

2015

Annual Report on Asylum and Migration Policy in Belgium

European Migration Network
Belgian National Contact Point

EMN Annual Policy Reports are aimed at reflecting the main political developments in the area of migration and asylum at Member State level.

The Belgian National Contact Point (NCP) of the EMN is financed both by the Belgian Government and the European Union. The Belgian NCP consists of four partners: the Immigration Office (as part of the Ministry of the Interior), the Office of the Commissioner General for Refugees and Stateless Persons (CGRS), the Federal Migration Centre (Myria) and the Federal Agency for the Reception of Asylum Seekers (Fedasil).

More information about the Belgian National Contact Point of the EMN is available on: www.emnbelgium.be

Contact details : Belgian National Contact Point EMN, rue de Louvain/Leuvenseweg 1, 1000 Brussels. Phone +32 (0)2 500.23.94

E-mail:

- Benedikt.Vulsteke@ibz.fgov.be;
- Alexandra.Laine@ibz.fgov.be;
- Elisa.Vandervalk@ibz.fgov.be;
- Ina.Vandenberghe@ibz.fgov.be;
- Martine.Hendrickx@ibz.fgov.be;
- Peter.Vancostenoble@ibz.fgov.be;
- Yael.Chemin@ibz.fgov.be.

The EMN has been established via a Council Decision and is financially supported by the European Union



TABLE OF CONTENT

1. INTRODUCTION	7
2. EXECUTIVE SUMMARY	10
3. LEGAL MIGRATION AND MOBILITY	15
3.1 Economic migration.....	15
3.2 Family reunification	19
3.3 Students and researchers	20
3.4 Other aspects of legal migration: Fees for processing residence permit applications.....	21
3.5 Promotion, information and awareness raising	22
3.6 Integration, naturalisation and citizenship.....	28
3.6.1 Promoting integration through socio-economic participation	28
3.6.2 Promoting integration through participation: rights and obligations, achieving equal treatment and belonging	33
3.6.3 Promoting integration of specific groups	34
3.6.4 Non-discrimination	35
3.6.5 Cooperation, consultation and coordination of stakeholders and promoting action at local level	36
3.6.6 Involvement of countries of origin	37
3.6.7 Citizenship and Naturalisation.....	38
3.7 Managing Migration and Mobility.....	39
3.7.1 Visa Policy	39
3.7.2 Schengen Governance	40
4. INTERNATIONAL PROTECTION.....	42
4.1 Specific context and challenges.....	42
4.2 Actions to counter the challenges	42
4.3 Legislative developments	43
4.4 Asylum Procedures	44
4.5 Jurisprudence	45
4.6 Reception.....	46
4.7 Provision of support to other Member States and participation in EASO activities.....	46
4.8 Resettlement, humanitarian admission and relocation	48
4.9 Return of rejected asylum applicants.....	49

5. UNACCOMPANIED MINORS AND VULNERABLE GROUPS	51
5.1 Unaccompanied minors.....	51
5.2 Other vulnerable groups.....	53
6. COUNTERING TRAFFICKING IN HUMAN BEINGS	56
6.1 A new Action Plan in the fight against human trafficking	56
6.2 Prevention	56
6.3 Investigation and prosecution	58
6.4 Protection	58
7. MIGRATION AND DEVELOPMENT	60
7.1 Policy coherence for Development	60
7.1.1 Cooperation with partner / third countries for economic migration.....	62
7.1.2 Efforts to mitigate ‘brain drain’	62
7.2 Migrants’ Remittances.....	63
7.3 Working with Diasporas	63
8. IRREGULAR MIGRATION INCLUDING SMUGGLING	66
8.1 Enhanced border management at the external borders.....	66
8.1.1 Border control measures: technology, equipment and infrastructure.....	66
8.1.2 Border control measures: other activities to improve the effectiveness of controls at external borders.....	67
8.1.3 Preventing and combating irregular immigration by ensuring reinforced cooperation with third countries in the area of border management.....	67
8.2 Better tackling of misuse of legal migration channels	68
8.2.1 Irregular migration caused by visa liberalisation.....	68
8.2.2 Irregular migration through misuse of family reunification.....	68
8.2.3 Irregular migration through misuse of student migration	69
8.2.4 Irregular migration caused by use of false travel documents.....	69
8.2.5 Irregular migration caused by the abuse of free movement rights by third country nationals and preventing the fraudulent acquisition and use of free movement rights by third-country nationals	70
8.3 The fight against facilitation of irregular migration (‘smuggling’).....	72
8.3.1 First Belgian action plan to fight human smuggling	72
8.3.2 Investigations and control measures.....	73
8.3.3 Prevention measures.....	74
8.3.4 Activities to monitor smuggling.....	75
8.3.5 Monitoring and identifying migration routes.....	76
9. RETURN	79

9.1 Strengthening cooperation with third countries of transit and origin on migration management	79
9.1.1 Ensure implementation of all EU readmission agreements to their full effect.....	79
9.1.2 Prevention of irregular migration from third countries	79
9.2 Enhancing migration management including cooperation on return practices	80
9.2.1 Recording entry bans in the SIS and facilitating exchange of information on entry bans;.....	80
9.2.2 Operation of national forced return monitoring system	81
9.3.3 The return of irregular migrants representing a threat to the public order	81
9.3.4 ‘Medusa’ operation	82
9.3.5 Detention of irregular migrants.....	82
9.3.6 (Joint) return flights	83
9.3.7 Measures to promote and facilitate voluntary return	86
9.3.8 Return of vulnerable migrants.....	91
9.3.9 Monitoring voluntary return and reintegration	92
9.3.10 Cooperation on return projects.....	92
ANNEXES.....	98
Annex A: Methodology and Definitions	98
Annex B: Transposition and implementation of EU legislation in Belgium in 2015	103
Annex C: National Statistics.....	107
Annex D: Studies of the Belgian Contact Point to the EMN	110

1. INTRODUCTION

This is the 12th policy report of the Belgian Contact Point of the European Migration Network (EMN). The report covers migration and asylum developments in Belgium during the period **1 January 2015 to 31 December 2015**. The objective is to inform policymakers as well as a wider audience on the most significant political and legislative (including EU) developments, as well as public debates in the area of migration and asylum, including relevant statistics.

A **wide range of sources** were used to draft this report, including published and adopted national legislation, government statements and reports, case law, publications from agencies and non-governmental organizations and press releases. Key partners, whose input was particularly appreciated in the drafting of this report, were also contacted, included in 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), the Federal Migration Centre (Myria) and the Interfederal Centre for Equal Opportunities (Unia, the former Centre for Equal Opportunities and Opposition to Racism), the Development Cooperation Department, the Federal Public Service Foreign Affairs (unit dealing with migration, asylum and the fight against trafficking in human beings), Federal Public Service of Justice (unit dealing with among others trafficking and smuggling of human beings), as well as the authorities on the regional level in charge economic migration and the ones in charge of integration policies.

This report was produced according to **common study specifications**¹ for the production of the EMN Annual Policy Report 2015. After an *introduction* which provides basic information on the legal framework and the asylum and migration policy in Belgium, an executive summary is given including an overview of the general context. *Chapters 3 to 9* describe specific developments in the area of legal migration and mobility, international protection including asylum, unaccompanied minors and other vulnerable groups, actions against trafficking in

human beings (THB), migration and development policy, irregular migration (including smuggling) and return. The *Annexes* provide information on the terms and definitions used, the implementation of EU legislation, national statistics, as well as a list of the studies published by the Belgian Contact Point of the EMN between 2009 and 2016.

This report, together with national contributions from other EMN National Contact Points, will serve to develop theme-based EMN Informs and Country factsheets, which will be made available on the website of the Belgian Contact Point (www.emnbelgium.be). It also aims to facilitate and further stimulate **information exchange between all stakeholders** active in the area of migration and asylum, such as governmental and non-governmental organizations, international organizations, universities and research organizations as well as the wider public.

Structure of Asylum and Migration policy

For the general structure of the asylum and migration policy and institutional context, previous policy reports written within the framework of the EMN can be consulted. Also, the EMN study “Organisation of Asylum and Migration Policies” provides concise yet comprehensive general information². The short overview below focuses on institutional changes that are particularly relevant.

Belgian state structure

Belgium is a federal state with a complex state structure: the federal level and regional level (Communities and Regions) have their autonomous competences. The federal state retains powers in several areas, including foreign policy, national defence, justice, finance, social security and the bulk of public health and home affairs. Migration and asylum policies are federal competences, except for economic migration (Regions) and integration policies (Communities and Regions). The language-based communities are responsible for culture and issues directly related to individuals and their language, such as

¹ EMN Specifications for Annual Policy Report 2015 are presented in MIGRAPOL Doc 348 b (Part 2), 9 November 2015.

² All reports are available on: www.emnbelgium.be

aid to people, health and education, integration of foreigners and emancipation of ethno-cultural minorities³, whereas the territory-oriented regions are responsible for “territorial” issues, such as farming, water policy, housing, public works, energy, transport, environment, land planning and town planning, rural development, nature conservation, economy & labour market management, the supervision of the provinces, municipalities and associations of local authorities and economic migration.

The current federal state is the result of different state reforms. After the longest government negotiations in Belgian history, a new institutional agreement was found in December 2011. The political agreement of December 2011 is entitled ‘A more efficient federal state and more autonomous entities’, and was translated into legislation through the Special Law of 6 January 2014⁴. This sixth state reform concerns different areas, including economic and student migration, and will take place in several stages.

Organisation of Migration and Asylum related issues in Belgium

In general, immigration and asylum related issues fall under the competence of the federal government. Integration is mainly the competence of the Communities and in Wallonia this is transferred to the Region. Labour migration – which used to be a mixed competence of the federal state (legislation) and the regions (implementation of the legislation), has been further regionalised in the framework of the sixth state reform.

Since immigration and asylum are mainly federal competences, political responsibility lies at the level of the federal government. Federal elections took place in May 2014, leading to a new federal government led by Prime Minister Charles Michel (MR). The current State Secretary⁵ for Asylum Policy and Migration, in charge of Administrative Simplification is Mr. Theo Francken (N-VA), who was sworn in in October 2014. He is attached to

the Minister of Security and the Interior, Mr. Jan Jambon (N-VA).

The Immigration Office⁶ is the public service responsible for the entry, residence, settlement and removal of foreign nationals. The Immigration Office is also in charge of applying the Dublin III Regulation and of managing asylum applicants' residence requirements throughout the asylum procedure.

The Office of the Commissioner General for Refugees and Stateless Persons (CGRS), an independent body, is the key-player in processing asylum applications and grants or denies refugee status or subsidiary protection status.

Since 2007⁷, the Council for Alien Law Litigation (CALL) has acted as an appeal court competent to hear appeals against decisions taken by the CGRS with regard to the granting of protection statuses, and against other decisions taken by the Immigration Office (e.g. decisions on visas, residence permits, etc.).

The Federal Agency for the reception of asylum seekers (Fedasil) is in charge of the reception of asylum seekers. It also falls under the supervision of the federal State Secretary for Asylum Policy and Migration, in charge of Administrative Simplification. Fedasil acts also as coordinating body for the Belgian policy on assisted voluntary return (AVR). Fedasil delegates the practical organization of the AVR-programs mainly to the International Organization for Migration (IOM).

Other relevant bodies in the field of asylum and migration in Belgium are the Council of State (Supreme Administrative Court), the Federal Police, the Federal Migration Centre (Myria) and the Interfederal Centre for Equal Opportunities (Unia, the former Centre for Equal Opportunities and Opposition to Racism), the Federal Public Service (FPS) Foreign Affairs, the FPS Justice, the FPS Labour and the regional/community ministries in charge of Integration and of Employment.

The central law regarding migration and asylum issues in Belgium is the Law of 15 December 1980

³ The repartition of fields of competences is in reality more complex since some competences have been transferred from one entity to another (e.g. integration was transferred from the French Community to the Walloon Region in Wallonia and to the COCOF in the Brussels-Capital Region).

⁴ Special Law of 6 January 2014 on the sixth State reform, Belgian Official Gazette, 31 January 2014.

⁵ In Belgium, ‘State Secretary’ is the title given to deputy ministers.

⁶ The Director-General of the Immigration Office is legally the delegate of the responsible State Secretary.

⁷ Before the reform of 2007, the Permanent Refugee Appeals Commission (and partly the Council of State) was the competent appeal court.

on entry, residence, settlement and removal of foreign nationals (hereafter called "Immigration Act"), also governing the asylum procedure and the competences of asylum institutions. The Royal Decree of 8 October 1981 pertaining to entry, residence, settlement and removal of foreign nationals implements the Immigration Act. Both the Immigration Act and the Royal Decree have been modified many times since their adoption. In addition, many directives or internal regulations have been adopted by the administration for the implementation and the interpretation of the Immigration Act and of the Royal Decree of 1981.

Reception conditions for asylum seekers and for certain other categories of foreigners are regulated by the Law of 12 January 2007.

Other implementing decrees and circular letters organize other matters related to migration law, such as transporters' sanctions, unaccompanied minors, victims of human trafficking, etc. Foreigners' access to work is regulated by the Law of 30 April 1999 and its implementation Decree of 9 June 1999. Belgium is also a signatory party to the 1951 Geneva Convention relating to the Status of Refugees and the 1967 Additional Protocol, as well as to the European Convention for the Protection of Human Rights and Fundamental Freedoms and the 1954 Convention Relating to the Status of Stateless Persons and the United Nations Children's Rights Convention.

2. EXECUTIVE SUMMARY

It goes without saying that the political context of 2015 was very much determined by (the challenges associated with) the **high numbers of asylum applicants in Belgium**. Since the **terrorist attacks** in Paris in November 2015 and in Brussels (airport and metro) in March 2016, national security and the fight against terrorism became the top political priorities.

General context

There were no elections held in Belgium in 2015. The governments and parliaments in place (at federal level and at the level of the Regions and Communities) are the result of different elections held in 2014.

The federal government, led by Prime Minister Charles Michel (MR), in place since October 2014⁸, is a coalition government composed of four parties: the Reformist Movement (MR), the New Flemish Alliance (N-VA), the Flemish Christian Democrats (CD&V) and the Open Flemish Liberals and Democrats (Open Vld). The State Secretary for Asylum Policy and Migration, also in charge of Administrative Simplification, is Theo Francken (N-VA).

The State Secretary for Asylum Policy and Migration annually presents a **General Policy Note** with the priorities for the coming year. A General Policy Note was presented on 28 November 2014 and the latest is from 3 November 2015.⁹

In 2015, the Regions dealt with the concrete and practical implementation of the transfer of competences following the institutional reform in Belgium. The law on the **sixth state reform**¹⁰ transferred a large set of competences from the federal level to the Communities and the Regions. The law was approved in January 2014 and entered into force on 1 July 2014.

⁸ After the federal elections of May 2014.

⁹ General Policy Note, State Secretary for Asylum Policy and Migration in charge of administrative Simplification, Doc 54 0588/026, 28 November 2014 and General Policy Note, State Secretary for Asylum Policy and Migration in charge of administrative Simplification, Doc 54 1428/019, 3 November 2015.

¹⁰ [Special Law of 6 January 2014 on the sixth State reform](#), *Belgian Official Gazette*, 31 January 2014.

In the field of migration, the Regions (Brussels Capital, Flanders and Wallonia) and the German-speaking Community are now responsible for the development of an **economic migration policy** better tailored to the needs of their labour market and economy. This includes competence for the legislation, application, control and maintenance of **work permits** (permits A and B) and professional cards. Furthermore, the Communities (Flemish, French-speaking and German-speaking), which are responsible for the educational policy in their respective linguistic areas, now have the possibility to develop their own policies on so-called '**student permits**'. These permits will be needed to obtain a residence permit, which means that Communities can now play an important role in the policy on student migration. However, the federal state remains responsible for the entry and the right of foreigners to reside on the territory, as well as for work permits C (work permit issued to migrants with a temporary residence permit for other reasons than 'employment', such as asylum seekers).

The Regions and Communities are effectively responsible for these matters as of 1 July 2014. However, the actual transfer of the budget and the officials from the federal state towards the Regions and Communities only took place in 2015. During the **transition period**, transitional arrangements applied: the federal staff members who were previously in charge of the transferred powers continue to exercise them on behalf of the competent Region or Community. As long as the Regions and Communities do not decide on new legislation, the federal legislation still applies.

International protection, unaccompanied minors and other vulnerable groups

2015 was marked by a significant **increase in the number of asylum applications** lodged in Belgium. In 2015, 44,760 asylum applications were registered (including 39,065 first time applicants), almost a doubling of the number of applications in 2014. The number of applications was particularly high in the second half of the year, and peaked in September with 6,830 applicants. In 2015, the top 3 countries of origin were Syria (10,415), Iraq (9,470) and Afghanistan (8,310). These three nationalities represent about 63% of the total number of applications lodged in

2015. In 2015, the recognition rate for applicants of international protection continued to rise and was higher than ever, with an average of about 55% of the decisions taken in 2015, reflecting the high number of decisions made in respect of applicants coming from war torn countries.

The sudden and very high increase in the number of applications during the second half of 2015 amplified the pressure on the national asylum system and the reception structures. The Belgian government reacted by **increasing the reception capacity** and reinforcing the asylum authorities. In less than six months, the total reception capacity doubled up to 33,500 reception places at the end of 2015. Efforts were made to speed up the decision making and reduce processing time. Moreover, the reception agency took a number of measures to increase efficiency and to optimize the use of places in the reception network.

In the course of 2015, Belgium continued its cooperation with EASO in (among others) training activities, COI activities and the development of common practical tools. Belgium also seconded staff for the deployment of Asylum Support Teams in the framework of the provision of emergency and special support to Italy, Greece, Bulgaria and Cyprus.

Furthermore, Belgium increased its efforts with regard to **resettlement** activities. By the end of 2015, 276 refugees were resettled to Belgium. Besides, an additional 281 Syrians arrived in Belgium with a humanitarian visa. At the end of 2015, Belgium started with the **relocation** of 6 (out of the first 30) asylum applicants from Italy.

The report also focuses on **vulnerable groups**. In 2015, 2,650 asylum applications by unaccompanied minors were registered in Belgium (compared to 470 in 2014), mainly from Afghanistan (1615). The reception capacity for this group increased to more than 2,000 places; actions were taken to improve identification and the number of guardians increased substantially. For vulnerable groups in general, the idea is to have a new reception model (that could not yet be implemented in 2015 due to the asylum crisis) where collective reception applies as a general rule and individual reception is reserved for vulnerable asylum seekers. For each of the

vulnerable groups, a 'reception path' will be elaborated taking into account specific needs.

Legal migration and mobility

Since March 2015, people applying for certain residence permits need to pay **mandatory fees** (EUR 60, 160 or 215) in order to cover the administrative costs related to the processing of their application. Payment of this fee is a condition for the admissibility of applications for certain type D visas and for certain residence permits in Belgium.

In the field of **economic migration**, the focus lied in 2015 on the concrete and practical implementation of the transfer of competences following institutional reforms in Belgium (a transitional period was still partly running in 2015 and is foreseen to end in 2016), as well as on preparations to transpose the different EU-directives (Single Permit, ICT, Seasonal workers). In November 2015, the European Commission referred Belgium to the European Court of Justice for non-transposition of the Single Permit Directive. The transposition (expected by 25 December 2013) became a very complex matter in Belgium since it coincided with this ongoing institutional reform of the policy on economic migration. The transposition is now finally expected in the first half of 2016.

Given this context, there was not much opportunity for the development of (other) new policies. However, two measures were taken concerning facilitated access to the labour market for specific groups:

- Since December 2015, asylum seekers have access to the labour market after four months in the asylum procedure instead of six months.
- The different Regions facilitated access to the labour market for long-term residents. They no longer need a work permit after working 12 months in a bottleneck occupation.

Concerning family reunification there are no legal developments to report for 2015. However, a number of modifications have been developed and decided on, and are expected to become law in 2016.

- First of all, and due to the high influx of migrants and refugees, the federal

government decided to lengthen the maximum duration of the family reunification procedure for third country nationals from six to nine months, with possible extensions in complex cases Law approved and published in 2016)).

- Another draft law (that was approved and published in the first semester of 2016) foresees - among others - to lengthen the period of control in case of a family reunification for family members of third country nationals. During 5 years (instead of 3 now) after the granting of a temporary residence permit, the Immigration Office can check whether the conditions for family reunification are still being fulfilled. This modification brings the legislation in accordance with the five year period in force since 2013 for family members of Belgian and EU-citizens.

In 2015, the Belgian authorities continued to conduct **information, prevention and dissuasion campaigns** in certain third countries of origin, including also two campaigns using social media (Iraq and Afghanistan). Information activities were also carried out in Belgium, both specific activities targeting migrants (Albanians, Iraqis, migrants with an order to leave the territory, etc.) and a range of actions to inform the Belgian public about migration and asylum.

Regarding **migration management**, the Visa Information System (VIS) was installed in the last seven regions in 2015 and - since February 2015 - the 13 Belgian border posts are equipped with the VIS. Furthermore, on the initiative of Belgium, a project was launched (together with 11 European countries) to set up a Consular Cooperation Mechanism on Schengen Visa Processing in selected third countries presenting a high risk of fraudulent Schengen applications.

Concerning **Schengen governance**, Belgium was in 2015 within the first group of countries where a Schengen evaluation took place on the basis of the new evaluation and monitoring mechanism that came into force at the end of 2014 (EU Regulation No 1053/2013). The evaluation took place in April and May 2015. Belgium will have to elaborate action plans to implement the five recommendations it received. Belgium shall

further report on this to the Council and the European Commission in 2016.

Integration

In Belgium, the Communities (Flemish, French and German) and the Regions (Flanders, Wallonia and Brussels) are responsible for integration policies and also to a large extent for labour market policy.

Given the high influx of asylum seekers (and the increase in the number of beneficiaries of international protection), integration policies were – even more than before – high on the political agenda. The different governments allocated additional financial resources to labour market integration programmes; task forces were set up at the local level and civil society actors and volunteers launched initiatives to prepare for the increasing numbers of beneficiaries of international protection.

In every Region, there is some form of **civic integration pathway** (which includes voluntary or compulsory language courses, orientation courses, individual assistance and/or professional orientation) that exists or is being implemented. Recent changes involve the following:

- In Flanders, an integration pathway already exists since 2004. Since January 2015, the existing institutions and organisations of Flanders and Brussels in the field of integration and civic integration were merged and integrated into one External Autonomous Agency. Moreover, the Flemish government announced that from 1 January 2016 onwards candidates who want to acquire a certificate of civic integration at the end of the integration programme will have to pass a test and demonstrate they have reached a certain level of Dutch.
- In Brussels, following the approval of the reception and integration pathway for newcomers in 2013, the government announced in November 2015 the beginning of a compulsory integration pathway, including language training, to be voted in 2016 and implemented in 2017.

- In Wallonia, an integration pathway for newcomers was adopted in March 2014 and in the beginning of 2016 a decision was taken on a draft decree to introduce a mandatory integration programme in Wallonia. The Decree will make all the components of the programme compulsory (reception module, learning French, citizenship training and adapted socio-professional assistance).

Countering trafficking in human beings (THB)

On 15 July 2015, the **new national Action Plan** on the fight against human trafficking 2015-2019 was released. This action plan aims among others to optimise legal or regulatory criminal instruments and ensure their efficient implementation, develop long-term and coordinated training programmes and refine the protection status of victims and improve the positioning of reception centres. Furthermore, better synergy between federal and regional actors in Belgium will be developed to reinforce actions at all levels.

Information and training activities in the field of **prevention** continued. The need for awareness raising and prevention efforts regarding trafficking in football circles has attracted attention in 2015. A Resolution adopted by the Parliament of the French community on 29 April 2015 called inter alia for a quantitative assessment of the phenomenon, consultations with all stakeholders concerned, prevention and awareness-raising actions in Belgium and in third countries and joint responses with the European Union.

The protection of victims has also been at the centre of international cooperation projects (Benelux, RAVOT-EU, EU Guidelines project for comprehensive integrated medical support). Moreover, the circular relating to the **investigation and prosecution** policy in the fight against human trafficking was updated to bring it into accordance with legislative changes at national and international level.

Migration and development

At the end of 2015, the Minister for Development Cooperation put forward three **priorities** for the

Belgian development policy, including addressing the root causes of migration, particularly through the 'more for more' principle.

In May 2015, the Belgian government redefined its **partner countries** for governmental cooperation (from 18 to 14) and it decreased the amount of multilateral organisations (from 20 to 14) to be partners of the Belgian Development Cooperation. The aim is to avoid a dissipation of efforts and to increase synergies. The Belgian Development Cooperation decided to focus on fragile States and post-conflict zones in geographically homogeneous regions: northern and western Africa as well as the Great Lakes region.

In July 2015, the members of the **Interdepartmental Commission on Policy Coherence for Development (PCD)** were designated - with tasks concerning information exchange, awareness raising and making recommendations - and they gathered for the first time in October 2015 (and again in February 2016). The Commission decided to work on migration and peace and security as priority areas. In addition to this, existing informal coordination mechanisms were further used in 2015.

Furthermore, Belgium assumes the one-year Presidency of the Council of the International Organisation for Migration (IOM) since November 2015. In general it also participated and provided funding in several migration and development projects in 2015.

Irregular migration including smuggling

In the field of **enhanced border management**, the federal Border Police opened the first six eGates or automated border control gates at Brussels National Airport in July 2015. Belgium also continued its operational cooperation with Frontex and the other EU Member States via active participation in several Joint Operations. The Immigration Office further financed IOM projects in the field of border management with third countries: the Democratic Republic of Congo (border control in the province of Bandundu) and Morocco (return and reintegration of African migrants irregularly staying in Morocco).

In the **fight against misuse of legal migration channels**, multiple initiatives were taken in the field of identity fraud, which became increasingly important against the background of the migration crisis and the terrorist events. Legal modifications were also prepared in the fight against misuse of the right to family reunification: actions against false declarations of parenthood were discussed and, at the beginning of 2016, the decision was taken to extend the period to control the fulfilment of the conditions for family reunification (see above).

The first Belgian Action Plan specifically on the **fight against human smuggling** was adopted in December 2015, covering the period 2015-2018. It includes - among others - measures to allow conducting particular investigations, tools to better disseminate information and training within the financial community, joint investigations and border controls to tackle common challenges and improved data collection. Throughout the year, actions were taken in the field of **control and investigation** (e.g. control actions were pursued on routes used by smugglers, a smuggling gang active in car parks along the E17 and E40 auto routes was dismantled), **prevention** (e.g. awareness about human smuggling was raised among potential migrants in Albania and Nigeria; measures targeted at truck drivers and transport companies were developed in Belgium, etc.) and **protection** (a working group was set up in 2015 to develop a vade-mecum on the referral of unaccompanied foreign minors).

Return

Return (of rejected asylum applicants) continued to be a priority of the government in 2015. The number of forced and voluntary returns increased.

A specific priority of the State Secretary for Asylum Policy and Migration is the return of irregular migrants (and rejected asylum seekers) who were involved in **public order issues**. The number of removals of foreign nationals who committed a crime more than doubled in comparison to 2014. Changes made to the Belgian criminal law (published at the beginning of 2016) made it possible to remove foreign nationals who committed a crime to their country of origin within six months before the end of

their sentence as well as six months before an early release.

Belgium continued to invest in the organization of **return flights** (in collaboration with Frontex and other Member States): in 2015, it organized or participated in 25 return flights, accounting for a total of 154 returnees. The main countries of destination were Albania, Democratic Republic of Congo and Serbia.

The aim of the State Secretary is to **increase the capacity of the closed return centres** for irregular migrants and rejected asylum seekers from 452 residents (in November 2015) to 605 residents in 2016. The increase in capacity and staff started at the end of 2015, but most of it will be achieved in 2016. Furthermore, the State Secretary also indicated that one of the aims of the return policy for 2016 was to set up closed housing units for families.

On the issue of **voluntary return**, a specific Action Plan was developed by Fedasil and presented by the State Secretary in July 2015, with a focus on voluntary return in the framework of the open return places. The Action Plan has three main goals: embed and strengthen the 'return path'; improve access to the voluntary return programme; and inform irregular migrants outside of the reception system about voluntary return (both directly and indirectly) via their formal and informal representatives. A series of measures were implemented in 2015 to meet these goals.

In 2015, 3,395 voluntary returns of third country nationals (excluding Dublin) were carried out, an increase compared to 2014. The increase in the number of Iraqi returnees was particularly important, as one out of every four voluntary returns in 2015 was to Iraq.

3. LEGAL MIGRATION AND MOBILITY

3.1 Economic migration

In 2015, the focus in this field lied on the transposition of the different EU-directives (Single Permit, ICT, Seasonal workers) on the one hand and on the concrete and practical implementation of the transfer of competences following the institutional reforms in Belgium. Therefore, there was not much opportunity for the development of new policies. This might change in 2016.

Furthermore, a fee was introduced in March 2015 for the processing of certain applications, also in the framework of labour migration (see below, part 3.4).

Regions focus on the integration of their new competences following the State reform

In 2015, the regional authorities Brussels-Capital, Flanders and Wallonia, as well as the German-speaking Community, were actively working on the incorporation of their new competences on economic migration.

As explained in the Belgian Annual Policy Report 2014, this reform includes both the policy on employment of foreign nationals and foreign professional activities. Since July 2014, the Regions and the German-speaking Community are officially competent for the legislation, the application, the control and the maintenance of work permits and professional cards. In practice, a transitional period was still partly running in 2015 (especially concerning control and maintenance) and is foreseen to end in 2016¹¹.

¹¹ This regionalization aimed at providing the Regions with the necessary powers to have an economic migration policy fully adjusted to the needs of their labour market and economy. Before 1 July 2014, the federal government was competent for regulating and executing the policy on self-employed economic migrants (via the delivery of professional cards). The federal state also had competence over the legislative framework on the employment of foreign nationals, while the Regions were in charge of the

The Regions were already in charge of the implementation of the policy on work permits, which included - among others - the granting of the said permits. Following the sixth State reform, the regulatory competence in terms of the work permits A and B (work permits for economic migrants) and the professional card shifted to the Regions, while the right to reside on the territory remains a federal competence. The regulatory competence in terms of the work permit C (work permit issued to migrants with a temporary residence permit for other reasons than 'employment', e.g. asylum seekers) also remains a federal competence.

Ongoing process to transpose EU-directives related to economic migration

In November 2015, the European Commission referred Belgium toward the European Court of Justice for non-transposition of the Single Permit Directive¹². The transposition (the deadline was 25 December 2013) became a very complex matter in Belgium since it coincided with the ongoing institutional reform of the policy on economic migration (see above). The transposition is now finally expected in the first half of 2016. At the end of 2015, a political agreement was reached and arrangements were taken between the competent entities (the Federal State, the Regions and the German-speaking Community). The legislation is now on the table of the different governments for approval.

Linked to the transposition of the Single Permit Directive, preparations took place in the different Regions to transpose the ICT and Seasonal Workers directive.

execution, among others the granting of work permits for economic migrants.

¹² European Commission, *Press release: Commission refers Belgium to the Court of Justice of the European Union regarding the Single Permit Directive*, 19 November 2015, http://europa.eu/rapid/press-release_IP-15-6011_en.htm

Facilitating admission

As said, in 2015, the Regions were working on the integration of their new competences on economic migration following the State reform.

