensure all applicants a potential professional future, regardless of the outcome of their application for international protection. The training is developed in such a way that applicants can benefit from its content either in Belgium, if they are granted with protection status or in the country of return, if they cannot stay in Belgium.

Regarding forced returns, 3 743 returns were conducted, including 773 Dublin cases and 294 bilateral take-backs (between Member States). Concerning the issuance of entry bans, since 2019, Belgium registers entry bans of persons who did not yet receive the entry ban the moment they were on the Belgian territory and were returned.

### 10.2 Issuing Return decisions

The law of 8 May 2019 amended of the Immigration Act<sup>159</sup> in order to "**further ensure the legal certainty as regards the attribution of decision-making competence for the issuance of an order to leave the territory, in particular when this measure relates to a foreigner whose stay has been terminated for reasons of public order or national security**". This modification follows several judgments of the Council for Alien Law Litigation (CALL) on the decision-making competence to issue an order to leave the territory to third-country nationals subject to a decision to end the stay for reasons of public order or national security. More specifically, the CALL looked at the differences with decisions to end the stay for different reasons. These are purely technical changes which aim "to draw a clear distinction between, on the one hand, the legal basis for refusing,

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<sup>157</sup> Please see: <https://www.maggiedeblock.be/fr/jamais-autant-de-fonds-europeens-pour-le-retour-dillegaux-depuis-la-belgique/>

<sup>158</sup> Idem

<sup>159</sup> Law of 8 May 2019 amending articles 7, 21, 22 and 24 of the Immigration Act.

cancelling or withdrawing the stay and, on the other hand, the legal basis allowing, where appropriate, to issue an order to leave the territory”.

### 10.3 (Assisted) voluntary return and alternatives to detention

#### *(Assisted) voluntary return*

Fedasil and its partners (IOM, Caritas and the Immigration Office) conducted 2 426 voluntary returns in 2019. 1 115 returnees benefited from reintegration support in the country of return.

In the framework of the **agreement signed between Fedasil and Enabel** last year, a project aiming at supporting economic development, employment, stability and resilience in areas subject to departures has been undertaken with **Guinea**. Through the strengthening of the employability of local populations, the project aims at reaching potential migrants, with a focus on youths and women, while integrating migrants having returned to their home country. Such collaboration is being studied for other potential countries of return.

March 2019, IOM Belgium and Fedasil conducted a **monitoring mission in Niger** to gain a better insight in the collective and community-based projects developed under the EU Trust Fund return initiatives and to identify possible synergies with the traditional AVRR programmes (Job Placement approach). In this regard, IOM invited 4 colleagues coming from Burkina Faso, Guinea and Niger to participate in a study visit organised in the frame of the **Belgian AVRR Job Placement project**. The delegation learned about the Belgian migration, reception and asylum policies and trends and had the chance to visit a reception structure for irregularly staying migrants.

For the first time, **Fedasil made use of Frontex to organise the logistic of voluntary returns** in collaboration with IOM for the transit and the accompaniment. Nevertheless, this “new model” of return only applies to migrants with an order to leave the territory (knowing that Fedasil also deals with a large share of migrants without an order to leave the territory).

#### *Use of (alternatives for) detention in return procedures*

On 11 August 2018 the Royal Decree of 22 July 2018<sup>160</sup> entered into force (**allowing families to be detained** and this in closed family houses on the grounds of the closed centre 127bis).

On 4 April 2019, the Council of State partly **suspended the execution of the Royal Decree pertaining to the detention of families with children** with a view to return them. This decision followed the request made by various associations to suspend several articles of the Royal Decree pertaining to the detention of children. The reason invoked by the Council of State was that the Royal Decree did not preclude the possibility to detain children in places where they were likely to be exposed to airport nuisance, while this detention could last up to a month.

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<sup>160</sup> Which, among other things, inserted a new section 3 “Family home” in the Royal Decree of 2 August 2002 on the regime and the operating measures of the closed centres.

On May 7, a **detention centre geared towards irregularly staying women** has opened in Holsbeek (Leuven). This site, managed by the Immigration office, can accommodate maximum 28 women (the maximum capacity will be 50 women in 2020).

