

BELGIUM

EMN COUNTRY FACTSHEET

2018

MAIN DEVELOPMENTS IN MIGRATION AND INTERNATIONAL PROTECTION, INCLUDING LATEST STATISTICS



LEGAL MIGRATION AND MOBILITY

PROMOTING LEGAL MIGRATION CHANNELS

No relevant updates were reported.

ECONOMIC MIGRATION

On 2 February 2018, Belgium agreed on a cooperation agreement between the different competent Belgian entities that transposed the **Single Permit Directive (2011/98/EU)**,¹ thereby avoiding an infringement procedure that was pending at the European Court of Justice due to the late transposition of the Directive. Moreover, several legislative changes were made both on the federal and the regional level during 2018, introducing a combined procedure for work and residence permits for economic migrants staying in Belgium for over 90 days.

A **new model for economic migration** was introduced in Flanders with the aim to attract foreign talent to realise economic growth and innovation; to fill structural gaps concerning certain professions; and to build-in safeguards for fair competition in the fight against social dumping.

¹ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State

KEY POINTS



The asylum procedure was amended to include a pre-registration for asylum seekers that requires fingerprints to be taken and checked against relevant databases.



An action plan on the fight against irregular transit migration was presented. This plan aimed to *inter alia* introduce more intensive police checks and strengthen cooperation with the United Kingdom.



There was lively debate on the detention of families with minor children prior to their return.

STUDENTS AND RESEARCHERS

A decree was introduced in April 2018 that makes it possible to extend or end the stay of **third-country national students**, as well as to end their residence rights in case of insufficient study progress.

FAMILY REUNIFICATION

Due to a judgement of the Court of Justice of the EU, an unaccompanied minor who attained the age of majority during the asylum procedure **retained the right to family reunification as a minor**. Therefore, the more favourable conditions for unaccompanied minor refugees applied if the application is submitted

within three months from the day the refugee status was granted.



INTERNATIONAL PROTECTION INCLUDING ASYLUM

Belgium saw a **rise in asylum applications** in 2018, up by 19 % compared to the previous year. The increased number of applications in 2018 manifested itself in particular since July onwards, with a peak in October.

Legislative changes in the asylum procedure were also made, finalising the transposition of the Asylum Procedures Directive. The law came into force on 22 March 2018. One of the changes is that the new law introduced the concept of making, registering and lodging of the application for international protection into national legislation.

Since 3 December, all applications for international protection that are not made at the external border or in a closed facility have to be registered in the newly opened arrival centre, with the goal that applicants will follow the same harmonised procedure.

The **reception capacity was reduced** by over 2 000 places in 2018, despite an increase in occupancy rate. Almost half of the centres reached a 100 % occupancy rate or more by adding additional beds. Due to the increased number of applicants for international protection during the second half of 2018, the Federal Government postponed its plans to further reduce the reception capacity and approved the opening of 1 500 additional reception places.



UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

Trainings on restorative practices were organised to empower unaccompanied minors and the staff of the reception centres in the prevention and sustainable handling of conflicts. Two EASO training modules on unaccompanied minors were also attended by the relevant staff. In 2018, 70 new guardians for unaccompanied minors were recruited and received basic training on their new role.

Legislation came into force in March 2018 that **added additional examples of vulnerable persons** to the existing non-exhaustive list of who can be considered as vulnerable.



INTEGRATION

Measures were taken in all regions to improve third-country nationals' knowledge of the region's respective language, through the introduction of **new language courses** in French, German and Dutch and additional resources allocated to existing ones. Measures to integrate migrant children through education from early on were also taken.

A new decree was introduced in Wallonia in November 2018 about **the integration of foreigners**, increasing the number of hours of French lessons needed (from 120h to 400h) and of citizenship training (from 20h to 60h), as well as introducing a scheme for unaccompanied minors. A mandatory integration programme was introduced in the German-speaking Community. The Brussels Capital region made similar plans, but the law has not yet entered into force.

Initiatives for better labour market integration were taken in all the regions, with projects aiming at finding jobs for long-term unemployed workers with a migrant background.