- **Highly qualified workers:**
There are no significant new developments to mention on this issue for 2015. The intention is to apply - in the future - the procedure that will be put in place in the framework of the transposition of the Single Permit Directive also to Blue Card applications. Highly qualified workers continued to use the national work permit (type B) system much more frequently than the Blue Card system.
- **Intra-Corporate Transferees (ICTs):**
There are no significant new developments to mention. The ICT Directive is not yet transposed into national legislation. This will need to be done by the Regions.
- **Seasonal Workers:**
There are no significant new developments to mention. The Seasonal Workers Directive is not yet transposed into national legislation. This will need to be done by the Regions.
- **Migrants entrepreneurs:**
The competences on migrant entrepreneurs were fully transferred towards the Regions (and the German-speaking Community) as described above as of the first of January 2015 (end of the transition period).
- **Au pairs**
There are no significant new developments to mention. During the transition phase, the competence on au pairs remains at the federal level.

*** EMN Activities ***

2015 EMN Study: Determining labour shortages and the need for labour migration from third countries

In 2015, EMN conducted a study focusing on the the interconnection between labour shortages in the Member States and the labour migration policies they put in place to address such shortages.

The Belgian report was executed by researchers Ninke Mussche, Vincent Corluy and Ive Marx from the Herman Deleeck Centre for Social Policy of the University of Antwerp.

The study shows that Belgium, through its regions, has extensive experience in detecting labour market shortages (e.g. through shortage occupation lists, employer surveys, prospective studies, etc.). However, the link with labour migration is not fully developed. Belgium's labour migration system is largely based on the individual labour market needs of employers, and it only accommodates labour shortages directly and indirectly to a certain degree.

The **Belgian EMN study and the comparative EU-synthesis report** are available on the website of EMN Belgium:

<http://www.emnbelgium.be/publication/determining-labour-shortages-and-need-labour-migration-third-countries-belgium-and-eu-em>

National reports of other (Member) States are available on the European EMN website:

http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/economic-migration/index_en.htm

2015 EMN ad hoc query (AHQ) on residence permits for foreign investors

At the end of 2015, the Finnish Ministry of the Interior was looking into the possibility of granting residence permit to TCNs based on their investments into the Finnish economy. Hence the Finnish authorities launched an EMN ad hoc query in order to learn from other Member States what kind of prerequisites they have set to the potential investors and what experiences they have gained regarding investment based residence permits.

A total of 23 Member States sent their replies:

- 12 Member States informed that they granted such permits;
- 11 Member States, including Sweden, Norway and Belgium, told that they did not have a separate residence permit category for foreign investors.

More information is available on the website of EMN Europe:

http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/ad-hoc-queries/ad-hoc-queries-2016.1017_residence_permits_for_foreign_investors.pdf

Guaranteeing certain rights for third-country nationals who are already legally resident on the territory

- **Quicker access to the labour market for asylum seekers**

Since December 2015, asylum seekers have access to the labour market after four months in the asylum procedure instead of six months. On 9 December 2015, a Royal Decree¹³ came into force which stipulates that asylum applicants¹⁴ are granted access to employment after having spent four months in the asylum-procedure without having received a first instance decision from the Office of the Commissioner General for Refugees and Stateless Persons (CGRS). A work permit (type C) is required. For asylum applicants who want to be self-employed

¹³ [Royal Decree of 29 October 2015 modifying article 17 of the Royal Decree of 9 June 1999 on the execution of the Law of 30 April 1999 on the employment of foreign workers](#), *Official Belgian Gazette*, 9 November 2015.

¹⁴ Do note that persons with a refugee status have access to the labour market under the same terms as Belgians and do not require a work permit, nor a professional card. Applicants who have been granted subsidiary protection need to apply for a work permit (type C) or professional card (in case of self-employment).

workers, a professional card is required.

- **Facilitated access to the labour market for long-term residents**

The different Regions took measures to facilitate access to the labour market for long-term residents. They no longer need a work permit after working 12 months in a bottleneck occupation¹⁵.

- **Equal treatment**

No legal developments to report. Do note that the Flemish government approved a concept note¹⁶ in July 2015 on the

¹⁵ [Decree of the Flemish government of 26 June 2015 modifying the Royal Decree of 9 June 1999 on the execution of the Law of 30 April 1999 on the employment of foreign workers](#), *Belgian Official Gazette*, 23 July 2015 and [Decree of the government of the Walloon Region of 2 July 2015 modifying the Royal Decree of 9 June 1999 on the execution of the Law of 30 April 1999 on the employment of foreign workers](#), *Belgian Official Gazette*, 15 July 2015 and [Decree of the government of the Brussels Capital Region of 9 July 2015 on the execution of the Law of 30 April 1999 on the employment of foreign workers](#), *Belgian Official Gazette*, 14 September 2015.

¹⁶ Flemish government, [Note to the Flemish government. Concept note on an integrated policy for the recognition of competences](#), July 2015.

development of a common integrated policy framework on 'previously acquired competencies' for all policy areas. The planning is to have the legal framework (a Decree) in place by 2017.

- **Intra-EU mobility of third-country nationals between Member States**

No significant developments to report.

Planned efforts to avoid 'social dumping'¹⁷

Social dumping continued to be an issue of attention for the federal government. The federal government's 2015 action plan on social dumping¹⁸ was followed by a new action plan in March 2016¹⁹. These plans invest in a coordinated approach between the different (inspection) services and departments concerned, and a better information flow. The actions are not specifically aimed at social dumping of third country nationals. European cross-border fraud, including irregular posting of workers, continues to be a priority.

¹⁷*Social dumping* refers to the practice where workers from third countries are exploited as "cheap labour" in order to increase profit margins of companies. This would entail measures aimed at ensuring recruitment on the domestic labour market, if it is able to meet demand. It would also entail ensuring equal treatment of third country workers to nationals and EU citizens as regards working conditions, including pay.

¹⁸ Federal government, [Action Plan on Social dumping](#), December 2014.

¹⁹ Federal government, [Action Plan on Social dumping](#), March 2016.

2015 EMN Study: Changes in immigration status and purpose of stay in Belgium

In 2015, the EMN conducted a study to look into the ways, and extent to which, (Member) States' existing legal framework allows legally admitted third-country nationals to switch from one status to another. The study provided an overview of the **conditions** in place in EU (Member) States that regulate the changes of status between different categories of third-country nationals and the **criteria** for issuing a particular authorization to stay/residence permit. The study also looked into the **rights** associated with a particular authorization or permit, while comparing it with the legal framework that allows status changes.

Although in **Belgium** the general legal rule is that a request for a residence permit needs to be submitted from abroad, since 2007 TCNs can change their residence status in Belgium to almost any possible other residence status, as long as the TCN is legally staying in the country at the moment of filing the request and meets the eligibility conditions that are linked to the immigration status that he/she wants to obtain. The only limitation applies to certain TCNs with a pending residence application right that allows them to stay in Belgium while their application is processed (like asylum seekers) or those that are irregularly staying.

The **Belgian EMN study** was outsourced to law firm *Fragomen* (authors: Jo Antoons and Evelyne Van Der Elst) and is available on the website of EMN Belgium:

<http://www.emnbelgium.be/publication/changes-immigration-status-and-purpose-stay-belgium-emn>

The **comparative EU-synthesis** report will soon be available (summer of 2016). The **national reports** of other (Member) States are available on the European EMN website:

http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/legal-migration/index_en.htm

3.2 Family reunification

Except for the fee that was introduced for the processing of an application for family reunification (see below, part 3.4), there are no legal developments to report for 2015. However, a number of modifications have been developed and decided on, and are expected to become law in 2016.

Planned measures - expected for 2016:

- **Lengthening the maximum decision time for family reunification requests.** The federal government decided to lengthen the maximum duration of the family reunification procedure for third country nationals from six to nine months²⁰. The reasoning behind this

decision is that – due to the high influx of migrants and refugees - the number of requests for family reunification is rising and the authorities need enough time to process the requests. In complex cases, it would remain possible to extend the nine months period by two times three months. The Law was

- **Extending the period to control the fulfilment of the conditions for family reunification from three to five years**

In March 2016 a draft government law²¹ was being put to the vote in the

²⁰ This Law was finally approved and published in 2016: [Law of 17 May 2016 modifying articles 10ter and 12bis of the Law of 15 December 1980 on the access, residence, settlement and removal of foreign nationals](#), *Belgian Official Gazette*, 28 June 2016. See also: Belgian government, *Press*

release after the Council of Ministers of 18 December 2015, www.presscenter.be/nl/pressrelease/20151218/behandelingstermijn-aanvraag-voor-gezinshereniging-met-derdelanders-verlengd-t.

²¹ It became the [Law of 4 May 2016 concerning divers provisions on asylum and migration modifying the Law of 15 December 1980 on the access, residence, settlement and removal of foreign nationals and the Law of 12 January 2007 on the reception of asylum seekers and certain other categories of foreigners](#).

Belgian Parliament. One of the provisions of this draft law concerned the lengthening of the period of control in case of a family reunification. This period would be extended from three to five years after granting a temporary residence permit to a third country national's family member. During this period, the Immigration Office can check whether the conditions for family reunification are still being fulfilled. If not, the Immigration Office can withdraw the residence permit of the third-country national's family members.

This modification brings the control period for family members of third country nationals in accordance with the five year period in force since 2013²² for family members of Belgian and EU-citizens.

In the same draft law, modifications are foreseen concerning the individual needs examination in case an applicant for family reunification cannot prove he/she meets the income requirements²³.

- **Measures concerning the fight against misuses of family reunification** (see section 8.2.2.).

3.3 Students and researchers

A fee was introduced in 2015 for processing student permit applications (see below, part 3.4).

As explained in the Belgian Annual Policy Report 2014, student migration is subject to an institutional reform. The competence on the issue of student migration is being transferred from the Federal State to the Communities (the Flemish, the French and the German-speaking community). However, the Law on the sixth State reform, which was approved at the beginning of 2014, does not include an

article involving a transfer of competence on student migration. In the commentary annexed to the Law, it is argued that, since educational policy already was a competence of the Communities, no legal transfer of competence is needed. By analogy with the policy on economic migration, the issuance of residence permits to students remains a federal competence. However, through this (political) transfer of the competence, the Communities can now develop their own policy on the issuance of so-called 'student permits'. Since this student permit will be needed to obtain a residence permit, the Communities have a decisive role in the policy on student migration. This way, the policy should be better suited to the reality of the different Communities.

The Communities (the Flemish, the French and the German-speaking community) can now develop their own policy on the issuance of so-called 'student permits'. The 'student permit' does not yet exist in any of the Communities and it remains too early to report on how the different Communities will draw up their own policy on student migration.

Planned measures

In his General Policy Note²⁴, the State Secretary for Asylum Policy and Migration announced new measures concerning the fight against misuses (see section 8.2.3. of this report). He also announced that the possibility to reform the regulations for foreign students would be examined in order to better take into account the reality of the education system and European regulations. In line with the on-going state reform, this will be done together with the Communities. No concrete measures were taken yet.

²² Entry into force on 11 July 2013 of the Law of 28 June 2013. Before, there was also a three year control period for family members of EU or Belgian citizens (articles 40bis/40ter) within a period of five years (instead of three) following the granting of such right.

²³ If an applicant for family reunification cannot prove he fulfils the income requirement, the Immigration Office cannot automatically refuse the application. It must do an individual needs examination.

²⁴ Belgian House of Representatives, [General Policy Note on Asylum and Migration](#), 3 November 2015, DOC 54 1428/019.

3.4 Other aspects of legal migration: Fees for processing residence permit applications

Since 2 March 2015, people applying for certain types of residence permits need to pay a fee of EUR 215, EUR 160 or EUR 60 beforehand. Payment of this fee is a condition for the admissibility of applications for certain type D visas and for certain residence permits in Belgium²⁵.

What fees for which residence permit applications²⁶?

The fee has to be paid by each person who is 18 years of age or older, and per application. The contribution is mandatory for applications for an 'authorization or admission to stay' which are submitted under certain articles of the Immigration Act. There are exceptions for certain categories.

The amount of the fee depends on the type of application. These differences are not justified by a difference in the administrative costs of the Immigration Office, but they are by supranational legislation which would prohibit payment of a higher fee, and by the particular nature of certain categories of foreigners and of applications.

The **amounts** are:

- **EUR 215** for a residence application on the basis of:
 - Art. 9bis of the Immigration Act (regularisation based on humanitarian grounds);

²⁵ The [Program Law of 19 December 2014](#) inserted in the Immigration Act a provision requiring the payment of a fee covering the administrative costs of the Immigration Office for the processing of certain residence applications. The [Royal Decree of 16 February 2015](#), modifying the Royal Decree of 8 October 1980 relating to the entry, residence, settlement and removal of foreign nationals determines the amount of the fees as well as practical arrangements for collecting them.

²⁶ Information obtained from Kruispunt Migratie-Integratie, *Bijdrage in administratieve kost voor verblijfsaanvragen vanaf 2 maart 2015*, 27 February 2015, <http://www.kruispuntmi.be/nieuws/bijdrage-in-administratieve-kost-voor-verblijfsaanvragen-vanaf-2-maart-2015>

- Art. 9 of the Immigration Act (e.g., labour migration from a country without a bilateral agreement, and humanitarian visas), with some exceptions (e.g., free for the beneficiaries of the Association Agreement between the EU and Turkey);
- Art. 61/11 of the Immigration Act (participation in a research project as a researcher, in the framework of a hosting agreement with a recognized research institute);
- Art. 19 § 2 of the Immigration Act (authorization to return to Belgium after a period of absence longer than a year), with some exceptions:
 - Free for the beneficiaries of the Association Agreement between the EU and Turkey;
 - Free for recognized refugees and their family members;
- Art. 61/27 of the Immigration Act (highly skilled third country national with a European Blue Card).
- **EUR 160** for a residence application on the basis of:
 - Art. 58 of the Immigration Act (students). [Do note that the State Secretary announced that international scholarship students will be exempted from paying the fee.];
 - Art. 10 or 10bis of the Immigration Act (mostly family reunification with a third country national who has a residence permit), with some exceptions, such as:
 - Free in case of family reunification with a recognized refugee or with a beneficiary of subsidiary protection;
 - Free for the beneficiaries of the Association Agreement between the EU and Turkey;
 - Art. 40ter of the Immigration Act (family reunification with a Belgian national), with some exceptions (e.g., free in case of family reunification with a Belgian national provided he/she and the

family member have exercised their right to free movement).

- **EUR 60:**
 - For example, long-term residents in another EU Member State applying for residence in Belgium.

A fee also has to be paid in case of a **change of status for one of these reasons**. Those who already have a temporary or short stay permit in Belgium and who submit one of the above mentioned residence permit applications (from short to long stay or from one reason to issue the permit to another reason in Belgium), also have to pay a fee.

No contribution has to be paid for other residence permit applications, for a registration with a type D visa, for an extension or for a renewal of the residence permit:

- No contribution to be paid to cover the administrative costs of **other residence permit applications**, such as:
 - Type C visa (short stay);
 - Asylum application, or admission to stay after being granted refugee status or authorization to stay after being granted subsidiary protection;
 - Application for a regularization on medical grounds;
 - The right to return during one year;
 - Residence permit of a victim of trafficking or smuggling in human beings;
 - Residence permit of an EU-citizen or EEA-citizen or Swiss national exercising their right to free movement within the EU, and their family members.
- **No contribution to be paid for extensions or renewals of a same residence status:**
 - A contribution is not required for extensions or renewals of temporary authorizations to stay or admissions to stay;
 - There are no contributions to be paid for applications for authorizations to stay (C card) or

for the status of long-term resident in Belgium (D card) or for a permanent residence permit (E+ or F+ card).

What is the exemption for Turkish nationals and their families?

Beneficiaries of the Association Agreement of 12 September 1963 between the EU and Turkey are Turkish workers and self-employed workers (service providers) and their family members. The exemptions from the contribution are only valid for certain residence permit applications (as mentioned above).

How to pay the fee?

The amount has to be transferred to a bank account of the Federal Public Service Interior, Immigration Office. The fee can be paid by the applicant himself/herself or by a third party. Those who are unable to provide a proof of payment will be notified that their application is not admissible.

3.5 Promotion, information and awareness raising

Transparent Immigration Code

The Belgian Coalition Agreement of 9 October 2014 stipulated that the existing immigration and asylum legislation would be compiled within a single 'Immigration Code', which should be an understandable and easily readable document for both migrants and Belgian administrations. The aim of this document is to ensure transparency, uniformity and clarity of the migration and asylum procedures, and to provide precise definitions of the roles of the different actors involved²⁷.

In his General Policy Note on Asylum and Migration of November 2015, the State Secretary for Asylum Policy and Migration indicated that progress was made in 2015 regarding this Immigration Code as working groups were set up. He further added that

²⁷ [Federal Coalition Agreement](#), 9 October 2014, p. 151.

the work will be organized thematically (family reunification, protection, return...) ²⁸.

Information, prevention and dissuasion campaigns in third countries of origin

The following campaigns were carried out in 2015:

In the **Democratic Republic of Congo**, the Immigration Office financed the production of a film by a local theatre company – ‘Tarmac des Auteurs’²⁹- about the risks associated with irregular migration. The project was launched at the end of October 2015. The film was broadcasted on a series of local television channels.

The Immigration Office launched an information campaign in **Nigeria**, with a specific focus on Benin City, in February 2015. The campaign – implemented by the NGO Girls Power Initiative - aimed at informing the local population about the risks of irregular migration, trafficking and smuggling, and at providing them with practical indications on how to avoid these traps. Among others, the campaign stressed the risk of surrendering one’s passport and the importance of a written contract. The project included different activities (school visits, radio jingles, flyers, etc.) (see section 8.3 of this report).

Furthermore, an information campaign to prevent irregular migration was implemented in **Albania**. It focused on the abuse of the asylum procedure and on respecting travelling conditions. The campaign was funded by the Belgian Federal Agency for the reception of asylum seekers (Fedasil) and developed/implemented by the Immigration Office in close cooperation with the International Organization for Migration (IOM) Tirana. The campaign was officially launched in September 2015 and targeted the northern part of the country. The campaign included the following activities: debates with the local community; information sessions in schools and door-to-door visits by

volunteers; and an awareness raising workshop for journalists.

Specific actions in third countries of origin

Specific actions are carried out each year by the State Secretary for Asylum Policy and Migration, the Director General of the Immigration Office and immigration officers in third countries of origin.

In 2015, actions were carried out in Albania, Kosovo, Serbia and Georgia:

In the framework of the high number of Albanian citizens applying for asylum in Belgium, the State Secretary for Asylum Policy and Migration carried out an information and dissuasion mission in **Albania** from 19 to 21 January 2015. The State Secretary met – among others – with the Albanian Minister of the Interior and the Head of the State Police. One of the objectives of the visit was to properly inform Albanian citizens about migration to Belgium. The State Secretary pointed out that the recognition rate of Albanians applying for international protection is very low in Belgium. Other topics dealt with during the visit included Albanian criminals irregularly staying in Belgium, abuses of the asylum system, and return³⁰.

The State Secretary for Asylum Policy and Migration also visited **Kosovo** from 2 to 4 March 2015, in response to the high number of Kosovar people applying for asylum in Belgium at the end of 2014/beginning of 2015. During this visit, the State Secretary resorted to different media to disseminate the message that Kosovo is considered to be a safe country of origin by Belgium. As a result, most asylum applications from Kosovar people are rejected, and failed asylum seekers have to return to their country of origin. The State Secretary also stressed that asylum seekers do not receive money or a house in Belgium³¹. During his visit, the State

²⁸ Belgian House of Representatives, *General Policy Note on Asylum and Migration*, 3 November 2015, DOC 54 1428/019, p. 15.

²⁹ ‘Tarmac des Auteurs’ is a theater located in Kintambo (Kinshasa).

³⁰ Nieuw-Vlaamse Alliantie (N-VA), *Staatssecretaris Theo Francken (N-VA) boekt op zijn eerste ontradingsmissie naar Albanië mooie resultaten*, 22 January 2015, <https://www.n-va.be/persbericht/staatssecretaris-theo-francken-n-va-boekt-op-zijn-eerste-ontradingsmissie-naar-albanie>

³¹ Belgian House of Representatives, *Analytical report, Commission for the Interior, General Affairs and the Public Service*, 18 March 2015, CRABV 54 COM 118.

Secretary met with several national/local actors and organisations, including the Kosovar Minister of the Interior, the Kosovar Minister of European Integration, representatives of the police and the border police, the IOM, and national/local media³².

Furthermore, the State Secretary for Asylum Policy and Migration visited Serbia in April 2015. The main aim of the visit was to consolidate the good relations between Belgium and Serbia. The topic of the abuse of the Belgian asylum system was also dealt with.

The State Secretary also visited Georgia in June/July 2015. Among other objectives, this visit also fits in the government's commitment to continue dissuasion campaigns to limit the arrival in Belgium of asylum applicants who have little or no chance to be recognized as refugees.

In his General Policy Note on Asylum and Migration of 3 November 2015, the State Secretary for Asylum Policy and Migration indicated that, when analysing the figures of the last three years, it appears that dissuasion campaigns have led to a significant decrease in the number of asylum seekers from the targeted countries³³.

Information campaigns using social media

Two campaigns were launched using social media in 2015.

Iraq: On 3 September 2015, the Commissioner General for Refugees and Stateless Persons (CGRS) decided to temporarily freeze its decisions regarding asylum seekers from Baghdad and its surroundings³⁴. In the framework of this decision, the State Secretary for Asylum Policy and Migration launched an

information and dissuasion campaign on Facebook, which specifically targeted young men from Baghdad and its surrounding districts. Belgium informed Iraqi citizens that the CGRS's decisions regarding asylum seekers from Baghdad were temporarily 'frozen', that the Dublin procedure would be strictly applied, that promises made by smugglers are often false and that the expectations of asylum seekers in Belgium would possibly not be met³⁵.

Furthermore, on 22 September, the State Secretary for Asylum Policy and Migration sent a letter³⁶ in Arabic and English to all Iraqi asylum seekers present in a Belgian reception centre (see section 3.5 of this report).

The State Secretary considers that the information campaign targeting Iraqis, associated with the CGRS' decision to freeze its decisions regarding asylum applications of Iraqis from Baghdad and its subsequent decision not to grant subsidiary protection to Iraqis only because they come from Baghdad, led to an important decrease in the number of asylum applications from Iraqis, from 2,207 applications in September to 335 in December 2015³⁷. There was also an important increase in the number of Iraqis voluntarily returning to their country of origin in 2015 compared to the previous year (from 58 Iraqis in 2014 to 1,023 Iraqis in 2015³⁸).

Afghanistan: In November 2015, a message from the State Secretary for Asylum Policy and Migration was published in three languages (English, Dari, and Pashtun) on the Facebook page of the Belgian Immigration Office. It is addressed to Afghans planning to leave their country in order to apply for asylum in Belgium. It

³² Nieuw-Vlaamse Alliantie (N-VA), *Kosovo is een veilig land*, 4 March 2015, <https://www.n-va.be/persbericht/kosovo-is-een-veilig-land>

³³ Belgian House of Representatives, *General Policy Note on Asylum and Migration*, 3 November 2015, DOC 54 1428/019, p. 8.

³⁴ Commissioner General for Refugees and Stateless Persons, *Gel provisoire des décisions demandes d'asile irakiens*, 3 September 2015, <http://www.cgrra.be/fr/actualite/gel-provisoire-des-decisions-demandes-dasile-irakiennes>

³⁵ Belgian House of Representatives, *Question n° 301 of the MP Olivier Chastel of 30 September 2015 to the State Secretary for Asylum Policy and Migration, in charge of Administrative Simplification, attached to the Minister of Security and the Interior*, 21 December 2015, QRVA 54 055, pp. 461-462.

³⁶ The content of the letter was subject of criticism of among others NGO's and other organisations.

³⁷ Nieuw-Vlaamse Alliantie (N-VA), *Réduction de 85% des demandes d'asile d'Iraqiens*, 6 January 2016, <http://francais.n-va.be/actualite/reduction-de-85-pour-cent-des-demandes-dasile-diraquiens>

³⁸ Source: Fedasil

specifically targeted certain social groups and certain regions of Afghanistan³⁹. The message informed Afghans that paying smugglers to get to Europe is a waste of money and time, leading to dangerous situations without any guarantee of success. The message further warns potential migrants not to put faith in false promises by smugglers or social media. It also stated that the Belgian asylum authorities do not grant a protection status to all Afghan applicants and that every asylum application is investigated on its own merits. A rejection of the asylum claim results in an order to leave the country⁴⁰.

These messages/letters targeting Afghani and Iraqi nationals were called into question by several organisations and NGOs who argued - inter alia - that the information provided was incorrect, incomplete and/or tendentious⁴¹.

Priorities and planned information actions/campaigns in 2016

In the General Policy Note on Asylum and Migration of November 2015, the State Secretary for Asylum Policy and Migration indicated that dissuasion actions will be continued in countries considered as safe countries of origin⁴².

³⁹ Belgian House of Representatives, *Question n° 372 of the MP Olivier Chastel of 30 September 2015 to the State Secretary for Asylum Policy and Migration, in charge of Administrative Simplification, attached to the Minister of Security and the Interior*, 11 January 2016, QRVA 54 057, pp. 587-589.

⁴⁰ C. Joie, 'Theo Francken aux afghans : ne venez pas en Belgique', *Le Soir*, 25 November 2015, <http://www.lesoir.be/1053655/article/actualite/belgique/2015-11-25/theo-francken-aux-afghans-ne-venez-pas-en-belgique>

⁴¹ For example, see: Vluchtelingenwerk Vlaanderen, *Tendentieuze brief om Iraakse asielzoekers af te schrikken: onaanvaardbaar*, 7 October 2015, <http://www.vluchtelingenwerk.be/nieuws/tendentieuze-brief-om-iraakse-asielzoekers-af-te-schrikken-onaanvaardbaar>, or La ligue des droits de l'homme, *Lettre de Theo Francken aux demandeurs d'asile afghans : une dérive autoritaire et discriminatoire*, 27 November 2015, <http://www.liguedh.be/espace-presse/130-communiques-de-presse-2015/2455-lettre-de-theo-francken-aux-demandeurs-dasile-afghans-une-derive-autoritaire-et-discriminatoire->

⁴² Belgian House of Representatives, *General Policy Note on Asylum and Migration*, 3 November 2015, DOC 54 1428/019, p. 8.

Furthermore, the following information campaigns should be implemented in 2016⁴³:

A prevention campaign - that was organized in 2012 and 2014 in **Cameroun** - should be continued in 2016, more precisely in Yaoundé and in the western part of the country. This new campaign will specifically target young people and will put a focus on the conditions to obtain a visa and to enter the Schengen area. The campaign will include the following activities: TV and radio-spots; information session and awareness raising of local NGOs.

Belgium proposed to implement an awareness raising and information campaign in the framework of the Mobility Partnership with **Morocco**. This campaign would target both the Moroccan community in Belgium and Moroccans residing in Morocco. The aim is to better inform Moroccan citizens on the possibilities of regular migration to Belgium, including the applicable conditions of admission, as well as on the rights and obligations that derive from it, while also raising awareness on the risks of irregular migration.

Furthermore, an information campaign will be carried out in **Georgia**. It will focus on the dangers of irregular migration and the promotion of legal migration.

An information campaign is also planned in **Russia**, more specifically in Chechnya. The objective is to provide the local population with objective information on migration and thereby fight against the false information that is spread by smugglers. Topics that will be covered include the possibilities for legal migration, the procedures to obtain residence or apply for asylum and the risks associated with irregular migration. Planned activities include: conferences and flyers for students; information sessions on television and radio; advertisement activities in cities; or the creation of a website.

⁴³ Source: Immigration Office.

Furthermore, within the EU twinning project with **Kosovo** (led by the Netherlands), the Belgian Immigration Office will take the lead on the module on 'public awareness about the risks of irregular migration and the potential benefits of regular migration'. It should be launched in April 2016.

What's more, the Belgian Action Plan on the **fight against smuggling of human beings** 2015-2018 outlines a series of planned actions in this field⁴⁴, including the continuation of information projects in countries of origin (see section 8.3 of this report).

Information activities targeting migrants in Belgium

Fedasil and its partners implemented different activities and set up tools to inform migrants in Belgium about the possibilities of voluntary return (see section 8 of this report).

More specifically, Fedasil launched the **campaign 'return to Albania'** in early 2015. It aims at informing the Albanian community in Belgium about the option of voluntary return. It includes the distribution of a poster (in French, Dutch and Albanian), the publication of the said poster in an Albanian newspaper sold in Belgium, as well as the provision of services in Albanian at the return desks. Furthermore, Fedasil and the Immigration Office cooperated with the consulates of FYROM, Albania and Kosovo, to provide information to the Albanian-speaking community in Belgium on the topics of residence and voluntary return during several information sessions (see section 8 of this report).

What's more, in order to **increase the awareness of Iraqi nationals on voluntary return**, information posters (in English and Arabic) were put up in reception centres and in the Immigration Office. Fedasil and IOM also organized information sessions in different reception centres in November 2015, to inform Iraqi asylum seekers and

the social workers about voluntary return to Iraq (see section 4 of this report).

It is also worth mentioning that - in September 2015 - the State Secretary for Asylum Policy and Migration sent a **letter in Arabic and English to all Iraqi asylum seekers present in a Belgian reception centre**. The letter informed them about the freeze of decisions by the CGRS, the fact that Belgium will fully implement the Dublin procedure, and the caution to exercise with regard to the false promises made by smugglers or on social media. The letter was accompanied by information on the possibilities for voluntary return.

The **CGRS launched its new website** on 24 June 2015 (www.cgrs.be), which is available in Dutch, French and English. The renewed website is based on easy web language and a clear structure so that the asylum applicant but also every person accompanying him/her, can familiarize himself/herself with the Belgian asylum procedure. Recognized refugees, beneficiaries of subsidiary protection and stateless persons can also find information on their rights and obligations on the website (e.g. booklets...). The site also provides statistics, news and other information for journalists, academics, and any other interested person.

Furthermore, the Immigration Office continued in 2015 to undertake **activities to inform migrants, to whom an order to leave the territory was notified, on their rights and duties**. These included – among others - active information sharing by the municipalities as well as a website (www.sefor.be) and leaflets in 23 languages with information about the return procedure and the consequences of an order to leave the territory.

As several activities and tools addressed both migrants and the general public in Belgium, also see section below.

Informing and raising awareness of the Belgian public on asylum and migration

In 2015, **Fedasil and its partners** continued to undertake activities to inform the Belgian population about asylum related issues.

⁴⁴ Interdepartmental cell for the coordination of the fight against trafficking and smuggling in human beings, [Action Plan – The Fight against human smuggling 2015-2018](#), 8 December 2015, p. 14-15.