## 10.4 Operation of national forced return monitoring system

On February 22, the **Commission responsible for evaluating the policy of voluntary return and forced removal of foreigners** (Commission Bossuyt) transmitted its interim report<sup>161</sup> to the Minister of Social Affairs and Public Health, and Asylum Policy and Migration, Maggie De Block.

This Commission was set up in March 2018 during the discussion<sup>162</sup> on the investigation report of the Commissioner General for Refugees and Stateless Persons on the case of Sudanese returnees suspected of having suffered from bad treatment upon return. The former-Prime Minister Charles Michel announced its establishment in order to assess the practical implementation of the legal and regulatory provisions of the return policy.

Regarding the assessment of the effectiveness of measures to ensure return, the report finds that **much progress** has been made in improving both the human character and the efficiency of the return policy, in particular through shorter procedures. Nevertheless, recommendations in the report stress the need to tackle the **problematic of subsequent applications** introduced to hamper the implementation of a return procedure.

Myria, the Federal Migration Centre, took a critical look at the report by pointing out **the lack of substantive analysis** of measures put in place as well as the **relative independence and impartiality** in the composition of such a Commission<sup>163</sup>. In its recommendations, Myria suggests the set-up of a concrete methodology, a constant evaluation throughout the years and the organisation of field visits to better monitor the implementation of measures.

## 10.5 Return of rejected asylum seekers and irregular migrants

### *Return of rejected asylum seekers*

On 14 November 2019, Fedasil issued a new instruction on the implementation of the return process for **failed applicants for international protection with serious medical issues**. At the request of the person concerned, Fedasil can decide that the return process is carried out in the reception structure where the person concerned received material reception without being assigned to an open return place (OTP).

### *Return of irregular migrants*

Since 2019, a Fedasil team has been handling contacts with undocumented and street migrants (especially migrants in transit) present in major Belgian cities. The aim is to

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<sup>161</sup> Please see: [https://dofi.ibz.be/sites/dvzoe/FR/Documents/DEF\\_RAPPORTINTERIMAIRE\\_FR.pdf](https://dofi.ibz.be/sites/dvzoe/FR/Documents/DEF_RAPPORTINTERIMAIRE_FR.pdf)

<sup>162</sup> Chambre des Représentants, Commission de l'Intérieur du 9 février 2018

<sup>163</sup> Please see: [https://www.myria.be/files/Note\\_Myria\\_-\\_Rapport\\_int%C3%A9rimaire\\_Commission\\_Bossuyt.pdf](https://www.myria.be/files/Note_Myria_-_Rapport_int%C3%A9rimaire_Commission_Bossuyt.pdf), p.3

establish a relationship of trust with them and inform them of their rights in Belgium, both in terms of reception and social support, and the possibilities of return. This year, Fedasil, in collaboration with OFII (*Office français de l'immigration et de l'intégration*) and with the support of ERRIN launched the "**Reach Out**" project. The Reach Out team is formed with the assistance of the European network ERRIN and with funding from AMIF.

The **first pillar** of the project consists an international (Belgian and French) "*outreachers*" reaching out to stranded migrants with a focus on transit migrants. Their role is to inform the migrants in the street of Brussels and in Calais (France) about their situation and options offered to them (return, Dublin, application for international protection...).

The **second pillar** consists in a platform of exchange on good practices between cities (namely, Antwerp, Gent, Amsterdam, Utrecht, Milan and Newcastle) having experience in dealing with irregularly staying migrants (please see also section 8.2).

## 10.6 Strengthening cooperation with third countries of origin and transit on return and reintegration

A Memorandum of Understanding (MoU) was signed with **Rwanda**. Negotiations on a MoU with **Niger** and **Burkina Faso** are ongoing, as well as negotiation with India on a Benelux agreement. Memoranda of Understanding are non-legally binding agreements aiming at fostering the repatriation process and speed up the identification process.

## 11 Migration and development

Mobility Partnerships and Common Agendas on Migration and Mobility (CAMMs) are important tools of the **Global Approach to Migration and Mobility** (GAMM) as they provide the overall framework for managing legal movement between the EU and third countries. This framework defines how the EU conducts its policy dialogues and cooperation with non-EU countries, based on clearly defined priorities and embedded in the EU's overall external action, including development cooperation. Against this background, Belgium implemented a new project in mobility partnership in the framework of the third priority theme number of the GAMM (Maximising the Development Impact of Migration and Mobility)<sup>164</sup>.