CITIZENSHIP AND STATELESSNESS

On 12 July 2018, a new law concerning various provisions of civil law came into force that made changes to the **Citizenship law**. The law introduced, among others, technical changes regarding the conditions to acquire Belgian citizenship.



BORDERS, SCHENGEN AND VISA

Changes to improve border security were made in 2018, such as the development of a **national Integrated Border Management Strategy** (IBM). Furthermore, since the introduction of the connection between air carriers' data and an IT system that collects and processes Advanced Passenger Information (API) and Passenger Name Record (PNR) data, the data from 18 air carriers has been received.

Regarding visa policy, a new policy was introduced in December 2018 which provided that **fingerprints of every applicant** for a long-term visa over the age of six must be taken to prevent identity fraud and to facilitate the passage at the external borders of the Schengen area.



IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

Belgium continued to process a high number of (often unfounded) asylum applications from Georgian and Albanian nationals in 2018, following the visa liberalisation with the two countries in 2017. To prevent irregular migration through this channel, **information and prevention campaigns** were launched in Albania and Georgia.

The number of transit migrants who aimed to reach the United Kingdom remained high in Belgium, especially in the port of Zeebrugge, on motorways towards Calais and close to the railway station 'Bruxelles-Nord'.

On 10 September 2018, the Belgian Minister of Security and the Interior and the State Secretary for Asylum Policy and Migration presented a **9-point action plan on the fight against irregular transit migration**. The main aims of the action plan were:

- To increase the capacity in detention centres;
- To introduce more intensive police checks on travel routes;
- To strengthen cooperation with the United Kingdom;
- To create a centralised center for the administrative processing of migrants in transit.

A 10th point was added to the action plan at a later stage to better inform migrants in transit about the possibility to apply for international protection.



TRAFFICKING IN HUMAN BEINGS

The national action plan 2015-2019 against trafficking in human beings (THB) continued to be implemented.

New measures were taken in this framework such as the adoption of the addendum on minor victims to improve detection, referral and protection of minor THB victims.

An **internal information brochure for the banking sector** was also launched by the Ministry of Justice and other financial actors to inform on how to better trace criminal money from human smugglers and human traffickers. The aim was to make police work and public prosecution in this area more effective.



RETURN AND READMISSION

Several developments regarding return and readmission took place in 2018, such as the introduction of new practice to better assess **the risk of torture and inhuman or degrading treatment in cases of return** in line with the European Convention on Human Rights. Two laws from March 2018 introduced the concept of **alternatives to detention** for applicants for international protection, meaning that detention is only possible as a last resort. The new laws also defined the **duration of detention** as well as the **risk of absconding** based on eleven criteria.

A provision of the Royal Decree of 22 July 2018 introduced that families in irregular situation could be detained prior to be returned. Four families with underage children were detained in 2018, leading to many critical reactions. It should be noted that following a judgement of the Council of State in April 2019, irregularly staying families with underage children cannot be detained in these closed family units at the moment.

STATISTICAL ANNEX

The Statistical Annex provides an overview of the latest available statistics for Belgium on aspects of migration and international protection (2015-2018), including residence, asylum, unaccompanied minors, irregular migration, return and visas. Where statistics are not yet available, this is indicated in the Annex as "N/A".