Reception centres for asylum seekers regularly organized **neighbourhood initiatives** and participated in initiatives launched by the neighbourhood or external partners. The objectives of these neighbourhood initiatives are – among others - to integrate the reception centres in their local environment; to properly inform the local population about the functioning of the centre and on asylum and reception in general; to make the centres more open and accessible to their environment; and to build a network of partners and mobilize them. These neighbourhood initiatives can take different forms, including: open-house days, discussions with the municipal authorities/police, cooperation with local sports associations, workshops for external people and asylum seekers, cultural activities, activities aimed at children, guided tours of the centres, activities for volunteers, etc. Furthermore, the reception centres sent out newsletters to people residing in the neighbourhood, partners, volunteers, and other interested actors. Each reception centre also kept its own website (and for some, a Facebook page) up to date with news articles and general information. Fedasil also organized information sessions or guided tours for schools, organisations or other groups.

What's more, several campaigns were launched on the occasion of an **international thematic day**. For example, on the occasion of **World Refugee Day** on 20 June 2015, the CGRS and Fedasil participated in a public awareness action placed under the motto 'it could be me, it could be you'. This action was led by the United Nations High Commissioner for Refugees (UNHCR) and organized in cooperation with several other organisations (Belgian Refugee Council, Ciré, Convivial, the Red Cross, Vluchtelingenwerk Vlaanderen, European Council on Refugees and Exiles). The action consisted of contributors handing out flyers and crayons to people in front of 40 train stations in Belgium. People were invited to colour a drawing made by a Belgian illustrator and to post it on their window or

disseminate it via social media, to show their support to refugees⁴⁵.

It is also worth mentioning that the **CGRS launched a new website** in June 2015, which enhances the accessibility and transparency of the Belgian asylum procedure for the asylum applicant, and any other visitor of the site (see section above).

Furthermore, on the occasion of the International Migrants Day on 18 December 2015, Myria-the Federal Migration Centre, launched a **new online portal called 'Myriapolis'** (<http://www.myria.be/fr/myriapolis>). The portal's aim is to increase public awareness and understanding of migration related issues in Belgium. The target audience is broad, as it not only addresses people from the education sector, but also any citizen interested in learning more about these issues. The portal proposes educational material that can be downloaded, a cultural agenda and other online tools. The portal refers both to tools developed by Myria itself and to tools or projects from other organisations. Furthermore, Myria launched its **re-designed website as well as specific accounts on social media** (Facebook, Twitter), which also aim at raising awareness and understanding of the phenomenon of migration in Belgium.

Specific information activities in the framework of the opening of new reception centres

Specific information actions were implemented in 2015 in the framework of the refugee crisis and the opening of new reception centres in different municipalities of Belgium.

Fedasil and its partners implemented several activities including: neighbourhood information sessions when new centres opened; 'open house' days for the new centres; meetings with different actors (such as civil society organisations, Public Centres for Social Welfare's chairmen, municipal authorities, etc.); and

⁴⁵ For more information: *World Refugee Day*, [website], <http://refugeeday.be/>

information leaflets for the authorities of municipalities where reception centres opened⁴⁶.

What's more, the **King Baudouin Foundation** granted EUR 60,000 to Fedasil to support neighbourhood initiatives in the new reception centres for asylum seekers in 2016. The aim is to set up projects that encourage a better integration of these reception centres in the municipalities, and encourage a positive perception of the centres and asylum seekers by the Belgian population. These projects include: volunteer work, newsletters, educational tools/activities, open-house days, sports and cultural days with local associations, etc. The Red Cross has also received funds for neighbourhood initiatives in the new reception centres. The King Baudouin Foundation also granted financial support to citizens' initiatives and projects set up by other organisations which aim at ensuring positive interactions between asylum seekers and the Belgian population⁴⁷.

Planned information and prevention campaign for truck drivers and transport companies

The Belgian Immigration Office, in cooperation with several other partners, started working in 2015 on various prevention measures to counter the increasingly important phenomenon of smuggled people hiding in trucks present in car parks along the Belgian motorways. One of the initiatives developed within this framework focuses on awareness raising of truck drivers and transport companies on this issue (through flyers, posters, a website, etc.). The one-year project should be launched in April/May 2016 (see section 8.3 of this report).

Planned information and awareness raising actions regarding trafficking in human beings

⁴⁶ These leaflets are [Opening van een opvangstructuur voor asielzoekers](#) and [Een opvangcentrum in uw gemeente](#) (available on Fedasil's website: www.fedasil.be).

⁴⁷ Fondation Roi Baudouin, *FRB investit dans l'accueil des demandeurs d'asile et l'intégration des réfugiés*, 23 September 2015, https://www.kbs-frb.be/fr/Newsroom/Press-releases/2015/20151002_ND

The Belgian **Action Plan on the fight against trafficking in human beings 2015-2019** details a series of actions to raise awareness and inform administrations and professionals as well as civil society actors and the general public on the issue of trafficking. Planned information and awareness raising actions include, among others, the creation of a web site with information on the actions of the government and initiatives developed in the framework of the interdepartmental coordination, or the organisation of a series of conferences/debates on the topic of trafficking and sexual exploitation to inform the general public (see section 6.1 of this report)⁴⁸.

3.6 Integration, naturalisation and citizenship

Specific context

In Belgium, the integration policy falls within the competences of Regions and the Communities. The Flemish Community, the Brussels Capital Region and the Walloon Region, each of them, define their vision and projects based on the experiences and perceptions of migratory flows as well as reception and social/cultural cohesion related issues. As a consequence, legal aspects, practices and budgets attributed to integration differ from one region to the other. Hence developments presented below are distinguished accordingly.

3.6.1 Promoting integration through socio-economic participation

Measures to enhance migrants' language skills to improve attainment in the education system

In Belgium, the Flemish Community, the Brussels Capital Region and the Walloon Region are the responsible authorities for language training.

At the end of February 2016, the Walloon government adopted at the final reading the draft decree to introduce a mandatory

⁴⁸ Interdepartmental Coordination Cell for the fight against trafficking and smuggling of human beings, [Action Plan – The Fight against trafficking in human beings 2015-2019](#), 15 July 2015, pp. 30-35.

integration programme⁴⁹ in Wallonia. The Decree will make all the components of the programme (reception module, learning French (120h), citizenship training (20h) and socio-professional insertion adapted for those in need) compulsory.

In Wallonia, the eight Regional Integration Centres (CRIs) are responsible for the implementation of the integration pathway, including language training. The French learning programme is organized through recognized organizations, the so-called Local Integration Initiatives, who carry out the frontline operations. The regional government defines the different qualifications of the trainers. The language programme of the courses in the French language 'FLE' ('Français langue étrangère') must be completed in six months and be composed of a minimum of 120 training hours. A test is foreseen before the start of the programme in order to evaluate the level of the candidate and another test takes place at the end of the programme in order to validate the knowledge acquired by the candidate. The content of these tests is defined by a coordination committee for the purpose of harmonization.

The Flemish government announced that from 1 January 2016 onwards candidates who want to acquire a certificate of civic integration at the end of the integration programme will have to pass a test and demonstrate they have reached a certain level of Dutch.

Learning and using Dutch is one of the spearheads of the Flemish horizontal integration policy plan. If expertise is needed, the different actors can fall back on the support and coordination provided by the recently created Agencies for Integration and Civic Integration. The Dutch language lessons for low language skilled or 'slow learners' are organised by the centres for basic education (CBE). A standard course consists of 240 teaching hours. Illiterate or persons with very low language skills can also follow Dutch language lessons organised by these CBEs, consisting of 600

teaching hours. Higher educated or 'fast learners' are referred to centres for adult education (CVO) where they can follow a standard course consisting of 120 teaching hours. Persons in the integration pathway who want to follow higher education can follow a course of 90 hours if they fulfil the admission requirements for higher education. These courses are organised by academic language centres.

On 8 October 2015 a **digital learning platform 'Nedbox'**⁵⁰ was launched. Instructions on how to use the platform are provided in 15 languages. The development of this digital platforms allows users to learn Dutch in a more pleasant and less educational setting.

In Brussels, the newcomers interested in learning Dutch can contact the reception agency for integration (BON), who offers an accessible way to learn Dutch.

At the end of November 2015, the Brussels government announced the **beginning of a compulsory integration pathway**, including language training, to be voted in 2016 and implemented in 2017. From 2016 onwards, newcomers interested in learning French can contact one of the two 'welcome offices for newcomers' ('Bureaux d'accueil pour Primo-Arrivants – BAPA'): BAPA-BXL and VIA⁵¹ (a cooperation between the municipalities of Molenbeek and Schaerbeek). These 'reception offices' are responsible for the organisation of the integration trajectory for newcomers who opt for the French module in Brussels. The offices ensure the reception, orientation and guidance of newcomers. However, they are not in charge of the organization of language courses, but they will orientate the newcomer to accredited language service providers (these providers will be selected and accredited by mid-May 2016).

Migrant access to social security, healthcare and housing

There were **no major developments** in 2015 regarding the **access to social security and healthcare**. Migrants with a residence

⁴⁹ Walloon Parliament, [Draft Decree modifying Book II of the Walloon Code of social action and health regarding the integration of foreigners or people of foreign origin](#), 29 February 2016, 417 (2015-2016) – N° 1.

⁵⁰ Nedbox, [website], www.nedbox.be.

⁵¹ VIA - bureau d'accueil pour primo-arrivants, [website], <http://www.via.brussels/>

permit have to a large extent equal access to social security rights as nationals. The monthly (maximum) amounts of the integration income and the equivalent integration income in 2015 (amounts on 1 September 2015) were as follows: person with a dependent family: EUR 1,111.62, single person: EUR 833.71, cohabiting person: EUR 555.81.

For years, there has been an acute shortage of affordable **housing** in a reasonable condition both on the private and social housing market. As in most European countries, third-country nationals are less likely to be owner-occupiers. This is particularly true in the case of Belgium, where in 2012 less than one-tenth of third country households were owner-occupiers. As a consequence, most third-country nationals are tenants. However, landlords are often reluctant to rent to people who are dependent on the Public Centres for Social Welfare. It is therefore a difficult task to find suitable and affordable accommodation for all the migrants. Due to the high number of asylum applicants that arrived in the second half of 2015 and the protection rates being higher than ever before, the challenge to find housing on the private market will continue to increase in the coming months and years.

Migrant integration into the labour market

The Socioeconomic Monitoring Reports are the result of research carried out by the Federal Public Service Employment, Labour and Social Dialogue and the Inter-federal Centre for Equal Opportunities. The second edition of this report was published in November 2015 and demonstrated that the employment rate of people of Belgian origin is 73.3%, while it is 42.5% for people of non-EU origin⁵². Even for second generation migrants and migrants who acquired the Belgian nationality, the employment rate is significantly lower than the one of people of Belgian origin.

It is clear that the increase of the number of beneficiaries of international protection in

the course of 2015 created additional challenges regarding labour market integration. However, additional financial resources were allocated to labour market integration programmes due to the high influx of beneficiaries of international protection. Furthermore, task forces were set up at the local level and civil society actors and volunteers launched initiatives to prepare for the increasing influx of beneficiaries of international protection.

The public employment services in each region focused on informing newcomers regarding their options and provide qualitative vocational training. In 2015, additional initiatives were taken to provide tailored language programmes with the objective to increase the chances of newcomers with limited language knowledge to benefit from vocational training.

In March 2015, the Department of Work and Social Economy of the Flemish government published the '**Origin Monitor 2015 - Labour market position of people with a foreign origin on the basis of administrative data**'⁵³.

The Monitor identifies the developments in activity and unemployment of the population with a foreign origin - with special attention to the population of non-EU origin - compared to persons of Belgian origin. It also monitors the participation of the population with a foreign origin in the various existing training and employment measures. By taking into account the birthplace of the parents, naturalized Belgians and second generation migrants are also included in the figures.

The results show that the **employment rate** is a lot higher for indigenous Flemings (71.8 %) than among Flemish people of European (56.3 %) and non-European origin (46.8 %), although there is improvement for the second generation (51.4 %).

Because the Flemings of foreign origin are a rapidly growing population, the report points to their enormous potential to slow the ageing of the population. Today, one in

⁵² Belgian Federal Public Service Employment, Labour and Social Dialogue and Inter-federal Centre for Equal Opportunities, [Socioeconomic monitoring instrument](#), November 2015, p. 240.

⁵³ Flemish government, Department of Work and Social Economy, [Origin Monitor 2015 - Labour market position of people with a foreign origin on the basis of administrative data](#), March 2015.

five of the Flemish **18 to 64 age group** - those who can work – has migration origins. Due to the young population structure of migrants, especially among Flemish people of non-European origin, an increase of more than 230,000 potential employees is expected.

One in seven **entrepreneurs** in Flanders has foreign roots. This is a relatively strong increase in numbers in the last five years: for the self-employed of European origin with 16.5 %, for the self-employed of non-European origin even by 33 %. The number of indigenous entrepreneurs stagnated. While the first generation focused more strongly on the catering of their own community, with exotic supermarkets, halal snacks and call shops, the second-generation presents itself in finance, insurance and real estate.

In July 2015, the **Concept paper on the Policy for the Recognition of Competences (EVC)**⁵⁴ was approved by the Flemish government. The objective is to implement an overall decree on EVC in 2017.

The aim of EVC is the valorisation of knowledge and skills acquired in school, free time and work experiences. These skills and competences can be tested by recognized EVC-providers and can be converted into qualification certificates or certificates of competence which can be used to access the labour market or to get an exemption for certain training/educational programmes.

The **National Academic Recognition Information Centre Flanders** (NARIC-Vlaanderen), responsible for the **recognition of the equivalence of foreign study certificates** in Flanders, published its annual report in June 2015. The number of applications decreased for the fifth consecutive year. In 2014, 3,507 people asked for recognition of their qualifications. That is 764 fewer than the year before. One possible explanation according to NARIC is that the equivalency procedure is no longer

free of charge since September 2013⁵⁵. Note that for certain groups, such as people with a minimum income, people taking part in the civic integration trajectory, unemployed people with an action plan agreement with the Flemish employment agency (VDAB), the procedure remained free.

⁵⁴ Flemish government, Deputy Prime Minister – Flemish Minister for Education and Flemish Minister for Labour, Economy, Innovation and Sports, Note to the Government of Flanders, [Concept Note Integrated Policy for the Recognition of Competences \(EVC\)](#).

⁵⁵ NAARIC-Vlaanderen, [Annual Report of the National Academic Recognition Information Centre Flanders](#), 2014.

2015 EMN Study: Labour market participation of beneficiaries of international protection

In 2015 the Belgian Contact Point of the EMN performed a study that describes the labour market participation of beneficiaries of international protection in Belgium and provides an overview of support measures that can facilitate labour market participation. The report was published in 2016 and the European synthesis report will be published by mid-2016.

The report concluded that:

- There are **no legal restrictions** on labour market access for refugees and a work permit is not required. There are limited restrictions for beneficiaries of subsidiary protection.
- There are a **number of practical obstacles** that prevent beneficiaries of international protection to find their way to the labour market such as: the language barrier, limited relevant work experience, level of education, difficulties regarding the recognition of qualifications, limited financial assets to become self-employed, etc. Furthermore, the emotional ballast these people can carry along and the situation of poverty they might be in hampers the (labour market) integration process. Besides, the structure of the Belgian labour market and the increasing demands of the labour market also make it very challenging for beneficiaries of international protection to find a job.
- There are **no recent comprehensive data on the actual labour market participation** of beneficiaries of international protection. However, the longitudinal research project CAREERS illustrated that 4 years after the refugee status is granted, about 42% is employed.
- In Belgium, beneficiaries of international protection are in principle eligible to access the **available support measures** (languages courses, orientation courses, educational and vocational training, social housing and guaranteed minimum resources) but the support measures are mostly not specifically tailored towards them (similar access to nationals or other foreigners). Furthermore, several practical obstacles might appear, preventing from accessing or fully benefiting from some specific support measures.
- The report lists a number of obstacles but also identifies **several good practices**, such as: the focus on language training and wide range of actors providing (compulsory or non-compulsory) language courses, the wide range of vocational and educational training options at different levels, the subsidized employment programmes, etc.

The **Belgian EMN study** is available on the website of the Belgian Contact Point of the EMN: <http://www.emnbelgium.be/publication/integration-beneficiaries-international-protection-labour-market-emn>

The **comparative EU-synthesis** report will soon be available (summer of 2016). The **national reports** of other (Member) States are available on the European EMN website: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/asylum/index_en.htm

3.6.2 Promoting integration through participation: rights and obligations, achieving equal treatment and belonging

Since 1 January 2015, the existing institutions and organisations of Flanders and Brussels in the sector of integration and civic integration (the Centre of Expertise on Migration and Integration 'Kruispunt Migratie-Integratie', the Welcome Offices, the Integration Centres, the 'Huizen van het Nederlands' (Houses of Dutch) and the social services providing translation and interpretation – except for the ones in Brussels -) are **merged and integrated in the External Autonomous Agency for Integration and Civic Integration**⁵⁶. For the cities of Antwerp and Ghent, the Flemish government decided to leave the policy implementation to the local administrations. On the one hand, the three Agencies for Integration and Civic Integration have to provide tailored guidance to individual citizens of foreign origin, and on the other hand, they have the task to support, encourage and guide organizations, services and governments to make their offer more accessible for people of foreign origin.

On 3 July 2015, the Flemish government approved the strategic objectives of the **Horizontal Integration Policy Plan**⁵⁷. This Plan aims at reducing the origin gap in all policy areas. The different Flemish ministers worked together to elaborate concrete actions within the framework of the objectives of this Plan. The Commission on Integration Policy has contacted the different stakeholders and experts and has submitted a draft Horizontal Integration Policy Plan (2015-2019)⁵⁸ on 27 November 2015. This draft was sent to the Flemish Education Council (VLOR) and the Diversity Commission of the Socio-Economic Council of Flanders for advice. Their answers are

⁵⁶ External Autonomous Agency for Integration and Civic Integration, [website], <http://www.integratie-inburgering.be/>

⁵⁷ Flemish Parliament, [Policy Letter Integration and Civic Integration 2015-2016](#), 19 October 2015, 525 (2015-2016) Nr. 1, p. 8.

⁵⁸ Flemish government – Commission on Integration Policy, [Horizontal Integration Policy Plan 2015-2019](#), 27 November 2015.

expected in 2016 after which the Plan will be presented to the Flemish government.

Currently, a research project examines, within the Flemish context, the best way to organize the **political participation of persons of foreign origin**. The results of the study are expected by mid-2016⁵⁹.

In November 2015, the second edition of the **Flemish Migration and Integration Monitor (VLIM)**⁶⁰ was published. The Monitor contains recent figures on migration and asylum, civic integration, social cohesion and the social position and participation (in terms of employment and labour, education, housing, poverty, health and social participation) of foreigners and persons of foreign origin in Flanders, within the Belgian and European context.

In anticipation of the realisation of inter-federal initiatives, some Flemish provinces⁶¹ started a **'Refugees Taskforce'**. The aim is to create a platform where different partners⁶² who are active in the field of refugees, can coordinate their actions. In addition to this coordination function, an important role exists in informing the various organizations and co-creating actions. The platforms focus on the integration of newcomers, including through facilitating language training and guidance to the labour market.

After three years, the EIF-funded project called **'Changemakers'** - initiated by the Minorities Forum ('Minderhedenforum') and aiming at strengthening migrants' participation in policy making through networking and training in Flanders and Brussels - came to an end in the beginning of 2015. From this experience, the Minorities Forum developed in 2015 a

⁵⁹ Flemish Parliament, [Policy Letter Integration and Civic Integration 2015-2016](#), 19 October 2015, 525 (2015-2016) Nr. 1, p. 4.

⁶⁰ More information on the Flemish Migration and Integration Monitor available on: Vlaanderen, *Vlaamse migratie en integratiemonitor 2015*, <http://www.vlaanderen.be/nl/publicaties/detail/vlaamse-migratie-en-integratiemonitor-2015-1>

⁶¹ The provinces of East and West Flanders.

⁶² Partners are the provincial authorities, city services, public centres for social welfare, civil society, adult education, service for employment and vocational training, the Belgian organization of self-employed entrepreneurs, chamber of commerce and industry and reception operators, etc.

vision on participation with a focus on super-diversity and launched 'Changemakers.be'⁶³. 'Changemakers.be' has three objectives: to disseminate three years of good practices, to incite to action and to share stories.

In Wallonia, a call for projects was launched in 2015 to fund initiatives of **non-accredited Local Integration Initiatives for foreigners and people of foreign origin**. The eligible activities areas in 2015⁶⁴ are: French as a foreign language; citizenship; socio-professional insertion and assistance to the exercise of the rights and obligations. One of the objectives is to further **professionalize the sector** and to encourage operators to subscribe to a process of continued training and networking.

In June 2015, 'Scan4Diversity'⁶⁵ was launched. It is an online platform for the promotion of activities organised by associations who are part of the federations of minority organisations in Brussels. The website gives access to practical information and serves as showcase for the work of community-based organisations that normally would not get a lot of attention in the mainstream media.

3.6.3 Promoting integration of specific groups

The **pilot project for Unaccompanied Minors (UAMs) between 16 years and 17 years and 9 months old** who have no perspective of residence in Belgium - 'My Future' - was evaluated by the Federal Agency for the reception of asylum seekers (Fedasil) (see chapter 6.1 of this report).

Belgium has difficulties integrating immigrants into the labour market. According to an **OECD study**⁶⁶ - published in February 2015 - the employment rate of

non-EU foreigners is lower than the national employment rate by more than 10%. This discrepancy is not only due to the low skill level of this segment of the population. Other causes are the **discrimination during the hiring process** and institutional fragmentation of integration policies and support to job seekers in Belgium. This results in a poverty rate three times higher among immigrants compared to natives.

The minister competent for integration also contributes with concrete actions to **the Flemish Action Plan for Poverty Reduction 2015-2019**⁶⁷. For example, the Network Against Poverty develops a training module for front line workers with respect to coloured poverty, by means of active participation of associations who reach out to ethnic-cultural minorities in poverty.

The Flemish integration policy also focuses on **undocumented migrants** who, due to an emergency, need assistance. The three Agencies for Integration and Civic Integration offer support to local authorities, services and organizations who are in contact with undocumented migrants to offer them a realistic perspective on the future and to inform them about voluntary return programmes.

At the beginning of October, the EIF financed project 'Nedbox'⁶⁸, a **digital platform to learn Dutch**. The platform offers all non-native speakers a chance to learn the Dutch language in a creative and fun way.

A specific, and until now, difficult to reach target group are **low-literate women with young children**. They have to contend with practical, psychological and emotional barriers that can jeopardise their participation in the (compulsory) civic integration programmes. For this reason, the Agencies for Integration and Civic Integration signed up for the AMIF project call 'Integration tailored for low-literate women with young children'. Eight pilot projects are set up to achieve an integrated offer in terms of childcare, Dutch language

⁶³ Changemakers, [website], <http://www.changemakers.be/>

⁶⁴ Policy on foreigners or persons of foreign origin – Call for projects 'Local Integration Initiatives' 2015, http://socialsante.wallonie.be/sites/default/files/2015_app_el_a_projets_initiatives_locales_integration.pdf

⁶⁵ Scan4Diversity, [website], www.scan4diversity.be

⁶⁶ OECD, *OECD Economic Surveys – Belgium Overview*, February 2015 and OECD/European Union, *Indicators of Immigrant Integration 2015: Settling In*, OECD Publishing, Paris, 2015.

⁶⁷ Flemish government, *Flemish Action Plan for Poverty Reduction 2015-2019*.

⁶⁸ Nedbox, [website], www.nedbox.be

lessons and support in terms of care and education. Particular attention is paid to strengthening the mothers. The projects start from the experience of the mother, and in particular what the confrontation with the often new living conditions entails. By involving the low-literate mothers together with their children, a context is created that increases the development opportunities of the children. The father and other family members are also addressed in the project. The pilot projects will run until the end of 2016.

Pupils who are 16 years old or older and who enrol in the reception classes for newcomers often have special (educational) needs. To meet this gap, the AMIF call 'Central guidance for **16-18-year-old newcomers from third countries**' was launched. The call not only focuses on the development of central accompaniment of these minor newcomers, but also on the coordination and harmonization between the different actors who play a role in offering training and guidance. The project will be rolled out in eight pilot projects. A specific attention is given to the group of UAMs. The pilot projects will run until the end of 2016.

Since 1 May 2015, the **rates for child care** have changed in Flanders. A reduced rate applies to people enrolled in the civic integration trajectory with limited incomes and beneficiaries of reception. This allows these groups to make use of childcare more easily, enabling them to participate in trainings, integration programmes, etc.

3.6.4 Non-discrimination

Planned evaluation of the anti-discrimination laws

The Royal Decree of 18 November 2015⁶⁹, pursuant to article 52§3 of the Law of 10 May 2007 to combat certain forms of discrimination, on the composition of a new commission of experts, entered into force on 2 December 2015. These experts are

⁶⁹ [Royal Decree of 18 November 2015 establishing the composition of the Commission of experts, their appointment and the form and content of the report has to be presented by the Commission pursuant article 52, § 3, of the law of 10 May 2007 to combat certain forms of discrimination](#), *Belgian Official Gazette*, 2 December 2015.

representatives of the judiciary, the legal profession, the trade unions and employers' organisations and experts designated by the competent ministers. They will evaluate the application and the effectiveness of the anti-discrimination laws. It concerns:

- Law of 10 May 2007 to combat certain forms of discrimination⁷⁰;
- Law of 10 May 2007 to combat the discrimination between women and men;
- Law of 30 July 1981 criminalising certain acts inspired by racism or xenophobia.

The new commission of experts has to evaluate the anti-discrimination laws every five years. In fact, the legislative chambers have to evaluate the application and effectiveness of the anti-discrimination laws, but they do this on the basis of the report of the Commission of experts and after the Inter-federal Centre for Equal Opportunities⁷¹ and the Institute for the Equality of Women and Men have been consulted⁷².

Exceptionally, a **first evaluation report** will be delivered six months after the entry into force of the decision to appoint the members of the commission to compensate for the absence of a report, as provided by law, in 2013. This first report will form the basis for a reform and update of the existing anti-discrimination legislation⁷³.

In Flanders, exploratory talks with several stakeholders were organised by the diversity officer of the Flemish government concerning the **Integration pact**. The Integration pact will be concluded with local authorities, the social partners, the

⁷⁰ [Law of 10 May 2007 to combat certain forms of discrimination](#), *Belgian Official Gazette*, 30 May 2007.

⁷¹ The report of the Inter-federal Centre for Equal Opportunities regarding the evaluation of the anti-discrimination and anti-racism laws on the basis of the operational experience of the Centre, of known national jurisdiction and general expertise in the field of expertise on combating discrimination is foreseen for February 2016.

⁷² Unia, *Evaluatie van de federale antidiscriminatiewetten*, 26 February 2016, <http://unia.be/nl/publicaties-statistieken/publicaties/evaluatie-van-de-federale-antidiscriminatiewetten>

⁷³ S. Bellemans, 'Commissie van experts evalueert antidiscriminatiewetten', *LegalWorld*, 4 December 2015, <http://www.legalworld.be/legalworld/Commissie-van-experts-evalueert-antidiscriminatiewetten-2015.html?LangType=2067>

media, education partners and associations of people with a migrant background in which each partner assumes responsibility for **combating direct and indirect discrimination and racism** and promoting respect for people with a different religious belief or sexual orientation. The competent minister will complete a **concept note** regarding the principles, the approach and the planning during the course of 2016. At the end of April 2015, the **Diversity Commission** of the Socio-Economic Council of Flanders issued a favourable opinion⁷⁴ on 'closing the ethnic gap' as the core objective of the integration pact and expressed the wish that the emphasis must be on proportionate participation of persons with a foreign origin in education and the labour market.

In December 2015, the Inter-federal Centre for Equal Opportunities published a **brochure** entitled '**Discrimination in housing**'⁷⁵. The booklet targets tenants and landlords, but also professionals such as real estate agents and associations involved in the field of housing. It was produced in collaboration with the Minister for Housing in the Brussels Region and the State Secretary of the Brussels-Capital Region responsible for Equal Opportunities.

The brochure provides a list of standard details to be collected on a candidate's personal situation, within legal boundaries. It specifies information protected by law, including nationality, skin colour, disability, sexual orientation, political and religious beliefs, health status, social origin, age, gender or trade union conviction. The list was developed with the assistance of the Professional Institute of real estate agents and the Commission for the protection of privacy.

The owner found guilty of discrimination may incur civil liability and pay damages

⁷⁴ Commission on Diversity (Commissie Diversiteit), 2015 *Advies integratiepact*, 24 April 2015, <http://www.serv.be/diversiteit/publicatie/advies-integratiepact>

⁷⁵ Interfederal Centre for Equal Opportunities, Unia, *Discriminatie op de huisvestingsmarkt – Informatie voor de huurders, eigenaars en professionals uit de sector*, <http://unia.be/nl/publicaties-statistieken/publicaties/discriminatie-op-de-huisvestingsmarkt-informatie-voor-huurders-eigenaars-en-professionals-uit-de-sector>

ranging from EUR 650 to EUR 1,300. In 2014, the Inter-federal Centre for Equal Opportunities has opened 156 cases related to housing discrimination. In 2015, 178 cases were opened⁷⁶.

The Minister of Justice declared, following the round table of the European Commission against Racism and Intolerance (ECRI) and the Inter-federal Centre for Equal Opportunities on 1 July 2015, that a **National Institute on Human Rights** will be set up in Belgium by the end of this legislature (2014-2019)⁷⁷ in accordance with the Paris Principles from 1993.

3.6.5 Cooperation, consultation and coordination of stakeholders and promoting action at local level

In Flanders, the integration policy will be further aligned to the needs of local authorities because integration and citizenship exist at the level of the neighbourhood, municipality or city. Therefore, Flanders will make substantial efforts in terms of participation (including in the labour market, district and associations, education and cultural facilities) and in the acquisition of Dutch language skills.

In 2015, 57 municipalities received a **grant for integration**. In the future, these resources will - along with other sectoral subsidies - be integrated in the Municipality Fund as general funds without specific reporting obligations, allowing for more discretion for local authorities to implement policies that best respond to the local needs.

The fourth edition of the **Local Civic Integration and Integration Monitor (LIIM)**⁷⁸ was released in 2015. The Monitor includes a selection of indicators at the level of municipalities and support local authorities in aligning their integration

⁷⁶ Source: Individual Support Service, Unia, 6 April 2016.

⁷⁷ 'België krijgt nationaal instituut voor de mensenrechten', *Knack*, 1 July 2015, <http://www.knack.be/nieuws/belgie/belgie-krijgt-nationaal-instituut-voor-de-mensenrechten/article-normal-583621.html>

⁷⁸ More information: *Local Civic Integration and Integration Monitor*, <http://aps.vlaanderen.be/lokaal/integratiemonitor.html>

policies to the situation of persons of foreign origin in their community. This Monitor is updated annually. New this year is the availability of a number of data sets for the municipalities of Brussels.

Mid-2015, the Flemish Minister responsible for integration and civic integration launched a call for proposals to encourage **inter-municipal** (minimum three cities/municipalities) **cooperation on integration of persons of foreign origin** through experimental pilot projects. In September seven projects were selected (for a total amount of EUR 1,006,397) capitalising mainly on the following themes: reception policy, coexistence in diversity and providing equal opportunities. The projects will end at the latest on 30 November 2018⁷⁹.