The **Mobility Partnership with Morocco on the identification of labour market needs** at origin, in Morocco, and end, in Belgium, aims at establishing a talent pool based on labour market needs in both countries to avoid brain drain. This project is funded under the Mobility Partnership Facility (MPF2) since March 2019 and gather a series of institutional partners in Belgium and Morocco<sup>165</sup>.

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<sup>164</sup> The four priority themes of the GAMM are as follows: 1) Better organising legal migration and fostering well-managed mobility; 2) Preventing and combatting irregular migration and eradicating trafficking in human beings; 3) Maximising the development impact of migration and mobility; and 4) Promoting international protection and enhancing the external dimension of asylum. See: [https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration_en)

<sup>165</sup> National Agency for Employment and Skills Promotion (ANAPEC), Public Employment Service Flanders (VDAB) and Fedasil.

## Annex A: Abbreviations and specific terms used

### *List of abbreviations used*

ACTIRIS	Brussels Public Employment Service
AMIF	Asylum, Migration and Integration Fund
API	Advance Passenger Information
AVR(R)	Assisted Voluntary Return (and Reintegration)
CALL	Council for Alien Law Litigation
CGRS	Office of the Commissioner General for Refugees and Stateless Persons
CJEU	Court of Justice of the European Union
COI	Country Of Origin Information
EASO	European Asylum Support Office
EMN	European Migration Network
ERRIN	European Return and Reintegration Network
ESF	European Social Fund
EU	European Union
FEDASIL	Federal Agency for the Reception of Asylum Seekers
FGM	Female Genital Mutilation
FPS	Federal Public Service
FTE	Full Time Equivalent
ICT	Intra-corporate transfer
IOM	International Organization for Migration
MoU	Memorandum of Understanding
NCP	National Contact Point (of the European Migration Network)
NGO	Non-Governmental Organisation
NSSO	Belgian National Social Security Office
PNR	Passenger Name Record
OFII	French Office for Immigration and Integration
REG	Return and Reintegration Experts Group (of the EMN)
SIS	Schengen Information System
TCN	Third-country national
UAM	Unaccompanied minor
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees

UNODC	United Nations Office on Drugs and Crime
VDAB	Flemish Public Employment Service
VIS	Visa Information System

*Specific terms used*

Closed centre	Detention centre for irregular migrants, pending their forced return (administrative detention)
Immigration Act	Law of 15 December 1980 regarding the entry, residence, settlement and removal of foreign nationals
Reception Act	Law of 12 January 2007 regarding the reception of asylum seekers and certain other categories of foreign nationals

## Annex B: Publications EMN Belgium (2009-2020)

The present annex lists the studies and reports published by EMN Belgium between 2009 and 2020. The other EMN National Contact Points produced similar reports on these topics for their (Member) State. For each study, the EMN Service Provider, in cooperation with the European Commission and the EMN NCPs, produced a comparative Synthesis Report, which brings together the main findings from the national reports and places them within an EU perspective.

The Belgian reports mentioned below are available for download on [www.emnbelgium.be](http://www.emnbelgium.be).

The reports from the other NCPs as well as the Synthesis Reports are available on:

[http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/index_en.htm).

### 2009

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<i>April 2009</i>	The Organisation of Asylum and Migration Policies in Belgium
<i>June 2009</i>	Annual Report on Asylum and Migration Policy in Belgium – 2008
<i>July 2009</i>	Unaccompanied Minors in Belgium - <i>Also available in French and Dutch</i>
<i>October 2009</i>	Programmes and Strategies in Belgium Fostering Assisted Voluntary Return and Reintegration in Third Countries - <i>Also available in French and Dutch</i>
<i>December 2009</i>	EU and Non-EU Harmonised Protection Statuses in Belgium

### 2010

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<i>January 2010</i>	Annual Report on Asylum and Migration Policy in Belgium – 2009
<i>August 2010</i>	Satisfying Labour Demand Through Migration in Belgium

### 2011

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<i>January 2011</i>	Temporary and Circular Migration in Belgium: Empirical Evidence, Current Policy Practice and Future Options
<i>March 2011</i>	Annual Report on Asylum and Migration Policy in Belgium – 2010
<i>May 2011</i>	EU and Non-EU Harmonised Protection Statuses in Belgium (update)
<i>October 2011</i>	Visa Policy as Migration Channel in Belgium