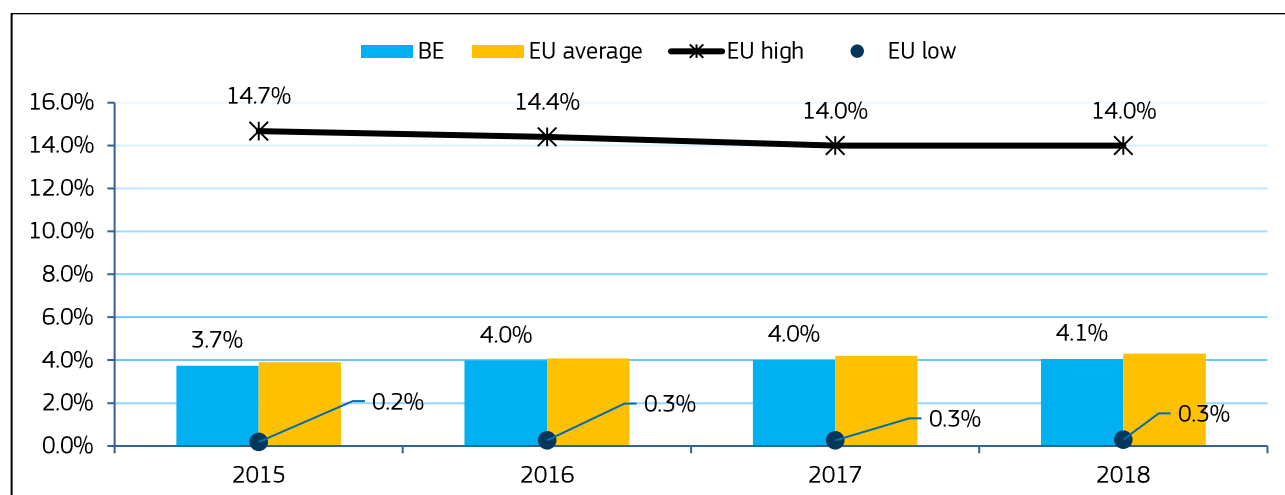
STATISTICAL ANNEX: MIGRATION AND ASYLUM IN BELGIUM (2015-2018)



LEGAL MIGRATION AND MOBILITY

Eurostat data on first residence permits for 2018 was not available at the time of writing. Please consult the 2018 ARM Statistical Annex for statistics on the number of first residence permits by reason (to be published in July 2019).

Figure 1: Resident population of third-country nationals as a share of total population in Belgium, EU average, EU high and low (2015-2018)

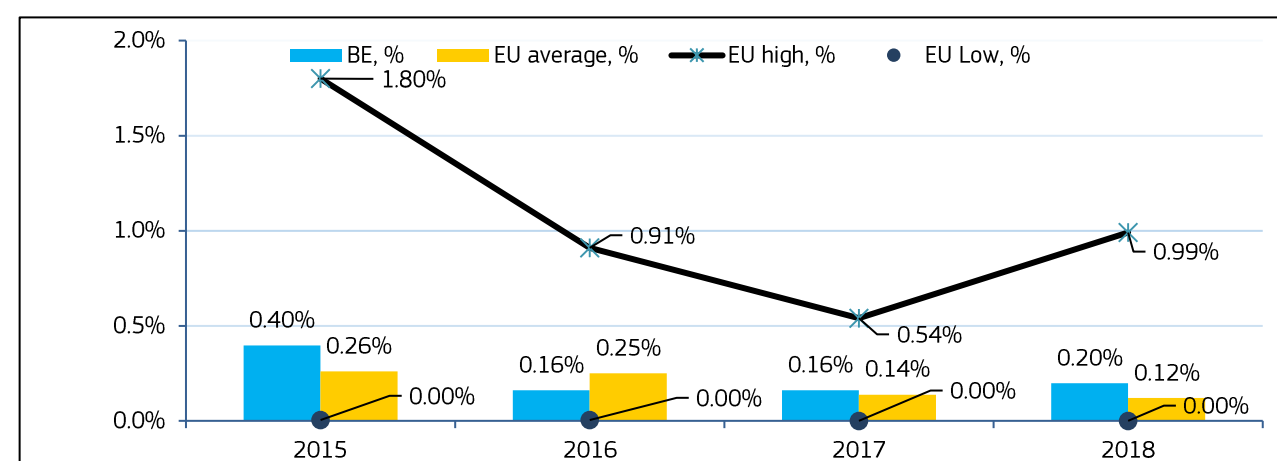


Source: Eurostat migration statistics ([migr_pop1ctz](#)), data extracted 02.05.19