On 19 October 2015, the Agency Integration and Civic Integration launched an **Asylum and Integration Infoline**. Officials of local governments and professional aid and service providers can address practical questions about the integration of asylum seekers, such as questions about the use of a social interpreter or translator, on how to familiarize asylum seekers with the community, where to find Dutch language courses or if you want to give Dutch lessons to foreigners, etc. The helpline is not intended for legal questions. The helpline can be reached every day from 9 a.m. to 12 a.m.

3.6.6 Involvement of countries of origin

Pre-departure preparation is mainly built around **information**.

The **'Starters Kit Migrating to Flanders'**⁸⁰ **has been evaluated** by the Research Institute for Work and Society (HIVA)⁸¹. The evaluation showed that the kit 'Migrating to Flanders' is used not so much as a preparation, but rather as a kind of 'survival

guide' once the migrant has arrived in Flanders. It also appeared that certain unskilled and illiterate migrants require more explanations at the delivery of the package, otherwise it will not be used and misses its intent. The content of the kit is not - especially by low-skilled workers - perceived as patronizing or demeaning. Quite a few highly educated migrants indeed confirmed the use of simple language, but they do not perceive it as patronizing or pedantic. They understand that the package should be understood by everyone, and that the language should therefore be adapted. However, they ask for more specific information, for example through referral to other sources, web sites and institutions. Quite a few people also work with the language booklet, so HIVA recommended to include some basic lessons on the DVD or to develop a website where one can practice his/her Dutch pending the NT2 courses. Finally, it is also important to elaborate on the information about the civic integration programmes in the kit, so the link with social orientation and the offer of Agencies for Integration and Civic Integration is easier to make.

In Flanders the pre-departure information provision, launched in 2012, is called 'Starters Kit Migrating to Flanders'. Its objective is to prepare migrants arriving in Flanders. The creation of this kit raised a lot of criticism. In fact, the brochure presents a highly simplified portrayal of Flanders. Sometimes the portrayal is even infantilized: for example, it is specified that 'Flemish people do not live in the streets, but mainly live in their house'. Beside some interesting information (e.g. about the Dutch language), the document might be summed up as a description of 'good behaviour' with a description of the 'good migrant'⁸².

Pre-departure information is also **available on a lot of official websites**. For example, social security services provide online applications allowing a future migrant to verify potential social rights in Belgium⁸³. In

⁷⁹ More information available on: Integratiebeleid, Intergemeentelijke samenwerking, <http://integratiebeleid.be/subsidies-en-projectoproepen/intergemeentelijke-samenwerking>

⁸⁰ More information on: *Migreren naar Vlaanderen*, [website], <http://www.migreren.inburgering.be/>

⁸¹ HIVA, Research Institute for Work and Society, [website], <http://hiva.kuleuven.be/nl/>

⁸² J. Mandin, 'An overview of integration policies in Belgium', *INTERACT Research Report 2014/20*, 2014, p. 13.

⁸³ See: *International.socialsecurity.be*, [website], https://www.socialsecurity.be/CMS/en/coming_to_belgium/index.html

the same way, the Belgian public services website⁸⁴ presents information about immigration in Belgium and provides links with several agencies (employment, social security, education, etc.).

3.6.7 Citizenship and Naturalisation

No specific developments are to be mentioned on citizenship and naturalisation

This matter is regulated by the Belgian Nationality Code⁸⁵. A new (modified) Code, entered into force on the 1st of January 2013, containing stricter and more difficult rules.

In 2015, 26,238 foreigners acquired the Belgian nationality. In recent years the number of acquisitions of the Belgian nationality fluctuated between 18,000 and 38,000 a year. It is hard to identify a clear tendency – however the reform of 2012 will most probably have a clear decreasing effect on the numbers in the future. Today, there are still many acquisitions of the Belgian nationality for applications made under the previous law⁸⁶.

The Belgian nationality may only be requested in Belgium and not from abroad.

Naturalisations granted by the Naturalisation Commission of the House of Representatives are exceptional and restricted to persons who have demonstrated or could demonstrate 'exceptional merits'.

In most cases, foreigners over the age of 18 need to fulfil integration requirements to be able to become a **Belgian citizen**. Only adults who are born in Belgium, have resided legally in Belgium ever since and have an unlimited residence permit in Belgium, are exempt from this requirement.

For a foreigner who is not born in Belgium, there are two possibilities: a short option after 5 years of residence and a longer track after 10 years of residence. In both cases, the person concerned has to have a residence permit of unlimited duration and needs to prove its knowledge of one of the three official languages (Dutch, French or German at the A2 level of the common European framework of reference for languages). The other requirements differ:

- **Short track:** if a person wants to acquire the Belgian nationality after five years of legal residence, he/she needs to show - in addition to the requirements mentioned above - evidence of his/her civil integration (a certificate of advanced secondary education, a vocational training of at least 400 hours or an integration course) and of economic participation (having worked 468 days in the 5 years preceding the application).

Exceptions exist for persons married to a Belgian, handicapped or retired persons, ...).

- **Long track:** if a person wants to acquire the Belgian nationality after ten years of legal residence, he/she can only acquire the Belgian nationality if he/she can prove, by all legal means, his/her participation 'to the economic and/or socio-cultural life of the host community' (in addition to the two requirements mentioned above).

The procedures to obtain the Belgian nationality and naturalisation are subject to a levy of EUR150.

⁸⁴ *Federal Public Services and Public Planning Services (FPS and PPS)*, *Belgium.be*, [website], http://www.belgium.be/en/about_belgium/government/federal_authorities/federal_and_planning_public_services

⁸⁵ The Belgian Nationality Code is available on: in French: http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1984062835&table_name=loi

and Dutch: http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=1984062835

⁸⁶ Source: Myria, Federal Migration Centre

3.7 Managing Migration and Mobility

3.7.1 Visa Policy

In 2015, the 'Visa Information System' (VIS) was installed in the last seven regions: Eastern neighbourhood countries (23 June), Russian Federation (14 September), China, Japan and neighbouring countries (12 October), India, Pakistan and neighbouring countries (2 November), the European microstates (20 November), Ireland and the UK (20 November), the Schengen Member States (20 November).

The 13 Belgian border posts were on also equipped with the VIS on 19 February 2016.

Before the VIS becomes operational in a certain region, the Federal Public Service (FPS) Foreign Affairs organizes a **regional conference** in a central post of the region for consuls, visa agents and local staff of that region at which the legal, theoretical and technical aspects of the VIS are explained. Besides, staff of the FPS Foreign Affairs as well as an officer of the Immigration Office and the Federal Police, participate as training officers. In 2015, such regional conferences were organized in Moscow, Beijing, New Delhi and London⁸⁷.

Furthermore, the Belgian Immigration Office proposed to set up a **Consular Cooperation Mechanism on Schengen Visa Processing** in selected third countries presenting a high risk of fraudulent Schengen visa applications. The project was launched in September 2015 and is funded under the ISF 'Specific Actions'. 11 European countries are currently involved in the project (including Belgium as the lead country). The project aims at fighting visa fraud through various activities, including joint assessments of risk and trends regarding visa abuse, document fraud and irregular migration to determine vulnerable third countries and development of joint responses; the deployment of joint document verification officers to investigate the authenticity and reliability of the information submitted in the framework of Schengen visa applications;

Table on progress made in 2015 in relation to cooperation between (Member) State consular services and the set-up of new joint consular services for visas listing the visa representation agreements signed and the (Member) States involved.

2015 – Evolution of the representation agreements		
(Member) State with which the visa representation agreement exists	Country acting as representative	New locations
Austria	Belgium	DRC (Lubumbashi)
Germany	Belgium	DRC (Lubumbashi)
Latvia	Belgium	DRC (Lubumbashi)
Lithuania	Belgium	DRC (Lubumbashi)
Portugal	Belgium	DRC (Lubumbashi)
	Portugal	Guinea-Bissau
Sweden	Belgium	DRC (Lubumbashi)
Czech Republic	Belgium	DRC (Lubumbashi)
Finland	Belgium	DRC (Lubumbashi)
Norway	Belgium	DRC (Lubumbashi)
	Belgium	Jamaica
France	France	Benin
Italy	Belgium	DRC (Kinshasa and Lubumbashi)
Malta	Belgium	Rwanda
Switzerland	Switzerland	Kosovo
The Netherlands	Belgium	Jamaica

⁸⁷ Source: Federal Public Service Foreign Affairs

(Member) State with which the visa representation agreement exists	Country acting as representative	Termination
Slovakia	Slovakia	Iraq
Switzerland	Belgium	Benin
the Netherlands	Belgium	Kosovo
France	France	Papua New Guinea

joint training of consular staff in assessing supporting documents emitted by third countries, in analysing trends in Schengen-visa abuse, detecting false and forged identity and travel documents and where relevant, training of third countries' authorities to reinforce the reliability of Schengen visa source documents⁸⁸.

Priorities and planned actions in 2016

In his General Policy Note on Asylum and Migration of 3 November 2015, the State Secretary for Asylum Policy and Migration indicated that the ICT department of the FPS Interior will support different projects to ensure the implementation of an efficient migration and asylum policy, at the request of the Immigration Office. Among other, the State Secretary mentions that in the framework of the VIS, the **use of biometrics** will be further developed. This will allow a more rapid and efficient transmission of information, thereby contributing to border management and security⁸⁹.

In January 2016, the Belgian government approved the project of **modernisation of the fingerprint registration system of the Immigration Office**, in order to meet European requirements and ensure the reliability of the equipment. This system is used both at a national and at a European

level in the framework of important applications (e.g. VIS and Eurodac)⁹⁰.

3.7.2 Schengen Governance

In 2015, Belgium was within the first group of countries where a Schengen evaluation took place on the basis of the new evaluation and monitoring mechanism that came into force at the end of 2014 (EU Regulation No 1053/2013⁹¹).

The evaluation took place in April and May 2015 and concerned all aspects of Schengen: management of external borders, the return policy, the issuing of visas, the functioning of SIS II, the cross-border police cooperation and data protection relating to VIS and SIS II. The evaluations were conducted with teams of experts from the European Commission, other Schengen countries and European agencies, such as Frontex and Europol. The tools used are mainly questionnaires and on-the-spot visits to consular posts (abroad), sea ports, airports, detention centres, the Privacy Commission, the central services of the Federal Police and some local police stations.

The evaluation reports were discussed in the Schengen Committee at the end of 2015. As a follow-up to those evaluation reports, recommendations were developed in the Council working group on Schengen evaluation.

Meanwhile, the Council approved five recommendations for Belgium; the last one will be approved in May 2016 at the earliest. Following this, Belgium will have to elaborate action plans to implement the recommendations.

⁸⁸ Source: Ilobel, Immigration Office.

⁸⁹ Belgian House of Representatives, *General Policy Note on Asylum and Migration*, 3 November 2015, DOC 541428/019, pp. 16-17.

⁹⁰ <http://www.presscenter.org/nl/pressrelease/20160129/modernisering-vingerafdruksysteem-van-dienst-vreemdelingenzaken?lang=fr>

⁹¹ [Council Regulation No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen](#), OJ L 295, 6.11.2013, pp. 27-37.

Belgium shall further report on this to the Council and the European Commission in 2016⁹².

⁹² Source : Federal Public Service Interior.

4. INTERNATIONAL PROTECTION

4.1 Specific context and challenges

In 2015, there were **44,760 asylum applications** lodged in Belgium. This is about the double of the number of asylum applications in 2014 (22,710). The number of asylum applications was particularly high during the second half of 2015. The number of applications peaked in September with 6,830 applicants.

The top 3 of countries of origin for 2015 were Syria (10,415), Iraq (9,470) and Afghanistan (8,310).

The sudden and very high increase in the number of applications during the second half of 2015 was obviously a **huge challenge** in the asylum field and put a high pressure on the national asylum system and the reception structures.

4.2 Actions to counter the challenges

Increased reception capacity and reinforced asylum authorities

The Belgian government made enormous efforts to **increase the reception capacity**. In less than six months, the total reception capacity doubled. At the end of December 2015, the reception capacity counted almost 33,500 places, of which 24,502 places in collective reception structures. In June 2015, before the large influx, the reception network counted about 16,000 reception places.

Besides the reception capacity, the **asylum authorities were also reinforced**. In the course of 2015, more than a hundred additional staff members were hired by the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) to handle asylum applications. The CGRS has developed a **special training programme** for these new protection officers who need to be operational within short timeframes.

The Immigration Office also employed additional staff. Furthermore, additional interpreters were hired.

Increased efficiency

The overall asylum process is closely monitored and weekly meetings between the administration and the responsible State Secretary are organised.

Due to the highly increased influx of asylum seekers in the autumn of 2015, the Immigration Office limited the number of asylum applications lodged daily in its offices. This was necessary due to practical limitations regarding the registration capacity and to reduce the pressure on the reception system. Priority was given to families and vulnerable asylum applicants.

Measures were taken within the asylum application process to ensure that the **case handling is as efficient and swift as possible**. This means that all steps of the process are closely monitored, good communication between the different services is ensured, bottlenecks are quickly identified and measures to address these **bottlenecks** are quickly taken. This can be done on the administrative level, but also on the decision-making level (e.g. development of guidelines to assess specific caseloads). Furthermore, a stricter and closer **monitoring of performance** indicators (e.g. number and type of asylum decisions, number of decisions reforms/annulments by appeal body, etc.) was applied. Furthermore, the preliminary **screening and profiling** of cases was intensified, enabling the CGRS to organise the asylum interviews in a more efficient manner. Guidelines and 'building blocks' for the motivation of decisions were also developed to **speed up the decision making and reduce processing time**.

However, due to the large increase of the number of asylum applications lodged in the second half of 2015, the backlog increased significantly. As a consequence, the processing time for many asylum applications is expected to increase.

The reception agency Fedasil also took a number of measures to increase efficiency and to **optimize the use of places in the reception network**. Besides the creation of

additional reception places, Fedasil also focused on optimizing the existing reception network, by trying to decrease the number of 'lost places' (e.g. room of six used for a family of three) through an optimized allocation/organization of places. Furthermore, substantial efforts were made to optimize turnover and outflow from reception facilities for what concerns persons who obtained a protection status or whose asylum application was rejected in final instance.

Ensuring quality

After an external audit of its functioning, the CGRS set up a **quality project** in 2012 to develop tools, harmonize working processes and develop support mechanisms in order to improve the quality of decision-making and to better harmonize its working methods while maintaining the maximum level of efficiency. This project continued in 2015. Due to the increasing influx in the course of 2015 and the pressure on the organization, the decision was taken to prioritize some aspects of the project. Following the decision to recruit more than 100 new case workers, a **handbook on the qualitative treatment of cases** was developed and finalized by the end of 2015. Other instruments within the quality project were developed in 2015, but have not been finalized yet (e.g. document that describes in detail the function of a supervisor and the set-up of a more efficient structure for internal consultations).

Due to the high asylum influx in 2015, the Federal Agency for the reception of asylum-seekers (Fedasil) was confronted with several challenges including **maintaining the quality of reception conditions when upsizing the reception network**. Fedasil managed to open a large number of new reception places in a very short period of time, ensuring minimum reception standards.

4.3 Legislative developments

The current Belgian legislative framework and practice is already largely in compliance with the **legislative framework of the CEAS**. However, the full transposition of Directives

2013/32/EU⁹³ and 2013/33/EU⁹⁴ could not be completed in time. Besides, the Tall judgment of 17 December 2015 (C-239/14) and several prejudicial questions addressed to the European Court of Justice about these directives, among others by the Netherlands and Hungary, led to further reflections about the best way to transpose them into national legislations.

In 2015, some articles of the Asylum Qualification Directive (2011/95/EU) were transposed into national legislation. On 3 September, the law of 10 August 2015 amending the Immigration Act came into force. This amendment is intended to take **into account threats to society and national security in applications for international protection**. The law was passed as part of the implementation of the Federal Coalition Agreement and in reaction to national and international developments. With this new law, the competence of the CGRS is extended and to some extent modified. The CGRS can now refuse to grant refugee status if the asylum applicant poses a threat to society when he has been definitively convicted for a particularly serious crime or when there are reasonable grounds to consider the asylum applicant as a threat to national security. Furthermore, the CGRS is now also entitled to withdraw refugee status if the asylum applicant poses a threat to national security or a threat to society because he has been convicted. The subsidiary protection status can be withdrawn or the applicant can be excluded from subsidiary protection if the person poses a threat to society; but also if the person has committed a crime in his country of origin that is punishable in Belgium and fled his country of origin to escape punishment for this crime. For every decision made to withdraw refugee/subsidiary protection status or to exclude someone from international protection, the CGRS has to give an advice on a possible removal from the Belgian territory. This

⁹³ [Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection](#), OJ L 180, 29.6.2013, p. 60–95.

⁹⁴ [Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection](#), OJ L 180, 29.6.2013, p. 96–116.

advice is not required in case of fraud committed during the asylum procedure or if the person who received a protection status afterwards proves, through his acts, that his alleged fear never existed.

In 2015, a legislative proposal was made to **limit the duration of the residence permit for recognised refugees**. Asylum seekers will no longer be granted permanent residence in Belgium once they are granted refugee status. They will be granted temporary residence for five years. If their situation remains unchanged, they will be granted permanent residence after five years. This law was approved and came into force in 2016.⁹⁵

4.4 Asylum Procedures

Dublin

The Immigration Office determines whether Belgium is responsible for processing an asylum application under Regulation (EU) No 604/2013 (Dublin III Regulation). The Immigration Office is making use of the common and specific leaflets provided by the European Commission, completed with specific national information.

In 2015, no Dublin transfers to Greece were performed. In 2015, there was a significant increase in asylum applications by unaccompanied minors with a Eurodac hit from Hungary. Few people could be transferred to Hungary because of capacity problems at the Liszt Ferenc International Airport in Budapest (a reservation to transfer a person to Hungary has to be made two months in advance). Since the 'Circular letter dd.08/06/2015' was issued by Italy, ensuring family unity and adequate reception standards, no more individual guarantees from Italy were requested.

Due to the malfunctioning of the Eurodac system in Belgium between 21 July 2015 and 23 September 2015, it appeared to be problematic to send all the Dublin requests within the set time limits. As a

consequence, Belgium became responsible by default in these cases.

First instance procedure

The asylum applications for which Belgium is responsible according to the Dublin Regulation are transferred to the CGRS to be examined on their merits. The CGRS, an independent administrative authority, is the central asylum decision-making authority. In a single procedure, the CGRS first examines whether the applicant fulfils the eligibility criteria for refugee status and, only if they are not met, subsequently whether they are eligible for subsidiary protection status.

In 2015, the **recognition rate** for beneficiaries of international protection continued to rise and was in 2015 higher than ever; with an average of about 55% for the decisions taken in 2015. Evidently there are major differences for what regards the protection rate for different countries of origin.

In 2015, 9,150 persons were granted refugee status according to the Geneva Refugee Convention by the CGRS and an additional 1,648 persons received subsidiary protection status. The high number of applicants from conflict-ridden countries has impacted considerably on the rise in recognition rate.

Special procedures: border procedures, accelerated procedures, admissibility procedures and prioritised procedures

For what concerns applications made at the **border**, there were no major developments in 2015: pending the handling of the asylum application lodged at the border, the asylum applicant is detained at the border in a detention centre managed by the Immigration Office (Transit Centre 127 in Zaventem, Repatriation Centre 127bis in Steenokkerzeel or detention centre for illegal immigrants in Bruges, Vottem and Merksplas).

Belgium has no specific **admissibility procedures** but a decision 'not to take into consideration the application' can be issued. This can be the case for subsequent

⁹⁵ [The Law of 1 June 2016 modifying the Law of 15 December 1980 regarding the entry, residence, settlement and removal of foreign nationals](#), Belgian Official Gazette, 28.06.2016.

applications without new elements being presented, applications lodged by EU-citizens, applications lodged by applicants who hold a refugee status in another Member State and for applicants from safe countries of origin. In these cases, shorter time-limits apply, but the applications are to a large extent assessed on the merits. These types of procedures can thus rather be considered as accelerated procedures.

For what concerns the **safe country of origin policy**: on 24 November 2011, Belgium introduced the possibility to designate safe countries of origin, and the Royal Decree implementing this concept came into force on 1 June 2012. The list of safe countries of origin was last updated in the Royal Decree of 24 April 2015. The Royal Decree entered into force on 15 May 2015. This list still contains the same seven countries as the first list of 2012, more precisely: Albania, Bosnia and Herzegovina, Macedonia (FYROM), Kosovo, Montenegro, Serbia and India.

There are no guidelines about what cases can be **prioritised**. In the course of 2015, manifestly well-founded Syrian cases were prioritised. To some extent, cases of applicants who reside in reception centres (an applicant can also reside in private housing) were also sometimes prioritised in order to accelerate the decision making, and hence liberate capacity more quickly in the reception centres.

Appeal

There were no major developments regarding the appeal procedure in 2015.

The Council of Aliens Law Litigation (CALL) is an administrative Court competent for handling appeals against all kinds of administrative decisions in the field of migration, among others against the first instance negative decisions of the CGRS.

Country of Origin Information

The Documentation and Research Centre (CEDOCA) of the CGRS has a staff of 40 persons. It is made up of 26 researchers who are specialised per geographical region and a library team who assists the researchers and is responsible for sharing

the Country of Origin (COI) Information on the CGRS intranet. The researchers follow the situation in the countries of origin on a day-to-day basis, they gather and select all relevant information and make this available to the protection officers. They also carry out specialised research to answer protection officers' questions during the processing of individual asylum applications. All COI-experts have a master degree and are specialized in one to five countries from a specific region. Apart from COI Research, the COI-experts provide training on COI, give briefings on particular subjects, organize conferences and are active in several international COI networks (e.g. EASO and IGC).

In June 2015, Cedoca published - for the first time- a few COI-papers on the new CGRS-website and to that end, set up an internal editing team. This activity will be continued in 2016. In the second half of 2015, Cedoca heavily invested in country training for the new protection officers.

Due to the increased influx from Syria, Iraq, Afghanistan and Somalia, Cedoca has created origin check toolkits for these countries and shared this format with EASO. Cedoca created collaborative workspaces on the intranet for the top countries of origin, where researchers and protection officers can share information. It organized bimonthly consultations amongst heads of departments, researchers and reference persons to enhance information sharing and to detect information needs in a proactive way for Afghanistan, Iraq and Syria.

4.5 Jurisprudence

In 2014, the appeal procedure against CGRS decisions 'not to take into consideration asylum applications from safe countries of origin' has been judged not to be an effective remedy in certain situations by the Belgian Constitutional Court judgment on the appeal procedure. As a consequence, a change of law entered into force on 1 June 2014, allowing for a full judicial review, with suspensive effect, against inadmissibility decisions on subsequent applications and applications from safe countries of origin.

In 2015, an appeal was lodged with the Constitutional Court against similar CGRS decisions 'not to take the asylum application into consideration' for (1) asylum applications of EU citizens; (2) asylum applicants who have already been recognized as refugees in another Member State and (3) asylum applicants who received a technical refusal⁹⁶. This time, the Constitutional Court rejected the appeal and did not follow the argumentation that the appeal procedure at the Council for Aliens Law Litigation against these types of decisions is not an effective remedy.

On 7 May 2015, the Council of State partially rejected the inclusion of Albania in the Royal Decree of 2014 on safe countries of origin.

4.6 Reception

As already mentioned, the Belgian government and the Federal Agency for the reception of asylum-seekers (Fedasil) invested seriously to **increase the reception capacity**. At the end of December, the reception capacity counted almost 33,500 places (collective and individual structures). At the end of February 2016, the number of reception places was about 35,000. Collective reception centres are the most common type of accommodation. On 31 December 2015, there were 24,502 places in collective centres (including temporary and emergency centres and 170 so called 'open return places').

Due to the high increase of asylum applicants in 2015, the government decided to involve private companies in the reception of asylum applicants. These private operators⁹⁷ were selected through tendering procedures taking into account quality standards.

For what concerns the **reception of vulnerable groups**: at the Dispatching of

⁹⁶ 'Technical refusals' (refusals of an asylum application under Article 52 of the Immigration Act) are: (a) deliberately 'withdrawing oneself' from a border procedure; (b) not appearing on the date of the interview without giving good reasons within 15 days; (c) not delivering the information one is asked for within a month without good reasons; and (d) non-compliance with the obligation to report for at least 15 days.

⁹⁷ Corsendonk-G4S, Senior Assist, Refugee Assist and Bridgestock.

Fedasil, the specific situation of the asylum seeker (family situation, age, health condition) is taken into consideration before assignment to a reception centre. Unaccompanied children are accommodated in specific reception initiatives (including those who do not apply for asylum) in a three-stage model (observation and orientation, collective centre, individual accommodation). On 31 December 2015, there were 2,048 such places available, accommodating 1,874 minors. In addition, about 450 asylum seekers who declared themselves minors but needed to undergo an age assessment or were considered sufficiently mature, stayed in a regular reception place.

On 9 December 2015, a Royal Decree came into force which stipulates that **asylum applicants are granted access to the labour market after having spent four months** (instead of six months) in the asylum procedure without having received a first instance decision from the Office of the Commissioner General for Refugees and Stateless Persons.

4.7 Provision of support to other Member States and participation in EASO activities

Following the unprecedented flow of migrants and the high influx of asylum applications, EASO provided emergency/special support to Bulgaria, Cyprus, Greece and Italy throughout 2015.

Provision of staff for Asylum Support Teams

In 2015, Belgium frequently provided staff for Asylum Support Teams in the framework of special support plans and/or emergency support plans for:

Greece

- From 22 October 2015 to 20 November 2015, a protection officer of the CGRS provided support in Lesbos with the provision of relevant information to potential applicants for international protection in the

framework of the EASO Hotspot Operating Plan to Greece.

- In October (19 October 2015 – 23 October 2015) and November 2015 (16 November 2015 – 20 November 2015), a researcher of the CGRS was in Athens, providing support in the field of country of origin information in the framework of the support plan to Greece.

Italy

- From 13 April 2015 to 12 June 2015 and from 6 July 2015 to 11 September 2015, a protection officer of the CGRS was sent to Rome in the framework of capacity building and to provide support to the Italian Territorial Commissions (EASO Special Support Plan to Italy, phase 2).
- Another protection officer assisted with the capacity building pre-identification and registration in Agrigento from 28 September 2015 to 30 October 2015 for the hotspots.
- From 5 November 2015 till 18 December 2015, an expert from the Belgian reception agency Fedasil provided support in Rome in the framework of capacity building of the Dublin unit for the hotspots.

Bulgaria

- From 23 March 2015 to 27 March 2015, the coordinator of the interpreters service of the CGRS was in Sofia to provide support with the training of interpreters.
- From 29 June 2015 to 8 July 2015, a protection officer of the CGRS was in Sofia and Harmanli to provide
- From 3 August 2015 support regarding the practical implication of quality tools in the asylum procedure. until 12 August 2015 a senior expert of Fedasil provided support regarding the identification

and referral of persons with special needs. The same expert was also in Sofia from 5 November 2013 till 13 November 2013 to provide support in the field of reception and social activities.

Cyprus

- From 13 April 2015 until 24 April 2015 an expert from Fedasil was sent to Nicosia to provide support in the framework of the development of an intra-institutional screening mechanism to detect persons with special needs.

Participation in other EASO activities

Belgium is one of the most active players and participates in most activities, meetings and workshops of EASO. The Commissioner General for Refugees and Stateless Persons, Mr. Dirk Van Den Bulck, is a member of the **EASO management board** for Belgium and participates in the EASO Management Board Meetings.

The Belgian asylum authorities were actively involved in the development, teaching and update of several **EASO Training Modules** (Interviewing Children, CEAS, Inclusion, Exclusion, Evidence Assessment and Interview Techniques).

Belgian experts also participated in meetings regarding the development of **common practical tools** such as the common asylum application pilots, EASO quality tools, etc. The Belgian asylum services were also heavily involved in the **COI-related activities of EASO**. The head of the Belgian Research Department CEDOCA is a member of the strategic COI network. Furthermore, Cedoca is the co-author of four EASO-reports, conducted a peer review for one EASO-report and took part in six EASO specialist networks.

The Belgian asylum authorities also actively participated in the EASO meetings of the **group on the provision of statistics (GPS)** and also contributed to the further development of an early warning

mechanism by means of a timely delivery of the requested statistical data.

4.8 Resettlement, humanitarian admission and relocation

Resettlement

Belgium only accepts cases for resettlement that are submitted by the United Nations High Commissioner for Refugees (UNHCR). The Office of the Commissioner General for Refugees and Stateless Persons (CGRS) assesses the cases, partly through selection missions, partly on the basis of data files. All cases are screened by the State Security Service before the final decision on selection. Once the selection is approved by the State Secretary for Asylum Policy and Migration, the Federal Agency for the reception of asylum seekers (Fedasil) organizes the pre-departure cultural orientation training, the transfer, the initial reception and subsequent integration support for a duration of up to 24 months.

The refugees selected for resettlement need to lodge an application for international protection shortly after arrival. However, this is a formality: refugee status is granted systematically to all persons accepted for resettlement within days after arrival.

In November 2014, Belgium **doubled the quota** that was initially foreseen for 2015 more specifically from 150 to 300 persons. **By the end of 2015, 276 refugees were resettled to Belgium:** 88 Congolese refugees from Burundi and 188 Syrians coming from Lebanon (141), Turkey (43) and Jordan (4). In January 2016, an additional 63 Syrian resettled refugees from Lebanon arrived in Belgium.

EMN Activities

2015 EMN ad hoc queries (AHQ) on resettlement

In June 2015, the Italian NCP launched an ad hoc query to collect information on how States allocate funding for refugee resettlement.

In November 2015, the UK NCP launched two AHQs to build on, and update, knowledge on resettlement practices across EU Member States. The AHQs provide information on the resettlement programmes, refugee quotas, selection criteria, pre-departure support and integration support in different EU Member States. The responses of the different Member states and a brief summary can be found on the EMN website via the following link:

<http://www.emnbelgium.be/publication/ad-hoc-query-resettlement-programmes>.

EMN Activities

Upcoming 2016 EMN Study: Resettlement and Humanitarian Admission Programmes in Europe

In 2016, the EMN will draft a focussed study on 'Resettlement and Humanitarian Admission Programmes in Europe'. This EMN study will aim to offer a strategic overview of challenges and current solutions regarding the functioning of resettlement schemes and humanitarian admission programmes for refugees in the EU and Norway. The national EMN reports will be published in the course of 2016. The European synthesis report is expected by the end of 2016.

Humanitarian admission

In 2015, there were two special operations for Christians in Aleppo. During the period May-July 2015, 244 Syrians arrived in Belgium with a humanitarian visa and in December 2015, another 37 Syrians arrived with a humanitarian visa.

Relocation

With regard to relocation, Belgium has made a first pledge of 30 persons in 2015, open to both Italy and Greece. As Italy was the first to react, Belgium started with the relocation of 30 persons out of Italy. Six Eritreans from the first pledge of 30 persons arrived in 2015 from Italy, the others arrived in 2016. In the course of 2016, the number of people that Belgium pledges to relocate (also from Greece) will increase substantially.

In 2015, the slow progress in the establishment of the hotspots has hindered a swift implementation of the relocation process.