## 2012

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- January 2012* Practical Measures for Reducing Irregular Migration in Belgium
- March 2012* Annual Report on Asylum and Migration Policy in Belgium – 2011
- April 2012* Misuse of the Right to Family Reunification: Marriages of Convenience and False Declarations of Parenthood in Belgium - *Also available in French and Dutch*
- September 2012* Establishing Identity for International Protection: Challenges and Practices in Belgium - *Also available in French and Dutch*
- September 2012* The Organization of Migration and Asylum Policies in Belgium (update)
- October 2012* Migration of International Students to Belgium, 2000-2012
- December 2012* Intra-EU Mobility of Third-Country Nationals to Belgium - *Also available in French*

## 2013

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- May 2013* Annual Report on Asylum and Migration Policy in Belgium – 2012
- July 2013* Attracting Highly Qualified and Qualified Third-Country Nationals to Belgium
- August 2013* Organisation of Reception Facilities in Belgium
- October 2013* Identification of Victims of Trafficking in Human Beings in International Protection and Forced Return Procedures in Belgium

## 2014

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- February 2014* Migrant Access to Social Security – Policy and Practice in Belgium - *Also available in French and Dutch*
- June 2014* Good Practices in the Return and Reintegration of Irregular Migrants: Belgium’s Entry Bans Policy and Use of Readmission Agreements
- June 2014* Use of Detention and Alternatives to Detention in the Context of Immigration Policies in Belgium
- July 2014* Annual Report on Asylum and Migration Policy in Belgium – 2013
- October 2014* Policies, Practices and Data on Unaccompanied Minors in Belgium (2014 Update)

*December 2014* Admitting Third-Country Nationals for Business Purposes in Belgium

## 2015

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*June 2015* Determining Labour Shortages and the Need for Labour Migration from Third Countries in Belgium - *Also available in French*

*July 2015* Annual Report on Asylum and Migration Policy in Belgium – 2014

*August 2015* Dissemination of Information on Voluntary Return: How to Reach Irregular Migrants Not in Contact with the Authorities in Belgium

## 2016

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*May 2016* Changes in Immigration Status and Purposes of Stay in Belgium

*May 2016* Integration of Beneficiaries of International Protection into the Labour Market in Belgium

*June 2016* Annual Report on Asylum and Migration Policy in Belgium – 2015

*December 2016* Returning Rejected Asylum Seekers: Challenges and Good Practices in Belgium

*December 2016* Resettlement and Humanitarian Admission in Belgium

## 2017

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*June 2017* Annual Report on Asylum and Migration Policy in Belgium – 2016

*July 2017* Family Reunification with Third Country National Sponsors in Belgium

*August 2017* Illegal Employment of Third Country Nationals in Belgium

*November 2017* Challenges and Good Practices for Establishing Applicants' Identity in the Migration Process in Belgium

## 2018

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*May 2018* Changing Influx of Asylum-Seekers in 2014-2016

*July 2018* Effectiveness of Return in Belgium: Challenges and Good Practices Linked to EU Rules and Standards

<i>August 2018</i>	Annual Report on Asylum and Migration Policy in Belgium – 2017
<i>September 2018</i>	Labour Market Integration of Third-Country Nationals in Belgium
<i>September 2018</i>	Impact of Visa Liberalisation on Countries of Destination in Belgium
<i>December 2018</i>	Socio-Economic Profile and Socio-Economic Careers of People Granted International Protection in Belgium, 2001-2014

## 2019

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<i>June 2019</i>	Annual Report on Asylum and Migration Policy in Belgium – 2018
<i>July 2019</i>	Beneficiaries of International Protection Travelling to their Country of Origin: Challenges, Policies and Practices in Belgium

## 2020

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<i>May 2020</i>	Comparative overview of national protection statuses in Belgium
<i>Forthcoming</i>	Attracting and Retaining International Students and Researchers in Belgium
<i>May 2020</i>	Migratory Pathways for Start-ups and Innovative Entrepreneurs in Belgium
<i>Forthcoming</i>	Pathways to Citizenship in Belgium