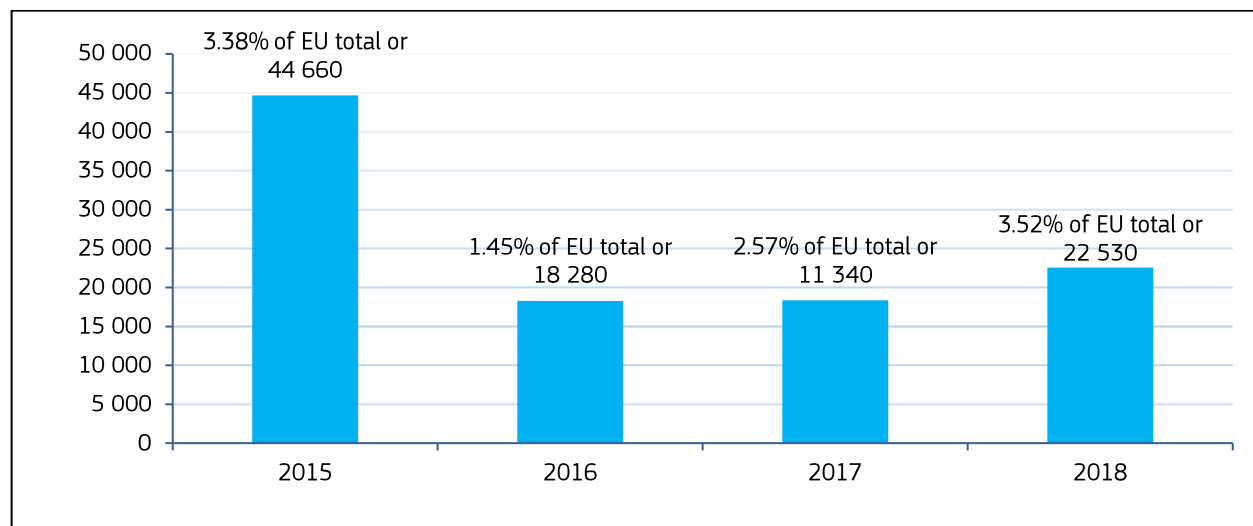
INTERNATIONAL PROTECTION INCLUDING ASYLUM

Figure 2: Annual number of asylum applications as a share of the total population in Belgium, EU average and EU high and low (2015-2018)



Source: Eurostat migration statistics ([migr_asyappctza](#)), data extracted 26.04.2019

Figure 3: Number of asylum applications and as a share of the total number of applications in the EU (2015–2018)



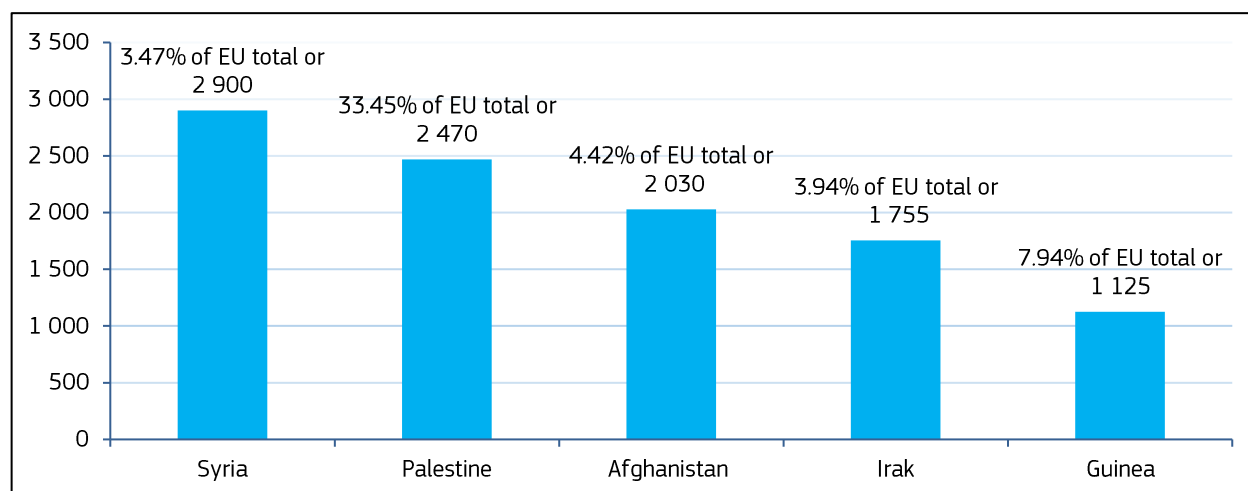
Source: Eurostat migration statistics ([migr_asyappctza](#)), data extracted 26.04.19