4.9 Return of rejected asylum applicants

The return of rejected asylum applicants continued to be one of the priorities of the government. Absolute priority is given to the return of persons who are involved in **public order issues**. In 2015, 2,526 forced returns⁹⁸ and 3,395 voluntary returns⁹⁹ of third country nationals were carried out – excluding Dublin (although not all of these returns involved rejected asylum applicants)¹⁰⁰.

Belgium has also launched specific **information campaigns** towards Iraqi and Afghan asylum seekers in Belgium but also in the country of origin. These campaigns aim at providing a counter narrative to those who have travelled or plan to travel to Belgium on the basis of inaccurate information (e.g. regarding financial and

social benefits). These campaigns have already resulted in an increase in the number of voluntary returns. In 2015, about one out of every four voluntary returns was to Iraq (also see section 3.5 and 9.3.7 of this report).

Belgium has also increased its capacity to detain more rejected asylum applicants and other people in irregular stay with a view to increase returns. In this respect, additional staff for the closed centres was also recruited. The increase of the detention capacity started at the end of 2015. However, most of the increase in the detention capacity will be implemented in the course of 2016.

⁹⁸ Source: Immigration Office.

⁹⁹ Source: Fedasil.

¹⁰⁰ Nieuw-Vlaamse Alliantie (N-VA), *Theo Francken: meer dan 10.000 terug in 2015*, 22 January 2016, <https://www.n-va.be/nieuws/theo-francken-meer-dan-10000-terug-in-2015>

Upcoming 2016 EMN Study: Approaches to rejected asylum seekers

In 2015, the EMN steering board agreed to carry out a focussed study on '*Approaches to rejected asylum seekers*' in 2016.

The study will aim to:

- Map the estimated scale of rejected asylum seekers;
- Get an insight into Member States' actions to ensure that increasing numbers of rejected asylum seekers are being returned, identifying any recent changes to policy;
- Investigate to what extent Member States' return policies are linked to the asylum procedure;
- Investigate which measures Member States take, at the point of rejecting asylum seekers, to prevent absconding and to encourage return;
- Provide an overview of the obstacles to return and the measures taken to overcome such obstacles, identifying good practices;
- Examine Member State approaches to rejected asylum seekers who cannot be returned;
- Draw conclusions as to whether Member States tailor return policies to rejected asylum seekers;
- Identify any good practices that Member States have in place to return rejected asylum seekers.

5. UNACCOMPANIED MINORS AND VULNERABLE GROUPS

5.1 Unaccompanied minors

In 2015, 2,650 asylum applications by unaccompanied minors (UAMs) were registered in Belgium. This represents a **huge increase** compared to 2014 (470 asylum applications by UAMs). In 2015, no less than 1,615 applications from Afghan UAMs were registered in Belgium. The other top 5 main countries of origin in 2015 for UAMs were Syria (460), Iraq (180), Somalia (105) and Guinea (50)¹⁰¹.

Due to the high increase of the number of UAMs, a **substantial number of additional reception places for UAMs were created**. The reception capacity of the first phase was quintupled (and an increase from three first phase reception centers for UAMs – the Observation and Orientation Centres – to six). In the second phase of reception for UAMs, 65% more places were provided. New operators were activated in the reception of UAMs: for the first time, reception was also organised by private companies. In total, 2,094 reception places for UAMs were available by the end of 2015.

The reception trajectory was respected for the most vulnerable UAMs. For the UAMs awaiting their age assessment and those who were almost adult, the Federal Agency for the reception of asylum seekers (Fedasil) was forced to revise the guidance standards.

Since July, Fedasil also implemented a **new reception trajectory** for UAMs. Only UAMs with a permanent residence permit can make the transfer to individual reception facilities where they receive specific assistance to make the transition to life in Belgian society. Simultaneously, the counselling in the different individual reception facilities was harmonized.

Since June 2015, the Public Prosecutor's Office has a limited **access to the database** of the Guardianship Service. Essential data on UAMs (identity, age determination, address, contact details of the guardian, more information in case of disappearance) can be consulted. The Immigration Office, the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and Fedasil will also have access to this database, to ensure that they swiftly receive accurate information on the place of residence, the state of play regarding the age assessment and the contact details of the guardian.

On 20 May 2015, a **new circular on UAMs**¹⁰² was published. The circular introduces a new identification form for unaccompanied minors that has to be completed by any authority that comes into contact with UAMs, such as police or municipal authorities. The completed identification form has to be sent to the Guardianship Service and the Immigration Office. The **cooperation** modes between the local authorities, the police, the Immigration Office and the Guardianship Service, as described in the annulled circular of 30 April 2004, are also included in the new circular.

Due to the increase of the number of UAMs, it was necessary not only to improve but also to speed up the identification process. A closer **operational cooperation** was put into place between the Immigration Office, the Guardianship Service and Fedasil, which resulted in a faster procedure.

In 2015, the number of **guardians increased** substantially. In April 2015, the Guardianship Service established a **coaching programme** for the guardians, in collaboration with the Red Cross and Caritas International. This programme consists of three parts:

- **Helpdesk for guardians:** allowing the Guardianship Service to be reached more flexibly by email and phone. Guardians can contact the helpdesk for

¹⁰¹ Commissioner General for Refugees and Stateless Persons, *Asylum Statistics : Overview 2015*, 7 January 2016, <http://www.cgvs.be/nl/actueel/asielstatistieken-overzicht-2015>

¹⁰² [Circular of 8 May 2015 on the identification form and taking charge of UAMs](#), *Belgian Official Gazette*, 20 May 2015.

practical and specific questions regarding their guardianship, for advice, information on the procedures or to make an appointment to discuss further specific situations.

- **Individual support** for guardians to assist them in specific or complex guardianship cases (complex cases might entail UAMs at the border or in detention, UAMs that have been arrested or need urgent medical assistance; UAMs that are victims of human trafficking; UAMs with serious psychological issues or without a reception place; UAMs for whom it is difficult to find a durable solution or who want to return voluntarily).
- **Internship and information sessions:** new and inexperienced guardians will receive an individual 'internship' of eight hours which entails that the new guardian is coached during his/her visits to the UAMs and to supporting organisations/authorities. The information sessions aimed at all guardians will be organised regularly in order to exchange best practices and additional information.

Also the 'minors and trafficking in human beings unit' (MINTEH unit) of the Immigration Office was involved in providing **training** to new guardians. This unit addresses unaccompanied minors and victims of human trafficking. In 2015, the MINTEH unit also reflected on particular situations such as underage marriage and child mothers.

Similarly, the CGRS has vulnerability orientated **units for gender and UAMs**. The CGRS also further developed the project '**Best Interest of the Child**' and examined how this can be implemented in the context of an asylum application.

At the end of the year, Fedasil also **evaluated the pilot project 'My Future'**, launched in September 2014 to create a voluntary specific reception trajectory for UAMs reaching majority and with no perspective of legal stay in Belgium. My Future is an intensive process and requires a great commitment on the part of the counsellors. Due to the high influx of UAMs from mid-2015 onwards, the occupation

rate in the reception facilities increased and staffing became inadequate. It was no longer possible for the pilot centres to offer the full range of counselling services foreseen by the project. The information trajectory was limited to individual counselling of the young people, the group sessions were provisionally cancelled. So in the last months, the My Future trajectory was no longer offered systematically. Yet the evaluation of the pilot process has made it clear that the **basic principles of the trajectory - inform, raise awareness, empower** - have a positive impact on young people. The trajectory has not led to a concrete choice for the future for all the young persons involved, but the UAMs did receive the necessary information on the possibilities and difficulties after their departure from the reception facility. They were made aware of their real situation and prospects of residence and they were empowered in making decisions. The trajectory thus addresses a major bottleneck in the current reception path of UAMs with no prospect of residence in Belgium, namely a lack of preparation of these young people for their departure from the reception network, as a consequence of the transfer of little and ambiguous information about migration, voluntary return and irregular stay, depending on the reception structure.

Based on these general observations, **two possible scenarios** were proposed for the continuation of the 'My Future' project. A first option would be to leave the 'My Future' trajectory as originally conceptualized, that is to say as a new trajectory - offered in two federal reception centres - for those UAMs who are approaching the age of majority and have no prospect of a permanent legal residency in Belgium. The second option would be to integrate the basic principles of 'My Future' (inform, raise awareness, empower) in the existing reception trajectory for all UAMs. Fedasil has not yet taken a decision on the proposals.

At the end of 2015, the first steps were taken to launch a pilot project on **foster care for UAMs**. At this stage of the project, the terms and conditions for the selection of foster families and UAMs have been

agreed upon, a call for candidate foster families has been issued and candidate UAMs have been screened.

5.2 Other vulnerable groups

Attention for vulnerable groups in the General Policy Note of the State Secretary for Asylum Policy and Migration

The General Policy Note on Asylum and Migration of November 2015¹⁰³ mentions different categories of vulnerable asylum seekers. Besides a focus on Unaccompanied Minors (UAMs), mention is made of Lesbian, Gay, Bisexual and Transgender (LGBT) asylum seekers, asylum seekers with mental health problems, and women and single mothers. A reception model where vulnerable asylum seekers are entitled to individual reception facilities is also mentioned.

Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI)

The General Policy Note of the State Secretary for Asylum Policy and Migration stated that the **AHHA project**¹⁰⁴, which provides an adapted assistance for LGBT asylum seekers, will resume in the federal reception centres.

Based on an inventory of initiatives and after extensive consultation with the expert group and civil society, the Institute for Equality of Women and Men and the Inter-federal Centre for Equal Opportunities drafted a note in January 2015 concerning the **bottlenecks of the Inter-federal Action Plans against Homophobic and Transphobic Violence and Discrimination** (2013 – 2014). The note evaluates the plans and makes **recommendations** to address homo- and transphobic violence and discrimination. For example, there is a need for sensitization and training for actors on the labour market. The note recommends

¹⁰³ Belgian House of Representatives, [General Policy Note on Asylum and Migration](#), 3 November 2015, DOC 54 1428/019.

¹⁰⁴ More information on the AHHA-project: Fedasil, *Begeleiding van holebi-asielzoekers*, <http://fedasil.be/nl/inhoud/begeleiding-van-holebi-asielzoekers>

the development of codes of conduct and compulsory training for labour inspectors, prevention advisors, occupational physicians, lawyers, trustees, unions, employers and employees. There is also need to raise awareness in society. For example, the image provided in the media is often biased. It is recommended that journalists should be sensitized at the beginning of their education/career. The same applies to general awareness campaigns which are sometimes unbalanced and inefficient and often lack the transgender aspect. The Institute and the Centre recommend more attention to specific target groups in these types of campaigns.

Medical conditions

For ill people, a **medical labelling of rooms** in the reception network has been set up. It concerns not only the characteristics of the room (for example ground floor, accessible for people with reduced mobility), but also the surrounding of the reception facility (e.g. near a hospital).

The General Policy Note of the State Secretary for Asylum Policy and Migration also stated that the counselling and treatment of asylum seekers with **mental health** problems will be strengthened.

For this reason, among others, Fedasil created a **medical cell**, consisting of a doctor and nurses at the Dispatching service.

Reception of vulnerable groups

The General Policy Note of the State Secretary for Asylum policy and Migration states that the reception network was further rationalised in 2015 by the introduction of a **new reception model** where collective reception applies as a general rule and individual reception is reserved for vulnerable asylum seekers¹⁰⁵, since individual reception is seen as the most suited option to meet the reception needs of vulnerable groups. But because of

¹⁰⁵ Belgian House of Representatives, [General Policy Note on Asylum and Migration](#), 3 November 2015, DOC 54 1428/019, p. 9.

the high influx of asylum seekers the new reception model was not fully implemented and even put on hold in 2015.

Since January 2015, reception conventions with the different reception partners of Fedasil mention how many and which vulnerable groups the reception partner must be able to accommodate. For each of the vulnerable groups, a 'reception path' will be elaborated taking into account the specific reception needs. Due to the high influx of asylum seekers, this new reception model could not be implemented in 2015. The longer-term examination period of asylum applications - due to the high influx - will make it very difficult to implement this new reception model in the near future, with asylum seekers staying in collective reception centres for over nine months.

In 2015, Fedasil continued to work on the **comprehensive study of vulnerable asylum seekers** – which was launched in 2014 - and to take charge of their specific needs in the reception network. In addition to the implementation of the recommendations that will follow from the results and conclusions of this study, there will be, once the situation in the reception network allows it, a further expansion of the supply of adapted reception trajectories and adapted reception places (e.g. an expansion of facilities responding to the specific reception needs of ill or disabled asylum seekers). The identification of vulnerable asylum seekers, including victims of torture or violence, will be improved.

The same applies to the identification of **victims of trafficking**. The training of the staff of the reception centres will be pursued.

Women and single mothers

Like other countries, Belgium mainly had to cope with the greatly increased influx of asylum seekers and the urgent creation of additional reception facilities in 2015. Nonetheless, an effort was made to ensure a **minimum degree of security for women** in the new and emergency reception facilities, including lockable rooms and nearby and well-lit access to sanitation.

These kind of requirements were also included in the terms of reference of the tenders for private contractors.

Moreover, Fedasil will invest to **structurally anchor the projects concerning women and single mothers**, who - more often than other asylum seekers - are vulnerable, need additional protection and are at risk of exclusion. Fedasil will continue to focus on a **gender-sensitive approach**, including the expansion of initiatives for **child care and appropriate care for victims of violence**. In the current highly occupied reception network, and especially in emergency accommodation, actions will be taken to **prevent and address gender-based violence** and to ensure the safety of all residents. For example, a specific convention was concluded with one of the reception operators to create 20 places for extremely vulnerable women in an already existing women reception facility.

National Action Plan to combat all forms of gender-based violence (2015-2019)

Through the fifth **National Action Plan to combat all forms of gender-based violence (2015-2019)**¹⁰⁶, established with the involvement of the federal government, the Communities and Regions and coordinated by the Institute for the Equality of Women and Men, Belgium wants to increase its efforts to prevent and combat all forms of gender-based violence against women and men. The plan pays particular attention to sexual violence and is also fully in line with the Council of Europe Convention on preventing and combating violence against women and domestic violence. The action plan focuses on the following types of violence: domestic violence, female genital mutilation, forced marriages, (supposedly) honour-related violence and sexual violence.

Trainings were organized for the staff of the reception network on the needs of women and girls concerning the detection of victims of **female genital mutilation** and the use of a toolkit on female genital mutilation.

¹⁰⁶ [National Action Plan to combat all forms of gender-based violence \(2015-2019\)](#).

A training course on the **detection of victims of sexual and gender based violence** in collaboration with the International Centre for Reproductive Health¹⁰⁷ is foreseen for the staff of the reception network in 2016.

In terms of policy, Fedasil analysed the issue of **child marriages** and provided guidelines to be used in the reception network when confronted with child brides.

In the first set of binding **quality standards for the reception of asylum seekers**¹⁰⁸ - which were elaborated in 2015 - a number of vulnerabilities of women in reception facilities are taken into account. This includes separate sanitary facilities and the obligation to provide transport to organizations providing accompaniment/psychosocial support for beneficiaries with special needs (due to their sexual orientation, genital mutilation,

etc.).

Finally, a **gender perspective was also integrated in the knowledge management** of Fedasil. Since 2015, the **information documents** on certain **countries of origin** - provided to the staff of the reception network - contain a chapter on gender-related issues. Furthermore, the country files used for assisted return and reintegration programmes include gender-related information. The same was done for the **data forms** that are regularly collected throughout the reception network with the purpose of generating statistics which were adjusted in order to allow for **more diversified gender statistics**.

***EMN Activities ***

Ad hoc query on detention and removal of unaccompanied and accompanied minors

In the beginning of 2015, the Belgian Contact Point to the EMN published the results of an ad-hoc query on detention and removal of unaccompanied and accompanied minors, including the answers of 18 (Member) States. Some key points:

- In the vast majority of (Member) States, detention of unaccompanied minors is prohibited, rarely used in practice or only in exceptional circumstances. Overall accompanied minors are still more often detained than unaccompanied minors but according to the answers received detention is only used as a measure of last resort or in exceptional cases. In some (Member) States, accompanied minors are never or rarely detained.
- When minors are detained, this is usually for a limited time period.
- Concerning forced removal, the numbers seem to be limited and concern mainly accompanied minors. From the 18 (Member) States that responded, no unaccompanied were removed in 9 States and no accompanied minors in 6 of the States. For a number of (Member) States, this information is not available.

A summary and a comparative table (by country) can be found on the website of the Belgian NCP: <http://www.emnbelgium.be/publication/ad-hoc-query-detention-and-removal-minors>

¹⁰⁷ International Centre for Reproductive Health, [website], [www.http://icrh.org/](http://icrh.org/)

¹⁰⁸ In 2015, the quality standards for reception regarding material aid, social and legal counselling, the infrastructure and safety were completed. Audits to check these standards were organised by Fedasil, but due the high influx of asylum seekers in 2015, not all reception partners have been audited yet.

6. COUNTERING TRAFFICKING IN HUMAN BEINGS

6.1 A new Action Plan in the fight against human trafficking

On 15 July 2016, the Interdepartmental Coordination Cell for the fight against trafficking and smuggling of human beings (hereafter called Interdepartmental Coordination Cell) released the Action Plan on the fight against human trafficking 2015-2019¹⁰⁹. This action plan aims to:

- Optimise legal or regulatory criminal instruments and ensure their efficient implementation
- Develop long-term and coordinated training programs
- Refine the protection status of victims and improve the positioning of reception centres
- Fight trafficking in human beings at international level
- Raise awareness and inform both specialized actors as well as civil society and citizens
- Further develop the understanding of the phenomenon
- Deepen initiatives at all levels and support projects from federated entities

With regard to the last objective, it is worth noting that better synergy between federal and federated actors will be developed to reinforce actions at all levels. In this regard, information and training will be directed towards regional labour inspection offices and law centres ('Maisons de justice'). The school sector will allow the launching of initiatives for teachers, educators and pupils/students. The staff of youth structures and organisations will also be trained¹¹⁰.

¹⁰⁹ Interdepartmental Coordination Cell for the fight against trafficking and smuggling of human beings, [Action Plan – The Fight against trafficking in human beings 2015-2019](#), 15 July 2015. National action plans and publications on trafficking and smuggling are accessible [here](#).

¹¹⁰ For further information on synergies to be developed with federated entities, see Interdepartmental Coordination Cell for the fight against trafficking and smuggling of human

The call to and involvement of local actors in the fight against trafficking in human beings also appears in the '**Plan for fair competition – 40 concrete measures for the construction sector**'¹¹¹ released on 8 July 2015. The latter plan includes a specific point on trafficking in human beings where local authorities are requested to investigate and counter abuses (e.g. night spent in containers etc.).

6.2 Prevention

Information tools

A new brochure presenting indicators of trafficking in human beings was distributed to the Belgian police and social inspection services. This simplified tool had been recommended following the evaluation of the Circular from 26 September 2008 which describes the multidisciplinary cooperation for the protection of victims and the role of the various stakeholders¹¹².

An updated information leaflet on trafficking in human beings was elaborated for Belgian diplomatic posts. This information leaflet aims to raise awareness on human trafficking and to promote information exchange with countries where diplomats are posted¹¹³.

Training

In 2015, numerous **training sessions** were organized for Belgian stakeholders, in some cases at basic level and in others at more specialized level. The training was particularly targeted towards **guardians** responsible for unaccompanied foreign

beings, [Action Plan – The Fight against trafficking in human beings 2015-2019](#), 15 July 2015, pp. 38-41.

¹¹¹ [Plan for fair competition – 40 concrete measures for the construction sector](#), partnership agreement between trade unions, employer organisations from the construction industry and the federal authorities (the State Secretary for the Fight against Fraud, the Service d'Information et de Recherche Sociale (SIRS), the FPS Social Security, FPS Employment, the National Social Security Office (NSSO) and the National Employment Office (NEO), p. 5.

¹¹² Circular of 26 September 2008 on the implementation of a multidisciplinary cooperation concerning victims of human trafficking and/or certain forms of aggravated human smuggling.

¹¹³ This action is foreseen in Interdepartmental Coordination Cell for the fight against trafficking and smuggling of human beings, [Action Plan – The Fight against trafficking in human beings 2015-2019](#), 15 July 2015, p. 28.

minors, who were informed about procedures, who exchanged experiences and questions and who received practical tools including leaflets and working patterns¹¹⁴. The training was also directed to **the federal police, the social inspection and the prosecutors** (trainee or not). The different training sessions are now part of a cycle and program coordinated by the Bureau of the Interdepartmental Coordination Cell^{115 116}.

Training initiatives also took place in **third countries** in 2015. In cooperation with the International Organization for Migration (IOM), Payoke¹¹⁷ presented the national referral mechanism to judiciary services in Iraq and in Turkey¹¹⁸. Payoke also continued in 2015 to welcome students and interns from a university in North Vancouver, Canada, in the framework of the European Union Study Tour & Internship Program¹¹⁹.

Prevention campaigns

In 2015, Belgian stakeholders undertook new prevention and dissuasion campaigns in third countries, partly dedicated to **raising awareness about human trafficking among potential migrants**.

For example, an information campaign was organized in Nigeria from 11 February until mid-August 2015. The campaign, which was mainly focused on **Benin city**, aimed at raising awareness among potential migrants about the dangers associated with human smuggling and trafficking. Concrete instructions were provided to them as to avoid falling into the hands of smugglers

and/or traffickers (see section 3.5 of this report).

Preventing trafficking of young football players

In April 2015, the **House of representatives**¹²⁰ considered the issue of **trafficking in human beings in football circles** and the need for continuous efforts to prevent that Belgium serves as a hub for trafficking African football players. No figures are available in this regard but Belgian authorities remain aware of and alert to possible misuses of visas and residence permits in relation to specific work permits. Cooperation between all stakeholders concerned, including the Federal Public Service Foreign Affairs, regional services responsible for the granting of work permits, the Immigration Office and the Royal Belgian Football Association, should be enhanced. Furthermore awareness raising actions should be undertaken among those concerned to improve the prevention and follow-up of victims. The Parliament of the French Community adopted, on 29 April 2015, a **resolution aimed at fighting trafficking and exploitation of foreign young football players in Belgium**¹²¹. The latter resolution calls inter alia for a quantitative assessment of the phenomenon, consultations with all stakeholders concerned, prevention and awareness-raising actions in Belgium and in third countries and joint responses with the European Union. The Samilia Foundation¹²² has been very active in this matter through the 'Football Against Trafficking' program¹²³.

¹¹⁴ The training for guardians which took place in March 2015 is referred to in Interdepartmental Coordination Cell for the fight against trafficking and smuggling of human beings, [Action Plan – The Fight against trafficking in human beings 2015-2019](#), 15 July 2015, p. 16.

¹¹⁵ The training program is presented in the Interdepartmental Coordination Cell for the fight against trafficking and smuggling of human beings, [Action Plan – The Fight against trafficking in human beings 2015-2019](#), 15 July 2015, p. 17.

¹¹⁶ Source: Chair of the Interdepartmental Coordination Cell.

¹¹⁷ More information on : Payoke, [website], <http://www.payoke.be/en/what-is-payoke/>

¹¹⁸ More information will be available in the 2015 annual [activity report from Payoke](#).

¹¹⁹ The [European Union Study Tour & Internship Program](#) is supported by the European Commission and the Canadian Mission to the EU.

¹²⁰ Belgian House of Representatives, [Question n°100 from the MP Brecht Vermeulen of 25 March 2015 to the State Secretary for Asylum Policy and Migration, in charge of Administrative Simplification](#), 27 April 2015, QRVA 54 022, pp. 188-190.

¹²¹ Parliament of the French Community, [Resolution aimed at fighting trafficking and exploitation of foreign young football players in Belgium](#), 90 (2014-2015) — No 4, 29 April 2015.

¹²² The [Samilia Foundation](#) aims to alert, educate and inform all stakeholders, potential victims and the wider public about trafficking in human beings.

¹²³ More information on "Football against Trafficking" on <http://samilia.org/fr/projets/football-against-trafficking/>

6.3 Investigation and prosecution

The joint Circular from the College of public prosecutors and the Minister for Justice relating to the investigation and prosecution policy with regard to human trafficking was updated and came into force on 15 May 2015. The Col 01/2015¹²⁴, which replaces the Col 01/2007, takes into account the legislative amendments taken along the way at national and international level. Among the new elements, it is worth noting that:

- Greater synergy is fostered between the youth division of the public prosecutor's office and the reference judges for trafficking in order to better detect and protect underage victims¹²⁵.
- A more detailed section on the protection of victims of trafficking was introduced and the non-punishment provision with regard to victims was also clarified.
- Information relating to international investigations and contacts with the federal prosecutor's office were added
- An investigation pattern was annexed to the Circular.
- The list of indicators aimed at identifying trafficking victims was updated more practically.

The Col 01/2015 will be evaluated every two years and for the first time during the year 2017¹²⁶.

6.4 Protection

The Benelux cooperation

The protection of victims has been a focus of the Benelux cooperation in the field of trafficking in human beings. In the common work programme 2013-2016¹²⁷, the Benelux countries had committed to taking new

initiatives to jointly fight human trafficking. On 1 April 2014, the second annual Benelux meeting concerning human trafficking concentrated on the improvement of the **transnational referral mechanism of trafficking victims between the Benelux countries**. In 2015, to further facilitate the exchange of information on and referral of victims (particularly those who are identified in one Benelux country but have been trafficked in another country), a **brochure** was elaborated. This brochure gathers the contacts details of main stakeholders and basic information about procedures in the Benelux countries in the field of trafficking¹²⁸.

The RAVOT-EUR project

The protection of victims has also been at the centre of the cooperation between the Ministry of Interior of Hungary, the Ministry of Security and Justice of The Netherlands and Payoke vzw of Belgium in the framework of the 'Referral of and assistance for victims of human trafficking in Europe' (hereinafter **RAVOT-EUR**) project¹²⁹. The main aim of the project is to develop a **transnational referral mechanism among Hungary, Belgium and the Netherlands**. This would contribute to the assistance, safe return and referral of trafficking victims and facilitate transnational networking and trust building among professionals. While 2014 allowed - inter alia - the holding of three professional workshops to discuss best practices and the different needs, circumstances and capabilities, 2015 resulted in further work on writing the information manual on the transnational referral mechanism for victims of human trafficking in Belgium, the Netherlands and Hungary¹³⁰, translating related information material and feeding it into the relevant pages of the dedicated

¹²⁴ The COL 01/2015 is entirely confidential.

¹²⁵ The youth division of the public prosecutor's office will systematically be invited to "human trafficking" coordination meetings regarding the judicial district.

¹²⁶ [The fight against trafficking in human beings 2015-2019, Action Plan](#), Interdepartmental Coordination Cell, Brussels, 15 July 2016, pp. 9-10 and [Tightening the Links, Trafficking and Smuggling in Human Beings, Annual Report 2015](#), Myria, Brussels, January 2016, pp. 57-58

¹²⁷ [Growth, innovation and security, Common work programme](#), Benelux General Secretariat, Brussels, pp. 12-13.

¹²⁸ This action is foreseen in "The fight against trafficking in human beings 2015-2019", Action Plan, Interdepartmental Coordination Cell, Brussels, 15 July 2016, p. 29.

¹²⁹ [Referral of and assistance for victims of human trafficking in Europe \(RAVOT-EUR\)](#), 1 February 2014 – 31 January 2016, European Union Specific Programme "Prevention of and Fight against Crime".

¹³⁰ S. Windt, S. Lamonaca & J. Johannes Marinus Van Rij, with the financial support of the European Commission, [Information manual on the transnational referral mechanism for victims of human trafficking in Belgium, the Netherlands and Hungary](#), 2015.

website¹³¹. Payoke also participated in regular meetings of the Steering Committee of the RAVOT-EUR project and preparations for the final conference to be held in 2016¹³².

The EU Guidelines project

Finally in 2015, Payoke, in partnership with the university of Antwerp, further worked on the EU Guidelines for the establishment of national focal points for the comprehensive integrated medical support of trafficked victims (hereafter called the EU Guidelines project)¹³³. This EU Guidelines project aims at including the health care sector, in a transparent manner, in all referral mechanisms through the establishment of focal points. In March 2015, a transnational workshop with all expert group members was held in Antwerp in order to agree on the recommendations and guidelines. On 8 September 2015, the outcomes of the EU Guidelines project were presented to the national and international anti-trafficking community for the first time, with the involvement of healthcare professionals, THB experts, law enforcement representatives and NGO workers¹³⁴. The recommendations for EU guidelines for the establishment of national focal points¹³⁵ were published¹³⁶. This should now serve as a basis, in Belgium and elsewhere, to establish focal points tasked to inform and train health care workers in the field of trafficking in human beings.

¹³¹ More information: RAVOT-EUR project, [website], <http://www.ravot-eur.eu/en/>

¹³² Source : Payoke.

¹³³ The project was conducted with the financial support of the European Commission DG Home ISEC Programme [HOME/2012/ISEC/AG/TH/B/4000003926](https://ec.europa.eu/home-affairs/en/about-programmes/interior-affairs/interior-sec/interior-sec-programme/home/2012/ISEC/AG/TH/B/4000003926)

¹³⁴ More information on the conference 'Combating trafficking through the medical field' on https://ec.europa.eu/anti-trafficking/conference-combating-trafficking-through-medical-field_en

¹³⁵ Payoke and the university of Antwerp, [Recommendations for EU guidelines for the establishment of national focal points for the comprehensive integrated medical support of trafficked victims](#), October 2015.

¹³⁶ Source : Payoke.

7. MIGRATION AND DEVELOPMENT

7.1 Policy coherence for Development

In July 2015, the Council of Ministers approved a Royal Decree on the designation of the members of the **Interdepartmental Commission on Policy Coherence for Development (PCD)**¹³⁷. 16 representatives and 16 deputies of 16 different Ministries were appointed and took up their task in the said Commission¹³⁸. The Interdepartmental Commission on PCD, that was established by the Royal Decree of 2 April 2014, is tasked to facilitate information exchange between the concerned authorities, to raise awareness within administrations and to develop recommendations regarding PCD¹³⁹. The Interdepartmental Commission gathered for the first time in October 2015 – and subsequently in February 2016 - and decided to work on migration as well as peace and security as priority areas¹⁴⁰.

In addition to this, existing informal coordination mechanisms were further used in 2015. Through the **COORAM (Coordination Asylum Migration)**, different stakeholders, including the Cabinet, the Immigration Office, the Office of the Commissioner General for Refugees and Stateless Persons (CGRS), the Asylum and Migration Direction in the Federal Public Service Foreign Affairs, as well as the Belgian Development Cooperation met on ad-hoc basis. Furthermore, the **diplomatic network** abroad continued to report to the Asylum and Migration Direction of the Federal Public Service Foreign Affairs on migration-relevant developments in countries of origin.

¹³⁷ Belgian government, *Press release after the Council of Ministers of 3 July 2015*, [http://www.presscenter.org/fr/pressrelease/20150703/designation-des-membres-de-la-commission-interdepartementale-sur-la-coherence-](http://www.presscenter.org/fr/pressrelease/20150703/designation-des-membres-de-la-commission-interdepartementale-sur-la-coherence) Royal Decree of 12 July 2015.

¹³⁸ Source: Cell D2.5, Federal Public Service Foreign Affairs.

¹³⁹ [Royal Decree of 2 April 2014 relating to the set-up of an interdepartmental commission on coherence of policies for development](#) *Belgian Official Gazette*, 22 April 2014.

¹⁴⁰ Other thematic priority areas regarding PCD include trades and finances, climate change and food security. Source: Cell D2.5, Federal Public Service Foreign Affairs.

Several initiatives have also been taken in 2015 to strengthen PCD related knowledge and skills. A half day training on PCD was provided to Interdepartmental Commission members. On 23 March 2015, a **workshop** on PCD was organized at the Belgian Parliament by the **advisory body on PCD**¹⁴¹ and supported by the Deputy Prime Minister in charge of Development Cooperation. Various experts were invited to present the way in which PCD is implemented at EU and Belgian level. Two themes were addressed more specifically, namely the negotiation of commercial treaties and PCD around Central Africa¹⁴².

At the **regional level**, the Flemish government focuses on policy coherence for sustainable development in its post-2015 development agenda. Flanders is exploring ways in which to reformulate its PCD commitment in this regard. In Wallonia, the Interdepartmental Council for International Relations, which includes representatives of the sectorial administrations of Wallonia and the Wallonia-Brussels Federation, chaired by Wallonia-Brussels International, has been working on a pilot project. As part of this project, awareness-raising activities on PCD related issues were organized for the above-mentioned representatives. It is now planned that each sectorial department nominates a PCD focal point who will internally provide monitoring on PCD requirements. The focal points will annually and jointly take stock of the progress in this field¹⁴³.

New list of partners to ensure a coherent approach inter alia to migration issues

The Royal Decree of 29 May 2015 redefined Belgium's partner countries for governmental cooperation (from 18 to 14) and decreased the amount of multilateral organisations (from 20 to 14) to be partners

¹⁴¹ The advisory body on PCD, which was established by a royal decree of 2 April 2014, is mainly tasked to advise the federal government on PCD. For further information of the advisory body on PCD, see the 2014 EMN annual report on asylum and migration policy in Belgium, p. 55.

¹⁴² More information on this workshop on <http://www.cncd.be/Seminaire-sur-la-coherence-des>

¹⁴³ Walloon Parliament, International Relations, [Oral question](#) of Latifa Gahouchi, 10 November 2014.

of the Belgian Development Cooperation¹⁴⁴. The aim is to avoid a dissipation of efforts and to increase synergies. Regarding the selection of partner countries, the Belgian Development Cooperation decided to focus on fragile States and post-conflict zones in geographically homogeneous regions: northern and western Africa as well as the Great Lakes region. This geographical approach aims to ensure a **more coherent approach of cross-border issues**, such as peace, security, regional stability or **immigration**. Belgium has opted for the less-developed and poorest countries in these regions. 14 partner countries are benefiting from Belgian Development Cooperation, including two new partners: Burkina Faso and Guinea. The countries no longer included in the partnership list will benefit from an exit program of maximum four years in order to conclude the governmental cooperation or to develop other kinds of cooperation¹⁴⁵.

New list of priorities including addressing the root causes of migration

In his policy note dated from 6 November 2015, the Minister for Development Cooperation underlined that the Belgian development policy wishes to focus on three themes: 1) the development of the private sector in the South, 2) the use of digital technologies as lever for development and 3) addressing the root causes of migration, particularly through the 'more for more' principle.

In this regard, attention was devoted in 2015 to the reception of refugees in conflict zones. Besides the reception of a high number of asylum seekers in Belgium, the Belgian government has earmarked **EUR 50 million in 2015 for the reception of refugees in Syria and in neighbouring countries**¹⁴⁶. The State Secretary for Asylum Policy and Migration underlined that the

¹⁴⁴ [Royal Decree of 29 May 2015, relating to the definition of partner countries for governmental cooperation](#), *Belgian Official Gazette*, 15 June 2015.

¹⁴⁵ Belgian government, *Press release after the Council of Ministers of 21 May 2015*, <http://www.presscenter.org/fr/pressrelease/20150521/pays-partenaires-de-la-cooperation-gouvernementale>

¹⁴⁶ Belgian House of Representatives, *General Policy Note on International Development*, 6 November 2015, DOC 54 1428/005, p 9.

Belgian government is focusing on helping transit migration countries, at the EU borders.

As regards the **mobility partnership with Morocco**, Belgium has shared its experience to help set up Morocco's own asylum procedure and reception system. Belgium will continue to provide expertise for the integration of recognized refugees and for technical assistance for migration management. This mobility partnership has created a dynamic for increased contacts between Belgium and Morocco regarding migration and contributed in particular to facilitating the return process. For example, two return projects were implemented in 2015 in the Maghreb countries (including Morocco) in order to assist migrants in transit in these countries who are willing to return to their countries of origin instead of continuing their journey to Europe¹⁴⁷.

Regional Development and Protection Programme in North Africa (RDPP)

The Belgian Development Cooperation, the Immigration Office and Fedasil have shown their interest in taking part in the RDPP North Africa. Belgium participates in the capacity building activities regarding the development of voluntary return schemes and in organising information campaigns in Morocco and Tunisia. On the one hand, the support consists of a series of regional workshops, study visits, trainings and working sessions targeting government officials to be held in Morocco, Tunisia as well as in some countries of origin. On the other hand, information on voluntary return assistance and on the dangers of irregular migration will be provided to irregular migrants in Morocco and Tunisia.

The contract is still at the negotiating stage. The Belgian Development Cooperation works on a new bilateral cooperation programme with Morocco, which aims at strengthening the migration and asylum capacities as from 2016.

¹⁴⁷ Belgian House of Representatives, *General Policy Note on Asylum and Migration*, 3 November 2015, DOC 54 1428/019.

EU Emergency trust fund for stability and addressing root causes of irregular migration and displacement in Africa.

In response to the migration and refugees crisis, Belgium contributed through the European Development Fund (EDF) and an additional contribution of EUR 10 million to the 'Emergency Trust Fund for Africa'¹⁴⁸.

In total, 13 of the 39 countries eligible for the fund are partner countries of the Belgian Governmental Cooperation.

Belgium would like to focus on an approach based on rights, inclusive economic development, resilience, security, and development and migration management¹⁴⁹.

IOM as a key partner organization

2015 has been an important year for Belgium's cooperation with the International Organization for Migration (IOM). At the end of November, Belgium assumed the **Presidency of the IOM Council** for one year. On 20 November, a high-level bilateral meeting was held between Belgium and the IOM. A broad range of government actors in the Belgian delegation attended the meeting, which included high-level representatives from the asylum reception agency (Fedasil), the Ministry of the Interior, the Ministry of Foreign Affairs and members of the Cabinets of three Ministers and of the State Secretary for Asylum Policy and Migration. A broad range of topics (practical and strategic) were discussed, including the recently adopted Sustainable Development Goals and the migration-related indicators, the migratory dimension of humanitarian emergencies, and the current migratory situation in Europe.

In 2015, Belgium made an un-earmarked contribution of **EUR 2,95 million to IOM's budget with regards to migration and development**. Of this amount, EUR 1,18 million was allocated to the IOM Development Fund (used to support

capacity building initiatives in developing countries), EUR 400,000 was allocated to the Guinea Ebola Crisis Response (supporting provincial emergency operations centers, and health and humanitarian border management). EUR 1,37 million was allocated to projects linked to remittances in Burundi and diasporas¹⁵⁰.

7.1.1 Cooperation with partner / third countries for economic migration

Mobility Partnership project between the EU and the Tunisian Republic

Both the Belgian Immigration Office and Fedasil will be involved in 2016 in the Mobility partnership between the EU and Tunisia. The aim is to strengthen the Tunisian government's capacity to develop and implement its national migration policy by providing European public expertise. The consortium is coordinated by 'Expertise France' to develop the three-year project with a budget of about EUR 5,59 million. Belgium, as well as Spain, Portugal, Italy, Poland and Sweden, will contribute to strengthening the Tunisian authorities' capacity by providing support to the reintegration of people who returned to their country of origin. The Belgian Immigration Office will also provide expertise on legal migration and will act as relay between the Tunisian partners and the local persons competent for labour migration¹⁵¹.

7.1.2 Efforts to mitigate 'brain drain'.

In legal terms, in accordance with the European Blue Card Directive, the Belgian legislation provides that the authorities can refuse a work permit application in case the relevant sector in the worker's country of origin is experiencing a lack of qualified workers (art. 15/1, 2° of the Royal Decree of 9 June 1999¹⁵²).

¹⁴⁸ Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa, Valletta, 12 November 2015.

¹⁴⁹ Source: Cell D2.5, Federal Public Service Foreign Affairs.

¹⁵⁰ See description of projects below in the sections 'Migrants' remittances' and 'Working with Diasporas'. Source: IOM-Belgium.

¹⁵¹ Source: Ilobel, Immigration Office.

¹⁵² J. Antoons, and A. Pirotte, *Attracting Highly Qualified and Qualified Third Country Nationals to Belgium*, EMN Study, July 2013, pp. 13-15 and Belgian House of Representatives,

In practical terms, different projects foster the return of migrants' skills and resources to the countries of origin. For example, the MEDMA project facilitates the transfer of expertise and resources from the Moroccan diaspora living in Belgium to their country of origin. Another example is the **circular migration pilot project** for highly skilled people from Senegal to Belgium. The latter project offers Senegalese college graduates one-year paid internships in a Belgian company¹⁵³. The project was initiated by Senegalese graduates and Belgian entrepreneurs and is facilitated by DG Development and the regional agencies 'Trade and Investment'. In 2015, the three first engineers have started their internship in three Belgian industries. They will return with their experience at the end of the 12 month-period. Three additional industries are ready to get involved in the project¹⁵⁴.

At the regional level, International Flanders supports the **training of medical staff** in Mozambique¹⁵⁵. The development of an efficient health policy is also strengthened through **sectoral budget support** by the Ministry of Public Health¹⁵⁶.

7.2 Migrants' Remittances

The Deputy Prime Minister and Minister of Development Cooperation underlined in his statement of policy orientation from 14 November 2014 that the government will undertake a **thorough analysis as to how remittances could contribute to exert leverage effect** in order to achieve development goals. He further added that remittances are insufficiently credited to achieve development and have a great potential¹⁵⁷. In this regard, IOM received EUR 400,000 for a project on remittances in

Burundi. IOM cooperates for this project with the Universal Postal Union (UPU)¹⁵⁸.

7.3 Working with Diasporas

The Belgian Development Cooperation involves diasporas in the development of their country of origin, using different approaches:

Support to private investment initiatives

Regarding Morocco, Belgium supports and encourages investment initiatives of Moroccans residing in Belgium. The second phase of the **MEDMA** project, a three-year programme started in 2012, was embedded in the Moroccan national development strategies with a leading role for the Moroccan Ministry in charge of Moroccans abroad and the Hassan II foundation, acting as an umbrella and assistance centre for investment projects. It supports a few innovative and financially viable projects embedded in national development policies. Two main aspects are targeted for **supporting diaspora entrepreneurship**: the government's advisory role and providing funds to launch the projects. All in all, 15 initiatives are financed. Belgium and Morocco finance 10% of the project each; the entrepreneur himself 15% and the remaining 65% are funded by a Moroccan credit institution.

A new bilateral program should be signed in May 2016 regarding the cooperation between Belgium and Morocco for the period 2016-2020. A special focus will be put on migration and cooperation with the diaspora. The program is in line with the Belgian strategy for cooperation with middle income countries as well as with the priorities of Belgium's and Morocco's policies. It will cover various topics, including human rights, especially for women, children and migrants, and cooperation with the diaspora. A specific programme supporting the management of migration issues in Morocco will be developed. The programme will also promote the professional integration of migrants and refugees, by contributing to

[General Policy Note on International Development](#), 6 November 2015, DOC 54 1428/005.

¹⁵³ *Migration Circulaire*, [website], www.migrationcirculaire.be

¹⁵⁴ Source: Circular Migration Project in Belgium.

¹⁵⁵ [New cooperation with Mozambique under preparation](#), Department International Flanders, 29 May 2015.

¹⁵⁶ Source: Flemish government, Department International Flanders.

¹⁵⁷ Belgian House of Representatives, [Statement of policy orientation: Development Cooperation](#), 14 November 2014, DOC 54 0020/017, p. 15.

¹⁵⁸ Source: IOM Belgium.

sustainable economic development in Morocco.

Capacity building

The Belgian Development Cooperation continued to support two programmes from migrant associations, established by members of the African Diaspora in Belgium active in the health sector in the Democratic Republic of Congo (DRC). Both programmes have received a total funding of EUR 1,270 million each for a period of three years (2013-2015). The migrant associations provide added value thanks to their network and local knowledge. In 2015, Belgium contributed (1) with EUR 423 million to The 'Benelux **Afro-Centre**' (**BAC**) **programme** strengthening the institutional and management capacity of the National Council of NGOs in the health sector (CNOS) in the DRC, and (2) with EUR 357 million to the '**Cap Santé**' **programme** strengthening the organization and management capacity of the Kabinda health district management team in the DRC.

Belgium also made a contribution of EUR 7,1 million (for the period 2013-2015) to the IOM Development Fund which is mainly used for capacity building projects in the field of migration management¹⁵⁹.

At the regional level, Flanders International has developed customized services for diaspora associations. It provides training and capacity building for this target group. The 4th Pillar of the Flemish Development Cooperation promotes projects initiated by Flemish and diaspora associations in developing countries. The 4th Pillar offers support to help raise funds for these initiatives (from EUR 47 to 68 million per year)¹⁶⁰.

Migration and development projects

As in previous years, the specific prevention budget, managed by the Immigration Office in consultation with the Director General for Development Cooperation, allowed the funding and/or continuation of specific

migration and development projects in 2015. A budget of EUR 970,000 was allocated to the IOM to support diaspora, migration and development projects in the countries defined as a priority by the Belgian Development Cooperation and in Belgium.

Republic Democratic of Congo

The Belgian Immigration Office has financed EUR 190,000 for the IOM project '**Capacity building of Border management in the province of Bandundu (DRC)**'. The project concerns the creation of a border post in the province of Bandundu (post Shamaziamu). This is a long-lasting involvement of the Immigration Office to help the Directorate-General for Migration to further develop its migration policy as well as an efficient border policy.

Morocco

Belgium continued to fund an IOM project in Morocco (the financing of the project started in 2005) which focuses on the **voluntary return and reintegration programme for migrants from Sub-Sahara countries staying illegally in Morocco**. The project is considered to be successful. EUR 200,000 were dedicated to this project in 2015¹⁶¹.

Other migration and development projects

The implementation of a **new project - in the environment and climate change field - started in Burkina Faso**. This project-initiated by the Director General for Development Cooperation and implemented by IOM - will include research on the diaspora from Burkina Faso and how its members can be engaged to support activities in-country. Similar projects including outreach and/or studies linked to diasporas (though possibly in different fields) are foreseen in other Belgian partner countries (tentatively Guinea, Morocco, and the Great Lakes region). Finally, support was provided to **reach out and engage the Cameroonian diaspora** in Belgium and France with health expertise in 2015. This included several missions by diaspora

¹⁵⁹ Source: Cell D2.5, Federal Public Service Foreign Affairs.

¹⁶⁰ 4th Pillar Flemish Development Cooperation, [website], <http://4depijler.be/4de-pijlers/zoek-een-4de-pijler/organisation/search/weightsearch>

¹⁶¹ Source : Ilobel, Immigration Office.

experts who provided support and training in Cameroon¹⁶².

¹⁶² Source: IOM Belgium.

8. IRREGULAR MIGRATION INCLUDING SMUGGLING

8.1 Enhanced border management at the external borders

8.1.1 *Border control measures: technology, equipment and infrastructure*¹⁶³

The following initiatives and changes took place at Belgium's external borders in 2015¹⁶⁴:

The operational implementation of the first **automated border control gates** started at Brussels National Airport. The Federal Border Police opened six eGates at Brussels National Airport in July 2015. These gates can be used by EU citizens in possession of a passport and by Belgian citizens with an ID card, who arrive from a non-Schengen country. These gates aim at checking more passengers while keeping the same number of border guards, and should allow arriving passengers to proceed through border control more swiftly¹⁶⁵. Additional eGates should be set up at the airport in March or April 2016.

The process of updating and further installing **passport readers at all the external border crossing points** continued over the course of 2015, and was finalized at the end of the year.

The **national VISANET system** was introduced at the external border crossing points via a pilot project in the Port of Antwerp. In 2016, all border crossing points will be equipped and able to issue visas.

A **procurement process to acquire advanced equipment to verify the security features in identity documents** in order to detect false and falsified documents at the

¹⁶³ Including systems linked to EU instruments and actions to coordinate different types of border checks (e.g. such as the introduction of new IT systems, advanced passenger information systems, surveillance equipment, automated border controls and fast track lanes, etc.).

¹⁶⁴ Source: Federal Police

¹⁶⁵ For further information: Brussels Airport, *Automated border control at Brussels Airport*, 10 July 2015, <http://www.brusselsairport.be/en/mediaroom/news/61624/>

external borders was started in 2015. This process should be finalized in 2016.

Priorities and planned developments for 2016

In his General Policy Note on Asylum and Migration of 3 November 2015, the State Secretary for Asylum Policy and Migration indicated that the ICT department of the Federal Public Service Interior will support different projects to ensure the implementation of an efficient migration and asylum policy, at the request of the Immigration Office. In the field of border management, the State Secretary mentions a few priority actions for 2016¹⁶⁶:

- In the framework of the 'Visa Information System' (VIS), the use of biometrics will be further developed. This will allow a more rapid and efficient transmission of information, thereby contributing to border management and security;
- The European Commission's '**Smart Borders**' package is another priority. It will increase the security of controls at Belgium's external borders and create a rapid procedure for the regular and trusted passengers to the EU;
- The **Advance Passenger Information (API) Directive**¹⁶⁷ will be transposed. The Directive requires air carriers to collect and transmit passenger data to the authorities of the Member State of destination responsible for control. This could be linked to the establishment of the Belgian 'Passenger Name Record' (PNR) system.

In January 2016, the Belgian government approved the project of modernisation of the fingerprint registration system of the Immigration Office, in order to meet European requirements and ensure the reliability of the equipment. This system is used both at a national and at a European level in the framework of important

¹⁶⁶ Belgian House of Representatives, *General Policy Note on Asylum and Migration*, 3 November 2015, DOC 54 1428/019, pp. 16-17.

¹⁶⁷ [Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data](#), OJ L 261, 6.8.2004, p. 24-27.

applications (e.g. VIS and Eurodac). The essential elements of the system – exposed to wear - will be replaced. Furthermore, new applications intended for the execution services will be installed in the system¹⁶⁸.

8.1.2 Border control measures: other activities to improve the effectiveness of controls at external borders

The following initiatives and measures were implemented in 2015 to improve the effectiveness of controls at Belgium’s external borders¹⁶⁹:

A national eLearning platform was set up in order to provide basic training to border guards. This platform was developed by the Migration Unit of the Federal Police.

A reflection process was started regarding the **creation of a national border control management platform**. The role of the platform will be to give strategical input on national border control management. This reflection process should be completed by the end of 2016.

Furthermore, Belgium participated in several activities in the framework of Frontex:

Belgian border guards participated in **several Frontex training activities**. This included the teachers’ exchange programme, which gives border guard teachers the possibility to experience the operational work of border guards at the EU external borders during a two-week presence in the field. It also included Frontex’s mid-level course, which aims at training mid-level border guards in the field of border management within the EU framework. Furthermore, Belgian border guards also used Frontex’s e-learning tool, which trains them on the Schengen Border Code.

¹⁶⁸ Belgian government, *Press release after the Council of Ministers of 29 January 2016*, <http://www.presscenter.org/nl/pressrelease/20160129/mo-dernisering-vingerafdruksysteem-van-dienst-vreemdelingenzaken?lang=fr>

¹⁶⁹ Source : Federal Police

Belgium continued its intense operational cooperation with Frontex and the other EU Member States via active participation in several **Joint Operations**. Belgium took part in the following Joint Operations in 2015: Pegasus, Alexis, Focal Points, Vega Children, Poseidon, Minerva, and Indalo.

Belgium was also represented within the framework of the **OSCE**. On 4 March 2015, the OSCE organized a conference in Rome on migration and security. Furthermore, the OSCE Border Management Staff College (BMSC) in Dushanbe (Tajikistan) will organise a course on ‘Border security and management for senior leadership’ from June 2016 to June 2017¹⁷⁰.

8.1.3 Preventing and combating irregular immigration by ensuring reinforced cooperation with third countries in the area of border management.

The table below shows all 2015 or planned agreements, and other forms of bilateral and multilateral cooperation with third countries with an objective to strengthen the operational capacity in combatting irregular migration and controlling of external borders.

Third country with whom the cooperation exists	Description
Democratic Republic of Congo	The Immigration Office continued to finance an existing project of the International Organization for Migration (IOM) aimed at extending and strengthening border control in the Democratic Republic of Congo (EUR 190,000), more precisely in the province of Bandundu. During the previous phase of the project, four border posts

¹⁷⁰ For more information: *OSCE Border Management Staff College*, [website], <http://www.oscebmsc.org/en/>

	were renewed and an ICT module was developed to register passengers' flows. The Congolese General Directorate for Migration wishes to extend to one additional border post (also see section 7 of this report).
Morocco	The Immigration Office continued to finance an IOM project in Morocco which focuses on the return and reintegration of migrants from sub-Saharan African countries who are irregularly staying in Morocco. The project aims at assisting these migrants in returning to their countries of origin and at offering them a reintegration package. The invested amount in 2015 was EUR 200,000 and the same budget is foreseen for 2016 (also see section 8 of this report).

8.2 Better tackling of misuse of legal migration channels

8.2.1 Irregular migration caused by visa liberalisation

The number of asylum seekers from Macedonia and Serbia decreased in 2015 compared to the previous year. The number of asylum applications from Albania remained high in 2015 (at the end of February 2016, Albania was listed at the 9th position in the top 10 countries of origin according to the number of persons who applied for asylum).

The State Secretary for Asylum Policy and Migration visited Albania and Serbia in 2015 (these visits included information/dissuasion activities). It is also worth mentioning that an information campaign was organized in Albania, which

focused on the prevention of irregular migration (see section 3.5 of this Report).

Monthly reporting of the inflow of asylum seekers was achieved to the national authorities of the Western Balkans. Meetings were also organized with the embassy staff of countries of the Western Balkans. The Immigration Office and Fedasil cooperated with the embassies/consulates of Albania, Kosovo and FYROM to prepare information sessions targeting Albanian speaking people in Belgium. Three information sessions were organized in 2015 to provide information to the Albanian-speaking community in Belgium on the topics of stay and voluntary return (also see section 4.4.4 of this report on the promotion of voluntary return).

In 2015, Belgium organized national return flights to Albania, Serbia, and Macedonia. Furthermore, Belgium participated in one Joint Return Operation (JRO) to Albania, organized by the UK in collaboration with Frontex. Belgium also participated in four Collecting Joint Return Operations (CJRO)¹⁷¹ to Albania organized by France in collaboration with Frontex and one CJRO to Serbia organized by Germany in collaboration with Frontex.

8.2.2 Irregular migration through misuse of family reunification

No legal developments to mention for 2015, but preparatory work has been done on the issue (see planned measures below).

The fight against marriages of convenience and false legal cohabitations continues

In previous years, a lot of measures were taken in the fight against false partnerships (marriages and legal cohabitation of convenience).

In 2015, the Immigration Office asked the advice of the public prosecutor regarding 378 visa applications for family reunification linked to possible marriages of convenience (402 in 2014). The Public Prosecutor provided an advice in 263 files in

¹⁷¹ Collecting Joint Return Operations (CJRO) are Joint Return Operations where the destination country provides escorts and escort leader.

2015 (346 in 2014)¹⁷². Out of these 263 cases, the Immigration Office rejected the visa application in 154 cases for reasons of a possible marriage of convenience¹⁷³.

The authorities are now becoming more vigilant on the issue of marriages conducted abroad and by proxy. Foreign marriages of convenience can in principle not be prosecuted in Belgium, nor can these marriage of convenience be annulled¹⁷⁴.

Planned measures

- A law¹⁷⁵ was approved in the first half of **2016 extending the period to control the fulfilment of the conditions for family reunification from three to five years** (see section 3 of this report).
- **Further action is also being taken on the matter of false declarations of parenthood.** The Minister of Justice¹⁷⁶ announced in November 2015 that concrete measures – preventive and repressive – are being prepared and will soon be discussed at the governmental level¹⁷⁷.

Furthermore, on 1 January 2015, a provision¹⁷⁸ entered into force that can give a better insight into the number of recognized children. According to the provision, new first-degree direct descendants - whether the link between the two persons is established in the birth certificate, by judicial decision, by recognition or by adoption - must be

¹⁷² 105 positive advices, 156 negative and 2 without advice.

¹⁷³ Source: Immigration Office.

¹⁷⁴ More information: Belgian House of Representatives and Belgian Senate, [Overview of laws which have presented challenges concerning their application or interpretation for the courts and tribunals, Report 2013-2014, 12 March 2015](#), doc 54 0435/002 (House of Representatives) and 6-0039/2 (Senate).

¹⁷⁵ This Law was finally approved and published in 2016: [Law of 17 May 2016 modifying articles 10ter and 12bis of the Law of 15 December 1980 on the access, residence, settlement and removal of foreign nationals](#), *Belgian Official Gazette*, 28 June 2016.

¹⁷⁶ Belgian House of Representatives, [General Policy Note on Justice](#), 10 November 2015, DOC 54 1428/008, p. 48.

¹⁷⁷ The Minister of Justice gave some more explanations in the plenary meeting of the Belgian House of Representatives on 17 March 2016: Belgian House of Representatives, [Full report – Plenary Session](#), 17 March 2016, CRIV 54 PLEN 102, p. 23.

¹⁷⁸ Provision introduced by the [Law of 15 December 2013](#) containing various provisions concerning administrative simplification, *Belgian Official Gazette*, 31 December 2013.

mentioned in the National Register. The year 2015 was a transition year in which municipalities had to implement this provision and complete the missing information.

8.2.3 Irregular migration through misuse of student migration

No significant developments to report for 2015.

Planned measures: The State Secretary for Asylum Policy and Migration announced in his General Policy Note¹⁷⁹ that an analysis of the current procedure for student migration will be made and that, on the basis of this analysis, an action plan will be developed. The aim is to make the conditions for applying as a study-migrant clearer, to have a correct and high-quality handling of files and to fight misuses.

The State Secretary argues that this is needed because the processing of student migration applications has become ever more complex, due to subsequent law changes in- and outside the scope of Immigration Law. As a consequence, the risks of misuse have become bigger and the decision time has become longer.

8.2.4 Irregular migration caused by use of false travel documents

Fight against false or falsified identity or travel documents in Belgium

The fight against false or falsified identity or travel documents - and more generally the fight against identity fraud – became increasingly important in 2015 against the background of the migration crisis and terrorist events.

Several measures are being developed and will be taken in 2016 and the following years to prevent and suppress the production of false and falsified documents as well as the trade and use of these documents. Also see section 8.2.5 of this report (below) for further measures taken

¹⁷⁹ Belgian House of Representatives, [General Policy Note on Asylum and Migration](#), 3 November 2015, DOC 54 1428/019.

in 2015 or planned for 2016 regarding the fight against identity fraud.

In 2015, 1,336 persons with false or falsified travel documents were intercepted during a check at the Belgian borders. Furthermore, 225 false or falsified identity documents were detected during registration procedures at the cities or municipalities.

Consular Cooperation Mechanism (CCM) project

The Belgian Immigration Office launched a project – in close cooperation with 10 other European countries – to set up a Consular Cooperation Mechanism on Schengen Visa Processing in selected third countries presenting a high risk of fraudulent Schengen visa applications (see section 4.3.2 of this report).

8.2.5 Irregular migration caused by the abuse of free movement rights by third country nationals and preventing the fraudulent acquisition and use of free movement rights by third-country nationals

Update of circular on the fight against fraudulent use of EU identity or travel documents

The Circular of 2 June 2015¹⁸⁰ updated the **procedure of checking identity documents when a European citizen registers** in a Belgian city or municipality in order to prevent documentary fraud. It replaces a Circular from 1997¹⁸¹. The aim is to prevent people who are not European citizens from registering in Belgium with false documents in order to obtain authentic Belgian documents¹⁸². The changes are mostly technical (e.g. update of the names of the different services mentioned or indication that all communications between the

different services will be done by electronic means).

Prevention and fight against documentary and identity fraud¹⁸³

As indicated in the General Policy Note on Security and the Interior of 4 November 2015, the role that the Belgian National Register plays in the prevention and fight against identity fraud will be reinforced (the National Register being the primary source of information regarding the identification of persons in Belgium)¹⁸⁴.

Following the entry into force of **the law of 9 November 2015 introducing various provisions relating to the Interior¹⁸⁵**, the central registry of identity cards and the central registry of foreigners' cards now contain:

- The photograph of the cardholder corresponding to the one from the last card
- The photographs of the cardholder included on the identity cards that have been delivered to him/her during the last 15 years
- The electronic picture of the signature of the cardholder and the history of the pictures of his/her electronic signatures

In 2016, a Royal Decree will define the date from which the history of the photographs and the history of the pictures of the electronic signatures will be registered and stored in the central registry for identity cards and the central registry for foreigner's cards.

Following the entry into force of the **Law of 10 August 2015¹⁸⁶**, and the Royal Decree of 26 December 2015¹⁸⁷, it is now possible, in

¹⁸⁰ [Circular of 2 June 2015 on the fight against the fraudulent use of identity or travel documents issued by the Member States of the European Union or imitating said documents](#), *Belgian Official Gazette*, 18 June 2015.

¹⁸¹ [Circular of 30 December 1997 on the fight against the fraudulent use of identity or travel documents issued by Member States of the European Union or imitating said documents](#), *Belgian Official Gazette*, 14 February 1998.

¹⁸² Source: Federal Police.

¹⁸³ Sources: Federal Police and Federal Public Service Interior, (Directorate General institutions and Population).

¹⁸⁴ Belgian House of Representatives, [General Policy Note on Security and the Interior](#), 4 November 2015, DOC 54 1428/004, p. 25.

¹⁸⁵ [Law of 9 November 2015 regarding various dispositions Interior](#), *Belgian Official Gazette*, 30 November 2015.

¹⁸⁶ [Law of 10 August 2015 modifying the law of 19 July 1991 on the population registers, identity cards, foreigners' cards and residence documents and modifying the law of 8 August 1983 organizing a national register of physical persons](#), *Belgian Official Gazette*, 31 August 2015.

¹⁸⁷ [Royal Decree of 26 December 2015 modifying the Royal Decree of 25 March 2003 regarding identity cards in order](#)

accordance with strictly defined conditions and solely within the framework of the fight against terrorism and radicalism, to withdraw or invalidate an eID or to refuse to issue an eID.