Table 1: Asylum applications: Top five third-country nationalities (2015–2018)

2015			2016			2017			2018		
Nationality	Nr	% of total	Nationality	Nr	% of total	Nationality	Nr	% of total	Nationality	Nr	% of total
Syria	10 415	57%	Afghanistan	2 765	15%	Syria	2 780	12%	Syria	2 900	13%
Iraq	9 470	52%	Syria	2 390	13%	Afghanistan	1 580	7%	Palestine	2 470	11%
Afghanistan	8 310	45%	Iraq	1 180	6%	Iraq	1 355	6%	Afghanistan	2 030	9%
Somalia	2 090	11%	Guinea	925	5%	Guinea	900	4%	Iraq	1 755	8%
Russia	1 320	7%	Somalia	845	5%	Albania	880	4%	Guinea	1 125	5%

Source: Eurostat migration statistics ([migr_asyappctza](#)), data extracted 29.04.19

Figure 4: Asylum applications: Top five third-country nationalities as a share of EU total per given nationality (2018)



Source: Eurostat migration statistics ([migr_asyappctza](#)), data extracted 26.04.19

Note: the figure reads as: Belgium received 2 900 asylum applications from Syria or 3.47% of all asylum applications launched by Syria in EU in 2018.

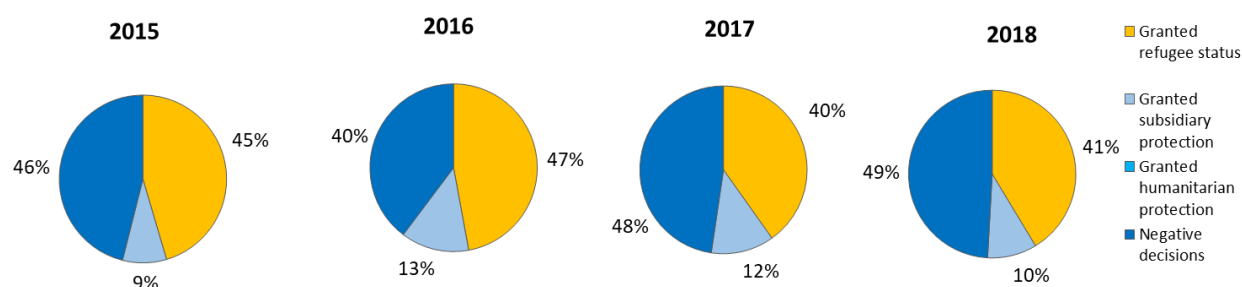
Table 2: Asylum applications – First instance decisions by outcome (2015-2018)

	Total decisions	Positive decisions	Of which:		Humanitarian reasons	Negative decisions
			Refugee status	Subsidiary protection		
2015	19 420	10 475	8 825	1 650	:	8 945
2016	24 960	15 045	11 760	3 290	:	9 915
2017	24 045	12 585	9 655	2 930	:	11 460
2018	19 020	9 675	7 860	1 815	:	9 340

Source: Eurostat migration statistics ([migr_asydcfsta](#)), data extracted 29.04.19