Furthermore, an **interdepartmental working group on prevention and fight against identity fraud** – with experts from the FPS Interior, the FPS Foreign Affairs and the Federal Police - was set up at the end of 2014. The objectives of this working group are – among others - to better coordinate the information flows between relevant actors, to share best practices in this area, and to report on specific issues encountered. The working group continued its activities in 2015. It prepared a ministerial circular (which should be disseminated at the end of March 2016/ beginning of April) which aims at coordinating the approach to prevention and fight against identity fraud adopted at the local and federal levels. This should lead to a decrease in identity fraud in the municipalities and the undue issuance of official documents. This type of fraud is used – inter alia – to irregularly reside in Belgium. Information and awareness raising sessions for municipalities will be organized following the publication of this circular.

Furthermore, a **'fraud' Helpdesk was created within the Federal Public Service Interior** (Directorate General institutions and Population), in order to provide support to the actors in the field (mostly the municipalities, which are in direct contact with citizens applying and receiving their identity/travel documents)¹⁸⁸. It is the Single Point of Contact (national SPOC) for the civil servants designated as the persons of reference regarding identity fraud in their respective municipalities (municipal SPOCs). The national SPOC is also a strategic tool which allows the federal working group mentioned above to have a more concrete idea of the cases of identity fraud encountered at the local level. In February

[to implement article 6, §10 of the law of 19 July 1991 on the population registers, identity cards, foreigner's cards, and residence documents and modifying the law of 8 August 1983 organizing a national register of physical persons](#), *Belgian Official Gazette*, 5 January 2016.

¹⁸⁸ Belgian House of Representatives, [General Policy Note on Security and the Interior](#), 4 November 2015, DOC 54 1428/004, p. 25.

2016, all Belgian municipalities had designated their municipal SPOC on identity fraud. Trainings for the municipalities will start in 2016.

A **secure technical application** is currently being developed, which will allow field actors to electronically report to the national SPOC - via a standardized reporting form - a suspicion of fraud related to an identity or travel document. The national SPOC will then follow-up on the reports. The municipal SPOCs and the Foreign Affairs SPOC (representing all the Belgian consular posts abroad) will be able to use this application.

Furthermore, as noted in the General Policy Note on Security and the Interior, Belgium will implement the distribution service of SPOC certificates. These certificates will allow EU Member States – following the conclusion of bilateral agreements – to access the chip of residence cards or passports in order to read the fingerprints. Furthermore, the access to the distribution services of SPOC certificates will allow the different municipal administrations, police services and customs to check fingerprints on identity documents¹⁸⁹.

The **Checkdoc website** (www.checkdoc.be) was extended to a commercial web service that can be integrated in the applications of organisations that regularly use it (banks, insurance companies, etc). **The checkdoc website** can be used to check if Belgian identity documents (passports, identity cards, residence permits with chips) have been issued by a Belgian administrative authority and are not known as stolen, lost, expired or invalid.

What's more, at the beginning of 2014, a Working Group was set up within the Agency for Administrative Simplification (ASA). It proposed to create a **register including all the foreign identity documents presented to a Belgian public service**. The aim is, among others, to have one central register which will contain all these documents as well as the decisions taken by the concerned services

¹⁸⁹ Belgian House of Representatives, [General Policy Note on Security and the Interior](#), 4 November 2015, DOC 54 1428/004, pp.25-26.

(acceptance or refusal of the document).

This project is currently being examined.

EMN Activities

2015 EMN ad hoc query (AHQ) on illegal working of migrants

22 (Member) States provided information on their practices regarding illegally working migrants, more precisely on whether this is considered a criminal offence and what possible sanctions are applied.

- For the **vast majority of (Member) States who responded to the query (including Belgium) it is** (at the moment of responding at the end of 2015) **not a criminal offence for migrants** who are in the country illegally and/or have no permission to work **to do so** (although it may be for an employer to employ someone who is not legally allowed to work).
- Six (Member) States indicated that it could be a criminal offence for migrants to work in these circumstances (CY, SE, FI, NO, DE and UK). For UK and Germany it was **only a criminal offence in some cases**, although in the UK provisions in the current Immigration Bill will make it an offence in all cases. In Germany illegal working may be a criminal offence when a person is present in the country illegally and works, not when they work while in possession of a residence permit that does not allow them to work

More information is available on the website of the Belgian Contact Point of the EMN: <http://www.emnbelgium.be/publication/ad-hoc-query-illegal-working-migrants>

8.3 The fight against facilitation of irregular migration ('smuggling')

8.3.1 First Belgian action plan to fight human smuggling

On 8 December 2015, Belgium adopted the 'Action Plan – The Fight against human smuggling 2015-2018', which is the first national action plan specifically on human smuggling¹⁹⁰.

This Action Plan includes concrete measures to be implemented in the coming years to meet the constantly evolving challenges in the field of smuggling, such as:

- The joint circular of the Ministers of Justice and Interior as well as the College of Public Prosecutors concerning the investigation and prosecution on human smuggling (col

04/2011) will be updated to allow the **conducting of particular investigations**, such as the financial investigation for the purpose of seizures and confiscations, the specific investigation on material benefits¹⁹¹ and the criminal enforcement investigation¹⁹².

- An **ad-hoc working group on information towards the financial community** will be set up with the Interdepartmental Coordination Cell for the fight against trafficking and smuggling of human beings (hereafter called Interdepartmental Coordination Cell) and in cooperation with the Financial Intelligence Processing Unit (CTIF-CFI¹⁹³). The working group will

¹⁹⁰ Interdepartmental Coordination Cell for the fight against trafficking and smuggling of human beings, [Action Plan – The Fight against human smuggling 2015-2018](#), 8 December 2015.

¹⁹¹ This particular investigation is foreseen in [Article 524bis of the Belgian Code of Criminal Instruction](#).

¹⁹² This particular investigation is foreseen in [Article 464/1 and following of the Belgian Code of Criminal Instruction](#).

¹⁹³ The [Belgian Financial Intelligence Processing Unit \(CTIF-CFI\)](#) was established by the Law of 11 January 1993 and is a central part of the Belgian preventive anti-money laundering and counter-terrorist financing (AML/CFT) system.

develop specific information and training tools targeted at the financial sector to increase reporting to CTIF-CFI.

- Cross-border cooperation will be enhanced, through **joint investigation and joint border control** and border patrolling based on Europol and Frontex analyses.
- Data collection will be improved, through a global framework and **canvas for data exchange** between Belgian stakeholders and through better processing and **analysis of judgments and sentences** in the field of smuggling.
- **Training on human smuggling** will be continued for police and judicial staff. A factsheet on smuggling will be incorporated in the police intervention guide and information on new trends will be more strategically disseminated towards specialized investigators and prosecutors in this field. Also immigration and defence personnel, as well as guardians will be informed, through smuggling related sessions incorporated in the training on human trafficking. The information and training should help improve the referral of victims towards relevant stakeholders.
- **Information in third countries** on the risks associated with smuggling will be pursued, inter alia through the distribution of an information leaflet, including concrete cases. Communities in Belgium will also be informed.

8.3.2 Investigations and control measures

In 2015, control actions were pursued focusing on routes used by smugglers, including the so-called '**Hastapark**'¹⁹⁴, '**Storm**' or '**Vlucht**' actions. On 16 September 2015, the Minister for Justice, Koen Geens, witnessed the 'Hastapark' action in Western Flanders, which resulted in the interception of two Albanians

¹⁹⁴ Hastapark is an acronym for 'Havens, Stations en Parkings' ('Harbours, Stations and Car Parks')

suspected of smuggling three persons including a minor of age. On this occasion, the Minister for Justice stressed the importance of and priority given to the fight against smuggling and of the joint efforts from the police and public prosecutors in this field¹⁹⁵.

From May until November 2015, the federal judicial police from Western Flanders investigated, with the cooperation of British authorities, the practices of male Kurds originating from Iraq who were loading smuggled persons onto trucks in **car parks along the E17 and E40** to facilitate their journey towards the United Kingdom. This investigation allowed to make an operation in early January 2016. About ten smugglers were arrested in Belgium and two top men in the United Kingdom. On 11 January 2016, the federal police and the Dendermonde section from the public prosecutor's office from Western Flanders communicated that a 'big smuggling gang' had been dismantled¹⁹⁶.

Given the significant increase in the number of migrants around the **Zeebrugge port** heading towards the United Kingdom, another targeted action was undertaken in this area in December 2015. Alerted by tents, blankets and food left behind, the Zeebrugge shipping police and local police services from Brugge and Damme/Knokke Heist undertook a large scale action. The Brugge section from the public prosecutor's office from Western Flanders stated that 62 undocumented persons (mainly originating from Iran but some from Afghanistan and Algeria) were intercepted on this occasion and taken to the Immigration Office¹⁹⁷. The previous months, human smugglers were arrested in the same area, thanks to strengthened controls from the shipping police together as well as staff at check-in desks and private security services¹⁹⁸.

¹⁹⁵ [Press Release: Minister Geens focuses on the fight against human smugglers and prepares an action plan](#), 18 September 2015.

¹⁹⁶ ['Grootste bende mensensmokkelaars ooit in België opgerold'](#), *Belga*, 11 January 2016.

¹⁹⁷ ['62 vluchtelingen gevonden bij grootschalige actie rond haven van Zeebrugge'](#), *Belga*, 16 December 2015.

¹⁹⁸ ['Vier mensensmokkelaars opgepakt in Zeebrugge'](#), *Belga*, 10 October 2015 and ['Twee verdachten aangehouden voor mensensmoller in haven van Zeebrugge'](#), *Belga*, 29 October 2015.

Other actions were also undertaken in the framework of the **‘Medusa’ operation**. Launched on 22 September 2015, this operation is part of a global approach to fight human trafficking, human smuggling and transmigration¹⁹⁹²⁰⁰. This operation involves small- and large-scale police actions, surveillance activities and patrols (on air, sea, road and rail connections). In 2015, 1,031 actions were undertaken, including inter alia 294 on the railway (mainly on the line between Germany and Belgium) and 403 on the road (mainly in West Flanders and linked to the E40). 1,246 extra flights were controlled²⁰¹. The Belgian police underlines that the interception of smugglers is made difficult due to the fact that they give instructions to smuggled persons in order for them to travel forward without being accompanied²⁰² (see section 9.2 of this report).

In addition to this, it is worth noting that Belgian authorities participated in 2015 in concrete actions to tackle migrant smuggling at EU level. They took part in **joint operational actions** coordinated by Member States and EU organizations, as planned in the operational action plan 2015 of the EMPACT project ‘Facilitation of Illegal Immigration’²⁰³. They also shared intelligence with the Focal Point Checkpoint²⁰⁴ and with JOT MARE²⁰⁵. They contributed to one **joint investigation team** (JIT) and other types of investigations in the field of human smuggling²⁰⁶.

¹⁹⁹ Transmigration refers to two types of migration flows: 1) migrants who transit in Belgium on their way towards another country, most often the United Kingdom and 2) migrants who reach Belgium as their final destination.

²⁰⁰ Belgian House of Representatives, [General Policy Note on Asylum and Migration](#), 3 November 2015, DOC 54 1428/019, p. 19.

²⁰¹ Source: Police.

²⁰² Source: Police.

²⁰³ More information on EMPACT: Europol, *EU Policy Cycle –Empact*, <https://www.europol.europa.eu/content/eu-policy-cycle-empact>

²⁰⁴ The Focal Point Checkpoint, as part of Europol, is dedicated to intelligence sharing and supporting joint investigations on the facilitation of irregular migration.

²⁰⁵ JOT MARE, as part of Europol, is a joint operational team established to better identify and track smuggling networks operating in the Mediterranean.

²⁰⁶ Source: Police.

8.3.3 Prevention measures

Raising awareness about human smuggling among potential migrants in third countries

In 2015, Belgian stakeholders undertook new prevention and dissuasion campaigns in third countries, partly dedicated to **raising awareness about human smuggling among potential migrants**.

On 23 September 2015, the EU information centre Shkoder hosted the launch of the campaign ‘Say NO to irregular migration to Belgium - Irregular migration and asylum are not a ticket for a better life in Belgium’, organized by IOM Albania in cooperation with the Immigration Office, Fedasil and the Ministry of Interior. This campaign aimed to raise awareness among citizens of **the Shkoder region** and informing inter alia about regular migration, rights and responsibilities, and the visa free regime²⁰⁷. As part of this nine month campaign, debates are organized with communities; information is disseminated in schools and door to door; an awareness-raising workshop is foreseen for journalists and all activities are reported through the media²⁰⁸.

Another information campaign was organized in Nigeria from 11 February until mid-August 2015. The campaign, which was mainly focused on **Benin City**, aimed at raising awareness among potential migrants about the dangers associated with human smuggling and trafficking. Concrete instructions were provided to them as to avoid falling into the hands of smugglers and/or traffickers²⁰⁹ (see section 3.5 of this report).

Measures targeted at truck drivers and transport companies.

Work also started in 2015 on other **prevention measures targeted at truck drivers and transport companies**. Alerted by the increased proportion of smuggled

²⁰⁷ European Union Information Centre Shkodra, [Launch of the campaign ‘Say NO to irregular migration to Belgium. Irregular migration and asylum are not a ticket for a better life in Belgium](#).

²⁰⁸ Source: Ilobel, Immigration Office.

²⁰⁹ Source: Ilobel, Immigration Office.

persons hidden in trucks on car parks along highways, Belgium stakeholders have been preparing a one-year project to be launched in April/May 2016. The Immigration Office, in cooperation with several partners, has been developing multi-lingual flyers, posters and a website with concrete tips for truck drivers that should lead to better cooperation on this issue. The Immigration Office has also been elaborating a leaflet for transport companies in Belgium and in other Member States, promoting the inclusion of issues such as facilitation of irregular migration and smuggling in the training of truck drivers and preparing articles for publication in magazines for the transport industry²¹⁰ (see section 3.5 of this report).

Preventing the use of falsified documents

Finally, a new action was launched in 2015 in order to **prevent the use of falsified documents**, inter alia in the context of smuggling. The project 'Consular Cooperation Mechanism on Schengen Visa Processing' (CCM), which was launched in September 2015, is a tool for partner Member States to share information and to pool resources, in order to support legal channels of migration and fight Schengen visa shopping and abuse in high risk third countries. The project, which was proposed by the Belgian Immigration Office and which also involves 11 European countries, is funded under the ISF 'Specific Actions'.

Protection measures

The Action Plan 'The fight against human smuggling 2015-2018' devotes attention to the efficient referral of persons who were subject to aggravated forms of human smuggling, in particular **minors of age**. Subject to specific requirements, they can benefit from the assistance granted to victims of human trafficking²¹¹.

In this framework, a working group has been set up in 2015 by the guardianship service with the aim to develop a **vade-**

mecum on the referral of unaccompanied foreign minors. The MINTEH unit in the Immigration Office is involved in this work to jointly identify initial steps to be taken for the referral of unaccompanied foreign minors. In this framework, different profiles are examined, including the most vulnerable ones, such as very young girls who are subject to a traditional marriage, sometimes contracted along the journey to pay for it. The outcome of this work is expected in 2016/2017 according to the 'Action Plan – The Fight against human smuggling 2015-2018'^{212 213}.

8.3.4 Activities to monitor smuggling

Statistics on stakeholders' respective interventions

In Belgium, several key stakeholders, including the police, the public prosecutors, the Immigration Office, the specialized victim reception centres and the court and tribunal clerks, collect and monitor human smuggling related statistics. Such statistics give an **overview of their respective interventions** (e.g., the number of police interventions, the number of cases processed by public prosecutors, the number of decisions to issue or extend permits to victims, the number of victims for whom support was initiated in specialized centres, the number of convictions and sentences pronounced by the courts etc.) and how they evolve over time. However, the concerned statistics do not give an overview of the phenomenon itself and its evolution as such.

Processing errors

In 2015, the same challenges arose as in previous years regarding the processing of data. Data entries and/or coding may not be done systematically and/or accurately. For example, in terms of statistics concerning convictions for human smuggling, errors occurred relating to the entry of applicable articles of the Criminal Code.

²¹⁰ Source : Ilobel, Immigration Office.

²¹¹ Interdepartmental Coordination Cell for the fight against trafficking and smuggling of human beings, [Action Plan – The Fight against human smuggling 2015-2018](#), 8 December 2015, pp. 15-16.

²¹² Interdepartmental Coordination Cell for the fight against trafficking and smuggling of human beings, [Action Plan – The Fight against human smuggling 2015-2018](#), 8 December 2015, p. 16.

²¹³ Source: MINTEH unit, Immigration Office.

Lack of coordination and harmonization

In 2015, there was no new development to improve the coordination and harmonisation of statistics on human smuggling at national level. Given the fact that various stakeholders collect statistics regarding their field of interventions, their statistical practices and outputs are not coordinated. Efforts to standardize data collection, processing and dissemination were also lacking.

It is worth noting in this regard that Myria, the Federal Migration Centre, gathers all statistics on human smuggling in its annual reports on trafficking and smuggling of human beings. The statistical part of these reports, which clearly identifies gaps and limitations, facilitates the analysis and better understanding of the statistics concerned. In particular, the 18th annual report of Myria, 'Tightening the Links', that was published in October 2015, focused partially on existing figures on phenomena that are related to smuggling, such as interceptions by police services of people climbing into vehicles on peripheral parking areas. However interesting these figures might be, they are not rendered public on a regular basis²¹⁴.

The way forward

The action plan relating to the fight against human smuggling 2015-2018 provides that:

- The database recording statistics on convictions of human smuggling will be modified to ensure accurate data entries in this matter.
- The Centre for information and analysis of trafficking in and smuggling of human beings (CIATTEH) will elaborate a global data scheme to be shared between the stakeholders concerned. The basis canvas will be used internally for collection and processing purposes and externally for dissemination purposes.

- The case law will be requested from tribunals and courts' registries, gathered and analysed to help better understand the phenomenon and how it is dealt with by the judiciary system²¹⁵.

8.3.5 Monitoring and identifying migration routes

In June 2015, a **temporary taskforce** 'transmigration' has been set up within the COTER platform, a platform (with sub-groups) where different representatives of the responsible ministers and administrations gather to coordinate actions on return policy. This taskforce was tasked, in the light of the crisis and the influx of migrants, to identify concrete and prompt measures to be taken against irregular migration to better cope with the situation. The taskforce inter alia helped exchange information, plan specific controls and actions, organize training, etc. It was not specifically centred on human smuggling but linkages were made with this phenomenon. When the taskforce completed its work in 2016, the network and its achievements were incorporated in the regular work of the direction of administrative police/border control operations and of the COTER platform²¹⁶.

Apart from that, **existing tools and mechanisms** were used in 2015 to identify, monitor and aggregate information on migration routes. At the Belgian level for example, information and data were shared between several units of the Immigration Office at roundtable meetings on irregular migration; information and data in this field were also shared between different stakeholders, including the Immigration Office, the federal police, the Office of the Commissioner General for Refugees and Stateless Persons and the Federal Public Service Foreign Affairs at FIOM meetings. Restricted newsletters elaborated by the police were also used to highlight and circulate recent trends, routes and methods

²¹⁴ Myria, *Tightening the Links, Trafficking and Smuggling in Human Beings, Annual Report 2015*, Brussels, English version: January 2016 (English translation of the report published in October 2015), pp. 132-157.

²¹⁵ Interdepartmental Coordination Cell for the fight against trafficking and smuggling of human beings, *Action Plan – The Fight against human smuggling 2015-2018*, 8 December 2015, pp. 10-11.

²¹⁶ Source: Chair of the Interdepartmental Coordination Cell.

used by smugglers. At the EU level, all available tools from Europol (including Joint Operational Team Mare²¹⁷, European Cybercrime Centre²¹⁸, etc.) and Frontex (risk analyses²¹⁹, strategic analyses²²⁰, operational analyses²²¹, etc.) were used to analyse routes and trends, and to launch evidence-based actions. It was used in 2015 to launch the responses described under 4.3 above. Finally, it is useful to note that each police cooperation agreement with third countries refers to exchange of good practices on human smuggling and this also helps aggregate information in this matter.

²¹⁷ More information: Europol, *Jot Mare*, <https://www.europol.europa.eu/content/jot-mare>

²¹⁸ More information on European Cybercrime Centre: Europol, *Combating cybercrime in a digital age*, <https://www.europol.europa.eu/ec3>

²¹⁹ More information: Frontex, *Risk analysis*, <http://frontex.europa.eu/intelligence/risk-analysis/>

²²⁰ More information: Frontex, *Strategic analysis*, <http://frontex.europa.eu/intelligence/strategic-analysis/>

²²¹ More information: Frontex, *Operational analysis*, <http://frontex.europa.eu/intelligence/operational-analysis/>

2015 EMN Study: Smuggling of migrants - Characteristics, responses and cooperation with third countries

In 2015, a study on smuggling of migrants was carried out by a consortium comprising Optimity Advisors, ICMPD and ECRE, commissioned by the European Commission's DG Migration and Home Affairs and financed by EMN. It involved six months of desk research, interviews and data analysis across selected European Member States and third countries.

Among other key results, the study shows that :

- There is an **active market for migrant smuggling services**. Price, quality and risk vary across routes and suppliers are able to differentiate between customers.
- There are **strong communication networks**. Information is shared quickly between buyers, between sellers and between these two groups (through social media, pay-as-you-go phones...).
- The business model for the supply of smuggling services is **based on networks**, which are complex, shifting, and resilient. Where the intensity of smuggling activities is greatest, **smuggling networks cluster to form Hubs**. Journeys are rarely organized from beginning to end, routes are flexible and can easily change.
- Operational activities to tackle supply are likely to be more **effective if they are comprehensive and if targeted at the Hubs**. Policies that are unilateral and not comprehensive simply serve to alter the routes.
- **Coordination of activities across agencies and borders** is essential.
- Policies that focus only on supply, without also addressing demand, could simply **increase market price or risk** rather than actually reducing the use of smuggling services.
- **Family and diaspora play an important role**, particularly regarding the provision of information to potential migrants. These social ties are very important in the context of setting policies to address migrant smuggling.

The **study** is available on the website of the Belgian Contact Point of the EMN:

<http://www.emnbelgium.be/publication/study-smuggling-migrants-characteristics-responses-and-cooperation-third-countries-emn>

9. RETURN

9.1 Strengthening cooperation with third countries of transit and origin on migration management

9.1.1 *Ensure implementation of all EU readmission agreements to their full effect*²²²

The conclusion of readmission agreements continued to be a priority of the Belgian government. The Coalition Agreement of 10 October 2014 stipulated that – in the framework of the readmission policy – the government will continue to conclude agreements, both at the national and at the European level²²³.

In 2015, the Benelux States did not sign any implementing protocols of an **EU readmission agreement**. However, negotiations for the signature of an implementing protocol were ongoing during the year with several states: Armenia, Azerbaijan, Cape Verde, Sri Lanka, Ukraine²²⁴.

At the **Benelux level**, a readmission agreement was signed with Kazakhstan on 2 March 2015. It did not yet enter into force²²⁵. Furthermore, negotiations with a view to signing a readmission agreement were ongoing with Mongolia, the Philippines and Vietnam. The authorities from the Benelux States were also approached by other countries in order to conclude readmission agreements.

At the **national level**, Belgium signed a Memorandum of Understanding with Nigeria on 12 March 2015. In the framework of this agreement, Belgium and Nigeria commit to cooperate more closely

regarding the management of irregular migration and removals, the fight against smuggling and trafficking in human beings, the promotion of (assisted) voluntary return, information and promotion of legal migration and prevention of irregular migration. The agreement foresees annual meetings between experts of the two countries to ensure the follow-up of the measures implemented²²⁶. Belgium also signed a Memorandum of Understanding with Togo on 28 September 2015. Negotiations were ongoing with several other countries.

It is also worth mentioning that in his General Policy Note on Migration and Asylum of 3 November 2015, the State Secretary for Asylum Policy and Migration mentioned that the Belgian government aimed at concluding agreements with Tunisia, Algeria and Morocco in 2016²²⁷.

9.1.2 *Prevention of irregular migration from third countries*

Consular Cooperation Mechanism (CCM) project

EU Member States use different methods to tackle fraud in Schengen-visa applications and to verify applications. These different levels of control can lead to visa shopping. The Belgian Immigration Office thus proposed to set up a Consular Cooperation Mechanism on Schengen Visa Processing in selected third countries presenting a high risk of fraudulent Schengen visa applications. The aim of the project is to fight against visa fraud through various activities. The project was launched in September 2015 and is funded under the ISF 'Specific Actions'. 11 European countries are currently involved in the project (including Belgium as the lead country)²²⁸ (see section 3.7.1 of this report).

²²² Norway is invited to report on any National agreements in place.

²²³ [Federal Coalition Agreement](#), 9 October 2014, p. 193.

²²⁴ Source: Immigration Office.

²²⁵ Belgian Government, *Press release after the Council of Ministers of 18 February 2016*, <http://www.presscenter.org/fr/pressrelease/20160218/accord-entre-les-pays-du-benelux-et-le-kazakhstan-concernant-la-readmission-de>

²²⁶ Belgian House of Representatives, [Question n° 92 of MP Denis Ducarme of 17 March 2015 to the State Secretary for Asylum Policy and Migration, in charge of Administrative Simplification, attached to the Minister of Security and the Interior](#), 20 April 2015, QRVA 54 021, pp. 268-269.

²²⁷ Belgian House of Representatives, [General Policy Note on Asylum and Migration](#), 3 November 2015, DOC 541428/019, p. 20.

²²⁸ Source: Ilobel, Immigration Office.

(a) the Southern Mediterranean countries

Belgium proposed to implement an awareness raising and information campaign in 2016, in the framework of the Mobility Partnership with **Morocco**. The aim is to better inform Moroccan citizens on the possibilities of regular migration to Belgium while also raising awareness on the risks of irregular migration (see section 3.5 of this report).

(b) the Eastern Partners

The State Secretary for Asylum Policy and Migration visited **Georgia** in 2015 (this visit included information/dissuasion activities). An information campaign focusing on the dangers of irregular migration and the promotion of legal migration will be carried out in this country in 2016 (see section 3 of this report).

(c) the Western Balkans

The number of asylum seekers from Macedonia and Serbia decreased in 2015 compared to the previous year. The number of asylum applications from Albania and Kosovo remained high in 2015 (in February 2016, Albania and Kosovo are both listed in the top 10 countries of origin according to the number of persons who applied for asylum, respectively in the 9th and 10th position).

The State Secretary for Asylum Policy and Migration visited **Albania** in January 2015, **Kosovo** in March 2015 and **Serbia** in April 2015. These visits included information/dissuasion activities. In addition, an information campaign focused on irregular migration was implemented in Albania in 2015. Furthermore, within the EU twinning project with Kosovo, the Belgian Immigration Office will take the lead on the module on 'public awareness about the risks of irregular migration and the potential benefits of regular migration', which will be launched in 2016 (see section 3.5 of this Report).

Monthly reporting of the inflow of asylum seekers was achieved to the national authorities of the Western Balkan. Meetings were also organized with the

embassy staff of countries of the Western Balkans. The Immigration Office and Fedasil cooperated with the embassies/consulates of **Albania, Kosovo and FYROM** to prepare information sessions targeting Albanian speaking people in Belgium. Three information sessions were organized in 2015 on the topics of stay and voluntary return (also see section 9.3.7 of this report).

(d) the Western Mediterranean and the African Atlantic coast

Belgium signed a Memorandum of Understanding with **Nigeria** on 12 March 2015. In the framework of this agreement, Belgium and Nigeria commit to increase their cooperation regarding the management of irregular migration and removals, the fight against smuggling and trafficking in human beings, the promotion of (assisted) voluntary return, information and promotion of legal migration and prevention of irregular migration.

Furthermore, the Immigration Office set up an information campaign in Nigeria in 2015, which aimed at informing the local population about the risks of irregular migration, trafficking and smuggling, and at providing them with practical indications on how to avoid these traps (see section 3.5 of this report).

Belgium plans to implement a prevention campaign in **Cameroun in 2016** (see section 3.5 of this report).

9.2 Enhancing migration management including cooperation on return practices

9.2.1 Recording entry bans in the SIS and facilitating exchange of information on entry bans²²⁹

In order to improve the exchange of information and the quality of the data exchanged regarding third country nationals (TCN) who are subject to an entry ban, the Immigration Office strives to

²²⁹ This category of measure relates to the commitments of the Stockholm Programme specifically.

collect the biometric data of each TCN who is subject to such a decision.

Different measures have been taken in order to collect these data and facilitate the exchange of information regarding the identity of these persons:

- Awareness raising of all actors involved in the process from the issuance of the entry ban until the removal of the concerned person;
- Collaboration between the Immigration Office and the Police services in order to have access to the fingerprints, and – if possible – a scan of the identity documents.

9.2.2 Operation of national forced return monitoring system²³⁰

Since 1 January 2016, the General Inspectorate of the federal and local Police (AIG – Algemene Inspectie/Inspection Générale) – an independent control authority - falls directly under the authority of the Ministry of the Interior.

The General Inspectorate drafts a risk analysis each time before a control of a forced return is carried out. The elements taken into account to decide whether or not to carry out a control include: is the person to be returned considered by the aviation police of Brussels National Airport as presenting risks; is there an assistance file from the social psychological assistance team of the aviation police; does the person to be returned have a criminal record; have there been several attempts at removal; are there any opposition actions expected by (groups of) supporters during the return; what is the country of destination; is it the first time that this destination is used, etc.

A report is drafted following each control, and – if necessary – recommendations are formulated. These recommendations are discussed with the concerned services and the General Inspection follows up on them²³¹.

²³⁰ Established in accordance with Article 8 (6) of the Return Directive (Directive 2008/115/EC)

²³¹ Source: General Inspectorate of the federal and local police.

9.3.3 The return of irregular migrants representing a threat to the public order

The apprehension and return of irregularly staying migrants who committed a crime remained a top priority of the return policy in 2015²³². In 2015, the number of removals of criminals more than doubled in comparison to 2014. The total number of forced returns of third country nationals (excluding Dublin) in 2015 was 2,526²³³.

Changes made to the **Belgian criminal law**²³⁴ at the beginning of 2016 made it possible to remove foreign criminals to their country of origin within six months before the end of their sentence as well as six months before they can be anticipatively released. Furthermore, all foreign criminals will have to prove their willingness to cooperate to their return in order to be anticipatively released; if they do not want to cooperate they will serve the full sentence. This new legislation should be an incentive to all foreign criminal detainees to cooperate²³⁵.

Furthermore, **three ‘Gaudi’ operations** took place in Belgium in 2015. The Gaudi operations aim at arresting irregular migrants who commit an offence against the public order (such as shoplifting or pickpocketing) by increasing police controls, and at organizing their swift return to their countries of origin when possible. Operation ‘Gaudi I’ was held from 11 December 2014 to 18 January 2015 in eight cities. A second Gaudi operation took place from mid-May till mid-June 2015 in 11 cities. Gaudi III took place from 5 December 2015 till 31 January 2016 – that is to say during the holiday and sale seasons – in 11 cities. The federal railway police also carried out actions in trains.

Regarding the results of these actions, the State Secretary indicated that operations Gaudi I and II led to 1,062 administrative detentions of irregular migrants with a

²³² Belgian House of Representatives, [General Policy Note on Asylum and Migration](#), 3 November 2015, DOC 541428/019, p. 4.

²³³ Source: Immigration Office.

²³⁴ [Law of 5 February 2016 modifying the penal code and the penal procedure and containing various provisions regarding Justice](#), *Belgian Official Gazette*, 19 February 2016.