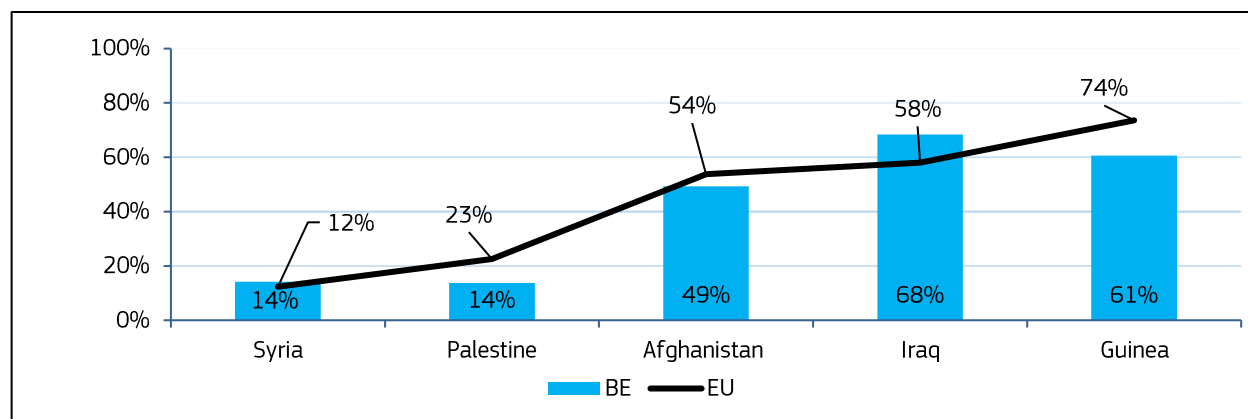
N.B.: In Belgium, a humanitarian status cannot be granted within the framework of the asylum procedures; specific procedures apply to be granted a status on medical or humanitarian grounds.

Figure 5: Asylum applications – First instance decisions by outcome (2015-2018)



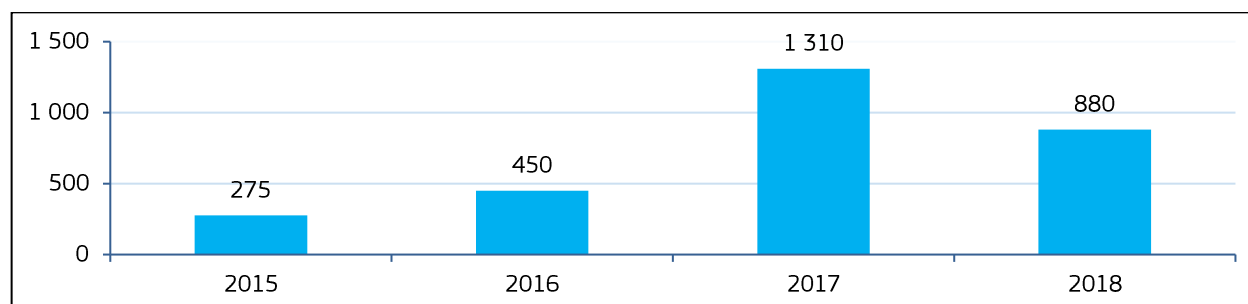
Source: Eurostat migration statistics ([migr_asydcfsta](#)), data extracted 30.04.18

Figure 6: Negative decision rate for the top five nationalities of applicants at the first instance in comparison with EU for the same given nationality (2018)



Source: Eurostat migration statistics ([migr_asydcfsta](#)), data extracted 30.04.19

Figure 7: Third-country nationals resettled (2015-2018)

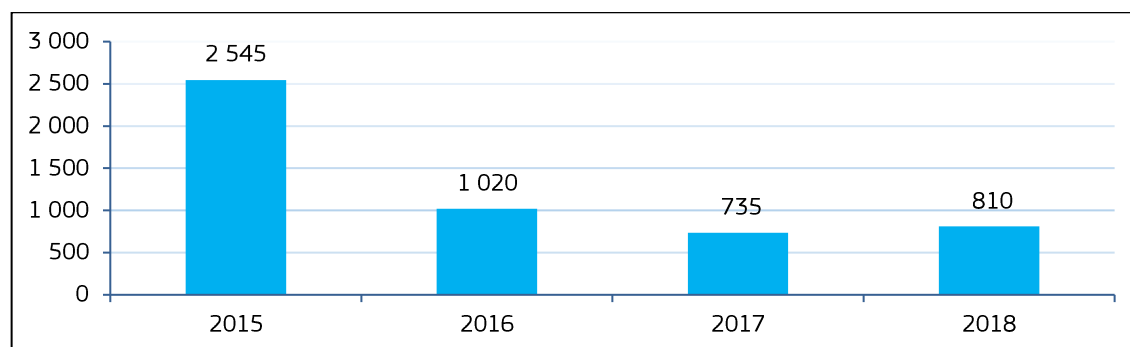


Source: Eurostat migration statistics ([migr_asyresa](#)), data extracted 02.05.19



UNACCOMPANIED MINORS

Figure 8: Unaccompanied minors applying for asylum (2015–2018)



Source: Eurostat Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded) ([migr_asyunaa](#)), data extracted 02.05.19.



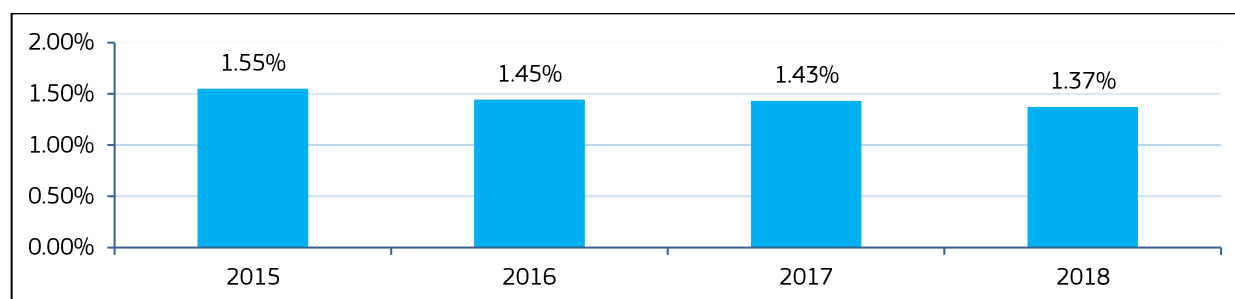
BORDERS, SCHENGEN AND VISA

Table 3: Number of Schengen visas applications (2015–2018)

	2015	2016	2017	2018
Uniform visas (short-stay visas)	239 500	219 687	231 437	219 827

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

Figure 9: Uniform visa applications received in Belgium as a share of the total number of uniform visa applications in all Schengen states consulates (2015–2018)



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

Table 4: Top five countries in which the highest number of visa applications for Belgium was lodged (2015–2018)

2015		2016		2017		2018	
Country	Number	Country	Number	Country	Number	Country	Number
China	41 557	China	101 463	China	43 096	China	39 575
India	24 630	Congo (Democratic Republic)	47 577	Congo (Democratic Republic)	25 996	India	26 279
Congo (Democratic Republic)	21 314	India	26 843	India	22 510	Russian Federation	13 859
Russian Federation	15 028	Russian Federation	11 887	Russian Federation	12 851	Morocco	13 456
Turkey	12 341	Turkey	24 269	Morocco	10 600	Turkey	10 347



IRREGULAR MIGRATION

Table 5: Number of third-country nationals refused entry at external borders, found to be illegally present, ordered to leave and returned following an order to leave (2015–2018)

Third-country nationals:	2015	2016	2017	2018
Refused entry at external borders	1 640	1 530	2 440	2 200
Found to be illegally present	16 275	19 320	18 285	19 145
Ordered to leave	31 045	33 020	32 235	24 160
Returned following an order to leave	5 835	7 355	6 315	:

Source: Eurostat migration statistics ([migr_eirfs](#))([migr_eipre](#))([migr_eiord](#))([migr_eirtn](#)) data extracted 03.05.19



RETURN

Table 6: Third-country nationals returned (2015-2018)

Year	Returned as part of forced return measure	Returned voluntarily	Returned through an Assisted Voluntary Return Programme
2015	2 526	3 309	3 309
2016	2 628	4 725	3 549
2017	2 617	3 058	3 827
2018	2 842	N/A	2 994

Source: EMN Belgium