²³⁵ Source: Immigration Office.

criminal past. On 5 December 2015, 224 of them were detained in a closed centre in view of a return to their country of origin, 54 were brought before the public prosecutor and 32 ended up in prison. About half of the arrests were linked to shoplifting or pickpocketing (other offences include falsification of documents, or assault and battery). He further stressed that thanks to these operations, the number of arrests doubled compared to the same period the year before²³⁶. The State Secretary also underlined that the good cooperation between the cities, the Police, the Immigration Office and the Public Prosecutor's Office contributed to the success of the operation²³⁷.

Regarding priorities for 2016, the State Secretary indicated that the Gaudi operations would be continued. The swift return of irregular migrants representing a threat to the public order will remain a priority, as will the apprehension and return of irregularly staying migrants who represent a threat to national security. Belgium will also continue to adopt a firm approach to migrants legally staying in Belgium with a residence permit issued by another EU Member State, and who commit public order offences (see 'EURESCRIM' project, in section 9.3.10). Furthermore, the staff of the central return services of the Immigration Office will be increased in 2016. In order to ensure efficient measures against irregularly staying offenders, the Immigration Office will have access to the General National Database (BNG) on the basis of an agreement²³⁸.

²³⁶ 'GAUDI III Nieuwe actie tegen winkel en gauwdiefstallen', *Theo tuurt naar Vlaanderen en de wereld*, [web blog], 5 December 2015, <https://theo tuurt.wordpress.com/2015/12/05/actie-gaudi-iii/>

²³⁷ Belgian House of Representatives, *Question n° 226 of MP Olivier Chastel of 22 July 2015 to Question n° 92 of MP Denis Ducarme of 17 March 2015 to the State Secretary for Asylum Policy and Migration, in charge of Administrative Simplification, attached to the Minister of Security and the Interior*, 8 February 2016, QRVA 54 061, pp. 430-433

²³⁸ Belgian House of Representatives, *General Policy Note on Asylum and Migration*, 3 November 2015, DOC 54 1428/019, pp. 18-19.

9.3.4 'Medusa' operation

In the framework of the important inflow of asylum seekers and migrants in 2015, the 'Medusa' operation was launched on 22 September 2015. This operation falls within a global approach to fight trafficking and smuggling of human beings and to deal with 'transmigration', which refers to two types of migration flows: migrants who transit through Belgium on their way towards another country (mostly the United Kingdom), and migrants who have Belgium as their final destination (asylum seekers or irregular migrants). More precisely, the operation has different aims: dissuasion; conceptualization of migration flows and trends so adjustments can be made at the operational level; screening of controlled persons in databases; and registration of persons by the Immigration Office when necessary.

The operation involves large and small police actions, surveillance activities and patrols (focused on air, sea, road and rail connections). A total of 1031 additional actions were carried out in 2015, including 294 actions on the railway and 403 actions on the road²³⁹. At the end of 2015, 1,277 irregular migrants had been intercepted²⁴⁰.

The action will be continued in 2016 (see section 8.3 of this report).

9.3.5 Detention of irregular migrants

In his General Policy Note on Asylum and Migration of 3 November 2015, the State Secretary indicated that one of the priorities of the forced return policy is to increase the capacity of the closed return centres for irregular migrants and rejected asylum seekers. The aim is to increase the capacity of 452 residents (in November 2015) to 605 residents in 2016. In this perspective, the staff of the closed centres should be increased²⁴¹. The increase of capacity and staff started at the end of

²³⁹ Source: Federal Police

²⁴⁰ Belgian House of Representatives, *Analytical report of the Interior, General Affairs and Public Service Commission*, 20 January 2016, CRAVB 54 COM 316.

²⁴¹ Belgian House of Representatives, *General Policy Note on Asylum and Migration*, 3 November 2015, DOC 54 1428/019, pp. 19-20.

2015, but most of it will be achieved in 2016.

Furthermore, the State Secretary also indicated that one of the aims of the return policy for 2016 was to set up closed housing units for families, located near the closed centre 127bis²⁴².

It is also worth mentioning that the project 'humanisation of closed centres' – managed by the Belgian Immigration Office and funded by the European Return Fund – was continued in 2015. It aims at improving the living environment of residents of closed centres in Belgium (see section 9.3.10).

9.3.6 (Joint) return flights

In his General Policy Note on Asylum and Migration of 3 November 2015, the State Secretary indicated that it was essential to continue to organize secured flights, and that European collaboration in this field represents a priority of the government²⁴³.

In 2015, Belgium organized or participated in 25 return flights, accounting for a total of 154 returnees. The main countries of destination were Albania, DRC and Serbia.

More precisely, Belgium organized 13 national flights to Albania, Kosovo, Serbia, DRC, Macedonia, Bulgaria and Georgia. Furthermore, Belgium organized - in collaboration with Frontex - two Joint Return Operations (JRO) to DRC, in which other Member States participated. Belgium further participated in five JRO organized by other Member States in collaboration with Frontex (three to Nigeria, one to Kosovo and one to Albania). Belgium also participated in five Collecting Joint Return Operations (CJRO)²⁴⁴ organized by other Member States in collaboration with Frontex (four to Albania and one to Serbia).

²⁴² Belgian House of Representatives, [General Policy Note on Asylum and Migration](#), 3 November 2015, DOC 54 1428/019, p. 19.

²⁴³ Belgian House of Representatives, [General Policy Note on Asylum and Migration](#), 3 November 2015, DOC 54 1428/019, p. 20.

²⁴⁴ Collecting Joint Return Operations (CJRO) are Joint Return Operations where the destination country provides escorts and escort leader.

*** EMN activities ***

EMN Return Experts Group (REG)

The REG is a thematic sub-group of return experts, created in February 2014 within the European Migration Network. Since September 2015, this group is composed of voluntary and forced return experts mainly from national administrations in charge of return. They meet about 3 to 4 times a year in order to connect between experts, evaluate current practices, promote new approaches and synergies, and exchange validated information about both voluntary and forced returns.

The Action Plan on Return²⁴⁵ launched by the European Commission in September 2015 also assigned certain tasks to the EMN REG, as mentioned in the following quotes:

- « *The Commission will monitor and assess through the European Migration Network (EMN) whether disparities among voluntary return and reintegration programmes of the Member States could lead to 'return shopping' – with migrants picking those Member States offering the most lucrative packages.* »
- « *Promoting best practices on voluntary return and reintegration programmes through the EMN* »
- « *(...) the EMN will further map best practices and hurdles to return in national legislation and administrative systems, to help Member States improve the effectiveness of their return systems.* »

Some of the latest REG's activities and outputs

- **EMN Inform : Challenges and good practices in the return and reintegration of irregular migrants to Western Africa (January 2015)**²⁴⁶. Some findings:
 - Between 2009 and 2013, 8% of the total of all asylum seekers to the EU were Western Africa nationals;
 - EU Member States experience a number of challenges in returning TCNs to Western Africa;
 - Good practices in return and reintegration identified include: involving the diaspora community and/or organizations to reach, inform and convince; tailoring support to individuals' needs; offering TCNs from West African countries an employment or business perspective upon return; mobilizing the knowledge of local organizations in return countries; analyzing migration dynamics and the phenomenon of inter-states migration.
- **Guidelines for Monitoring and Evaluation of AVRR Programmes (January 2016)**.²⁴⁷ The overall aim of these guidelines is to improve the evidence-base to inform the policy debate on return by identifying a common methodology for monitoring and evaluation that Member States can apply on a voluntary basis.

²⁴⁵ EU Action Plan on Return, p.3, 4 and 5 : Available on : http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/communication_from_the_ec_to_ep_and_council_-_eu_action_plan_on_return_en.pdf

²⁴⁶ Available on: <http://www.emnbelgium.be/publication/challenges-and-good-practices-return-and-reintegration-irregular-migrants-western-africa>

²⁴⁷ Available on: <http://www.emnbelgium.be/publication/guidelines-monitoring-and-evaluation-avrr-programmes-emn>

- **EMN Inform**²⁴⁸: **Incentives to return** to a third-country and support provided to migrants for their reintegration (last version, June 2016). Some findings:
 - The total budget for these programmes amounts to around EUR 111.8 million for a standardized period of twelve months of implementation;
 - The amounts of the in-cash allowances and of the reintegration packages granted to migrants vary significantly across Europe: ranging from EUR 100 (Bulgaria, Hungary, Latvia) to EUR 3,750 (Norway) for the in-cash allowance at the point of departure/after arrival and from EUR 500 (Bulgaria, Poland) to EUR 5,000 (Norway) for the in-kind assistance in the country of return.

- **Ad-hoc queries**²⁴⁹:
 - The Use of Detention in Return Procedures;
 - The EU Laissez-Passer for Repatriation of TCNs;
 - The enforcement of expulsion decisions;
 - Removals by air of illegally staying third-country nationals;
 - Forced returns to the Democratic Republic of Congo (DRC);
 - The use of escort missions during forced removal operations;
 - The concept of safe country of origin in relation to Albania, Kosovo, Macedonia (FYROM), Serbia, Montenegro, Bosnia and Herzegovina;
 - Obtaining a new travel document for irregularly staying third-country national for return procedure.

²⁴⁸<http://www.emnbelgium.be/publication/incentives-return-third-country-and-support-provided-migrants-their-reintegration-emn-in>

²⁴⁹ Available on: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/adhocqueries/results/return/index_en.htm

9.3.7 Measures to promote and facilitate voluntary return

The State Secretary for Asylum Policy and Migration stressed in his General Policy Note on Asylum and Migration of 3 November 2015 that a person who is irregularly staying in Belgium or whose asylum claim was rejected, has to leave the country. Each rejected asylum seeker is informed about the possibilities for voluntary return. Different actions are implemented in order to raise awareness on the voluntary return program among the target groups and to facilitate access to it²⁵⁰.

Action Plan on voluntary return

In his General Policy Note on Asylum and Migration of 3 November 2015, the State Secretary for Asylum Policy and Migration points out that the voluntary return figures at the beginning of 2015 show a lack of interest of migrants in this programme. He links this trend to the new 'profile' of asylum seekers in 2015: compared to previous years, most people have – on average – a higher protection rate²⁵¹. The decreasing number of voluntary returns mostly concerned (rejected) asylum seekers.

In this framework, an Action Plan on return was developed by Fedasil and presented in July 2015 by the State Secretary. The Action Plan – composed of 10 projects - has three main goals:

- Embed and strengthen the 'return path';
- Improve access to the voluntary return programme;
- Inform irregular migrants outside of the reception system about voluntary return (both directly and indirectly) via their formal and informal representatives.

A series of measures were implemented in 2015 to meet these goals (see below).

²⁵⁰ Belgian House of Representatives, [General Policy Note on Asylum and Migration](#), 3 November 2015, DOC 54 1428/019, p. 17.

²⁵¹ Belgian House of Representatives, [General Policy Note on Asylum and Migration](#), 3 November 2015, DOC 54 1428/019, p. 17.

The 'return path' and the 'open return places'

In 2012, a law²⁵² amending the Reception Act²⁵³ introduced the concept of 'return path', which is defined as the individual support provided by Fedasil with a view to return. This return path entails the provision of information about voluntary return to (rejected) asylum seekers in reception structures managed by Fedasil and its partners - at key moments of the asylum procedure. It is divided into two main phases: (i) voluntary return counselling while the asylum procedure is still ongoing and (ii) voluntary return counselling in a return facility (the 'open return places') after the asylum application was rejected²⁵⁴.

The 2015 Action Plan puts a specific focus on voluntary return in the framework of the open return places, in line with the recommendations from the evaluation of the 'return path' carried out in 2014²⁵⁵. The open return places are located in reception centres managed by Fedasil. Several actions were defined to increase the arrival percentage at the open return places, which was low during the first quarter of 2015. The percentage of failed asylum seekers sent to the open return places also varies depending on the partners (in Belgium, different partners provide reception for asylum seekers).

A new instruction from Fedasil on the return path came into force in November 2015²⁵⁶. It defines a coherent target group that will be assigned to an open return place, that is to say any asylum applicant whose right to reception has come to an end. The instruction also stressed the importance of a coherent and clear support/assistance 'path': every rejected

²⁵² [Law of 19 January 2012 modifying the legislation regarding the reception of asylum seekers](#), *Belgian Official Gazette*, 17 February 2012.

²⁵³ [Law of 12 January 2007 regarding the reception of asylum seekers and other categories of foreign nationals](#), *Belgian Official Gazette*, 7 May 2007.

²⁵⁴ More information in the BE EMN NCP study ['Dissemination of information on voluntary return in Belgium'](#), 2015.

²⁵⁵ See the [EMN Annual Report on Asylum and Migration Policy in Belgium 2014](#).

²⁵⁶ Fedasil, *Instruction on the return path and the open return places*, 20 October 2015.

asylum applicant can stay in an open return place for 30 days, in accordance with the delay defined in the return decision. During this period of time, the migrants benefit from a support/assistance 'path', based on three meetings with a return counsellor and joint case-management with the Immigration Office.

Furthermore, as the location of the open return places could also have an impact on the arrival percentage, open return places were created in the federal reception centre 'Petit Château', which is located in Brussels. The other four centres with open return places remained operational.

What's more, an instruction from Fedasil of 20 October 2015²⁵⁷ modified the mandatory registration place of asylum seekers residing in the reception network and who are subject to a Dublin transfer. In order to ensure that the transfer to another Member State takes place in the best possible conditions and to guarantee that the asylum seeker has access to reception while awaiting the transfer, the asylum seeker is transferred to a specific place inside a federal centre ('Dublin place') where a liaison officer of the Immigration Office is present (in line with the Office's responsibility in terms of the practical organisation of the transfer). All information linked to the end of the provision of material assistance (as specified in the instruction of 15 October 2013²⁵⁸) is provided in the 'Dublin place'.

Opening of two regional return desks

With the regionalization process of Fedasil's operational structure in 2015 - including a regional presence in the North (regional office in Antwerp) and in the South (regional office in Liege) – two regional return desks were opened: one in Liege (in September) and one in Antwerp (in November). There are now four return desks in Belgium (also in Brussels and Ghent), where migrants can receive tailored

information and submit an application for voluntary return. The two new return desks were created taking into account the best practices from the central return desk in Brussels, including its accessibility to migrants and its low profile. These two regional desks increase the accessibility – geographically speaking - of the voluntary return programme and increase cooperation between Fedasil and regional return partners and other relevant stakeholders (local reception structures, local administrations, etc.).

Communication tools

Fedasil developed a **new website on voluntary return**, which was launched in January 2016 (www.voluntaryreturn.be). The website mostly targets migrants and aims at informing them about the possibility of voluntary return. The website provides answers to frequently asked questions, such as 'how can I apply for voluntary return?' or 'what support can I receive?', as well as stories of returnees and the contact information of the return partners. In order to best inform these persons, the information on the website is available in 12 languages. Furthermore, the website also has a section aimed at Fedasil's return partners.

The layout of the information tools on voluntary return (the website, the poster and the brochure in 15 languages²⁵⁹) was re-designed to make it more dynamic.

Fedasil also reworked its information document on the return path, to make it simpler and more useful for social workers during their discussions with migrants. The document provides information on voluntary return, the different stages of the return path and staying in an open return place. This document is available in 11 languages (French, Dutch, English, Albanian, Arabic, Farsi, Lingala, Pashto, Fula, Russian and Serbian).

²⁵⁷ Fedasil, *Instruction regarding the modification of the mandatory registration place (hereafter: code 207) of asylum seekers who have been refused residence in the framework of a Dublin transfer*, 20 October 2015.

²⁵⁸ Fedasil, *Instruction regarding the end and the prolongation of material assistance*, 15 October 2013.

²⁵⁹ Albanian, Arabic, Bulgarian, Farsi, Lingala, Mongolian, Pashto, Portuguese, Fula, Russian, Serbian, Slovak, English, French and Dutch. The leaflet is available at: www.retourvolontaire.be/partners

A brochure for children whose parents have applied for voluntary return was also developed (only in Dutch).

Information sessions and activities

Fedasil, as well as its partner organisations, organized multiple information sessions for local authorities (including the Police, municipalities and Public Centres for Social Welfare) and for civil society organisations in 2015. What's more, several activities took place to inform diaspora communities about voluntary return, through different means (consulates, migrant organizations or IOM staff member from concerned countries).

Fedasil also continued to raise awareness and inform foreign **embassies and consulates** about voluntary return. Fedasil provided information on the Agency and its place in the Belgian institutional framework, as well as on the voluntary return programme. Increasing mutual understanding between Fedasil and the embassies/consulates on voluntary return is important, because the latter provide the travel documents needed by migrants to return to their country of origin. 13 consulates received information from Fedasil in 2015 (Benin, Serbia, Romania, Bangladesh, Slovakia, Tanzania, Nepal, Iraq, Guinea, Georgia, FYROM, Albania and Kosovo). These information activities contributed to an increased and more proactive cooperation with consulates from countries with a high level of return (such as Iraq).

Fedasil cooperated with the Immigration Office for certain information activities targeting consulates/embassies. For example, Fedasil and the Immigration Office cooperated with the consulates of FYROM, Albania and Kosovo, to provide information to the Albanian-speaking community in Belgium on the topics of stay and voluntary return during three information sessions.

On 11 December 2015, Fedasil and IOM jointly organized the annual meeting for embassies and consulates at Fedasil's Headquarters, which was attended by about 20 diplomatic representations. It

aims at providing embassies/consulates with information on voluntary return and at stressing their essential role in this process.

Cooperation with local authorities

The Action Plan on voluntary return includes the development of partnerships with local authorities as one of the priorities. The State Secretary for Asylum Policy and Migration stated that collaboration with the local administrations is very important, since the people residing in large cities outside of the reception structures should also be informed of the possibilities regarding voluntary return. Furthermore, municipalities where reception centres for asylum seekers have been opened, as well as the Public Centres for Social Welfare (CPAS/OCMW), will be informed and supported²⁶⁰.

Specialized assistance provided by "native counsellors"

In order to favour the provision of information on voluntary return in a proactive and individual manner, the Action Plan mentions the possibility to create a team of 'native counsellors', in partnership with IOM. In 2015, a 'native return counsellor' speaking both Albanian and Serbian was working at the return desks.

Specific reintegration strategies for certain countries

The Action Plan on voluntary return includes the development by Fedasil of specific reintegration strategies for certain countries of origin. In 2015, reflection and brainstorming activities for a project for Northern Morocco took place.

Targeted information campaigns

Fedasil continued its information campaign targeted at TCN from the Balkan countries. More specifically, the Agency launched the campaign 'return to **Albania**' in early 2015, for a one-year period. It aims at informing the Albanian community in Belgium about the option of voluntary return. It includes

²⁶⁰ Belgian House of Representatives, [General Policy Note on Asylum and Migration](#), 3 November 2015, DOC 54 1428/019, p. 18.

the distribution of a poster (in French, Dutch and Albanian), the publication of said poster in an Albanian newspaper sold in Belgium, info sessions in cities with an important Albanian community (see section above on information sessions and activities), as well as the provision of services in Albanian at the return desks.

Furthermore, specific activities were set up regarding **voluntary return to Iraq**. In order to increase the awareness of the Iraqi nationals on voluntary return, information posters (in English and Arabic) were put up in reception centres and in the Immigration Office. Moreover, Fedasil and IOM organized information sessions in different reception centres in November 2015, to inform Iraqi asylum seekers and the social workers about voluntary return to Iraq. There is also an Arabic translator present at one of the return desks, as mentioned above.

Additionally, the State Secretary for Asylum Policy and Migration sent a letter in Arabic and English to all Iraqi asylum seekers present in a Belgian reception centre. This letter included information about certain aspects of the asylum procedure and was accompanied with information about the possibilities of voluntary return²⁶¹. The State Secretary also launched an information campaign on Facebook targeting young Iraqis from the Baghdad region (see section 3.5 of this report).

These different measures contributed to an important increase in the number of Iraqis voluntarily returning to their country of origin in 2015 compared to the previous year (from 58 Iraqis in 2014 to 1,023 Iraqis in 2015)²⁶². About one out of every four voluntary returns in 2015 was to Iraq.

Various projects linked to communication and the return path

At the end of 2014, Fedasil launched a call for proposals focused on outreach and communication activities in the field of voluntary return, as well as on the improvement and reinforcement of the

return path. Ten projects from NGOs, universities and municipalities, were selected²⁶³. The projects – launched in 2015 – have different aims and activities, such as training sessions for return counsellors or other first-line actors, information and awareness raising activities on voluntary return targeting associations active in the field of migration or other local actors (police, CPAS...), etc. Among other projects, the University of Leuven conducted a study about the way irregular migrants and their (formal and informal) representatives perceive AVR(R). Fedasil has already adjusted its communication strategy based upon the preliminary results of the study (e.g. by creating a new poster to promote voluntary return- see above). The study was published in April 2016.

Country of return information tool

A country of return information tool was set up in 2014 by Fedasil. It aims at providing return counsellors with the necessary information to respond to basic return related questions. In 2015, country fact sheets were finalized for 25 countries by a working group composed of staff members from Fedasil, IOM and Caritas. They contain practical and up-to-date information on consulates, travel documents and other travel-related aspects (airlines, luggage, etc.); reintegration possibilities (such as information on reintegration partners); as well as information for vulnerable groups (medical issues, families with minor children, victims of human trafficking, etc.). These fact sheets are available to all return counsellors and will be updated on a monthly basis in 2016.

Online tool for voluntary return applications

One of Fedasil's objectives is to accelerate the return process in order to better meet the returnees' expectations. To this end, IOM – in consultation with Fedasil – developed an online electronic tool which return counsellors can use to submit a voluntary return application. In 2016, a test

²⁶¹ The content of the letter was subject of criticism of among others NGO's and other organisations.

²⁶² Source : Fedasil.

²⁶³ The full list of selected projects is available at: <http://fedasil.be/fr/content/projets-0>

phase of this tool will take place at the return desks of Antwerp and Liege. Training sessions will be organized for the concerned staff members.

Increase in number of voluntary returns in 2015

According to the State Secretary, the first results of the Action Plan on voluntary return and the different activities implemented are positive, as the number of voluntary returns started increasing again at the end of 2015²⁶⁴.

The number of voluntary returns increased in 2015 compared to 2014. In 2015, 3,395 voluntary returns of third country nationals (excluding Dublin) were carried out²⁶⁵. The increase in the number of Iraqi returnees is particularly important, as one out of every four voluntary returns in 2015 was to Iraq²⁶⁶.

Due to the rising number of requests for voluntary return to Iraq, Fedasil organized a charter flight from Belgium to Baghdad on 1 February 2016, in collaboration with IOM. Aboard were 106 Iraqis who had signed up for the voluntary return programme. Belgium is the first European country to organise a charter flight for a voluntary return. Usually, the returns happen through regular airlines. As in the case of standard voluntary returns through regular airlines, the police and army were not involved in the above-mentioned operation²⁶⁷.

²⁶⁴ Belgian House of Representatives, [Question n° 256 of MP Filip Dewinter of 20 August 2015 to the State Secretary for Asylum Policy and Migration, in charge of Administrative Simplification, attached to the Minister of Security and the Interior](#), 1 February 2016, QRVA 54 060, pp. 339-343.

²⁶⁵ Source: Fedasil.

²⁶⁶ Belgian House of Representatives, Full report of the Interior, General Affairs and Public Service Commission, [Question n° 8267 from Ms. Nahima Lanjri to the State Secretary for Asylum Policy and Migration, in charge of Administrative Simplification, attached to the Minister of Security and the Interior on the 'return policy'](#), 19 January 2016, CRIV 54 COM 312, pp. 24-28.

²⁶⁷ For more information : Fedasil, *Charter flight to Iraq*, 2 February 2016, <http://fedasil.be/en/news/retour-volontaire/charter-flight-iraq>

*** EMN activities***

2015 EMN study:

Dissemination of information on AVR(R): how to reach irregular migrants not in contact with the authorities

This EMN study aims to identify and analyze the different approaches (policies and practices) employed in the EU Member States and Norway to **ensure that irregular migrants are informed of options for return**, with particular reference to voluntary and assisted voluntary return.

More precisely, the study examines national approaches to disseminating information on (voluntary) return, including approaches that have been used to specifically reach out to irregular migrants who are not in contact with the authorities; the role that different actors in contact with irregular migrants play in informing them about (voluntary) return; as well as the challenges, lessons learnt and good practices in this field.

The **Belgian EMN study** and the **comparative EU-synthesis** report are available on the website of EMN Belgium:

<http://www.emnbelgium.be/publication/dissemination-information-voluntary-return-belgium-and-eu-how-reach-irregular-migrants-n>

The **national reports** of other (Member) States are available on the European EMN website:

http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/results/2015/emn-studies/index_en.htm

*** EMN activities***

EMN Belgium Conference:

The return of irregular and vulnerable migrants

On 4 December 2015, The Belgian Contact Point of the EMN organized a conference focused on the challenges and opportunities associated with the return of irregularly staying and vulnerable migrants.

- The first panel examined the question of how to inform irregular migrants - including those who are not in contact with the authorities - about voluntary return.
- During the second half of the event, speakers and participants discussed how to take vulnerability into account in the (voluntary and forced) return process.

A report of the conference, which summarizes the presentations and the main points of discussions and all the presentations of the conference are available on the website of EMN Belgium: <http://www.emnbelgium.be/news/emn-conference-belgium-return-irregular-and-vulnerable-migrants>

9.3.8 Return of vulnerable migrants

Families with children

The open reception centre of Holsbeek, dedicated to families with children who are staying irregularly in Belgium, closed in June 2015. The State Secretary for Asylum Policy

and Migration indicated that this closure was temporary and linked to the need to transfer the staff of the Holsbeek centre to a few closed centres that experienced staff shortages. The families that were residing in the centre were transferred to one of the 'housing units' managed by the Immigration Office, which have been designated as open

return centres following the closure of Holsbeek. If a family does not cooperate in view of a voluntary return, a decision to detain them can still be taken²⁶⁸.

Families can still benefit from a specific return path. Following the issuance of an order to leave the territory, Fedasil's return counsellors – in collaboration with the return counsellors from the Immigration Office – provide information to the families about the possibilities of voluntary return.

Voluntary return and reintegration of vulnerable migrants

In 2015, several measures were taken to facilitate the voluntary return and reintegration of vulnerable persons in their countries of origin, including:

- Fedasil constituted its own team of medical and social escorts to accompany the persons in need of assistance during the flights. These escorts were recruited, on a voluntary basis, into the existing staff of the Fedasil reception centres for asylum seekers. The medical escort is supposed to stay some days in the countries of return in order to collect information about further potential medical services and partnerships. This approach enables more flexible and cost-efficient escorts.
- Fedasil developed a specific strategy for the return of UAMs. This strategy includes a closer contact with organisations working with UAMs, information sessions in Fedasil's open reception centres, meetings with legal guardians, and field visits in Bosnia, DR Congo and Morocco with the service providers responsible for the reintegration of UAMs in their country of origin.

Furthermore, Fedasil will develop, in 2016, a project to index the possibilities of medical follow up offered by the voluntary return program in countries of return. In

parallel, Fedasil will increase its information sessions in Belgian hospitals.

Special Needs project

The 'special needs project' was continued in 2015. The aim of the project is to provide vulnerable persons with tailored support before, during and after their forced return (see section 9.3.10).

9.3.9 Monitoring voluntary return and reintegration

In July 2015, Fedasil launched an online monitoring tool in ten countries of origin for returnees who have been granted reintegration assistance. It aims at collecting data, analysing (statistical) data and evaluating the return process and the impact of return and reintegration activities. The returnee himself – or with the assistance of the reintegration service provider – fills out a questionnaire six months after his return to his country of origin. He evaluates his situation at that moment, including his overall socio-economic situation (employment, housing, medical situation, social network) and his reintegration project. Fedasil centralizes all the information obtained. The first results of this monitoring exercise should be available in 2016.

9.3.10 Cooperation on return projects

Belgium takes part in several projects and initiatives on return.

Common Support Initiative on Voluntary Return and Reintegration (CSI)

The Common Support Initiative (CSI) - a platform of European governmental administrations responsible for the implementation of voluntary return and reintegration - was established in 2013 by Fedasil. It is funded through the AMIF Fund. This platform mainly aims at facilitating strategic consultation and operational cooperation in the field of voluntary return and reintegration; at accelerating the learning procedures between government institutions to lead to better practices and to facilitate the development of new common projects to maximize the

²⁶⁸ Belgian House of Representatives, [Question n° 192 of MP Benoit Hellings of 29 June 2015 to the State Secretary for Asylum Policy and Migration, in charge of Administrative Simplification, attached to the Minister of Security and the Interior](#), 21 December 2015, QRVA 54 055, pp. 309-310.

economies of scale. The platform concentrates on the organization of thematic meetings, activities related to capacity building, technical support, policy preparation and expertise development. Within the implementation of its activities, the CSI strives to build and enhance synergies with other voluntary return initiatives at European level, including European cooperation networks (such as EMN REG, IGC, etc.), agencies (such as EASO and Frontex) and projects (such as ERIN, EURLO, etc.).

In 2015, the main activities of the CSI were the following :

- CSI organized two thematic meetings: one on ‘Communication activities in the field of AVR’ and one on the development of a Joint Reintegration Strategy, the basic services to be contracted, as well as the mainstreaming of reintegration packages within ERIN Specific Actions.
- CSI actively contributed to the European Reintegration Network (ERIN), among others via the provision of technical support for the implementation of certain activities foreseen within the project. Regarding the EURLO project, CSI contributed to the development of a European Curriculum for Liaison Officers and the reference manual plan for EURLO Liaison Officers.
- CSI developed further its expertise in the field of voluntary return and reintegration via the participation in/ organization of intergovernmental meetings with other national institutions and the participation to international meetings organized by European networks, agencies, etc.

European Reintegration Network (ERIN)

ERIN is a cooperation project between governmental partner institutions responsible for the organization of return and reintegration activities, which aims at organizing sustainable return and reintegration of third country nationals to their countries of origin. The project is co-funded under the Return Fund Community

Actions (project duration: June 2014 – June 2016).

In 2015, Fedasil contributed to several activities implemented within ERIN:

- A national focal point of Fedasil attended the ERIN Steering Committee;
- Fedasil contributed to the ERIN working group in charge of preparing the project plan for ERIN 2.0;
- Fedasil conducted – in cooperation with the Belgian Immigration Office- an assessment mission in Morocco (May 2015) and the Russian Federation (October 2015);
- Fedasil carried out a market consultation mission in Senegal (December 2015) in the framework of a new tender that will be launched in 2016 in the framework of ERIN 2.0, to select a service provider for the provision of referral and counselling services to returnees.

MAGNET II

The project MAGNET II – which builds on the MAGNET pilot project – was launched in 2014 (it should last till 31 March 2016). It is a job placement project for voluntary returnees from Belgium, Finland, France, Germany, the Netherlands and the United Kingdom returning to the Kurdistan Region of Iraq. The project is managed by the IOM Paris Office, in close cooperation with IOM Iraq and other IOM offices in the participating countries. MAGNET II is funded by the EU Return Fund and co-funded by the project partners. The project implementation is further supported by the Kurdistan Regional Government.

The MAGNET II project includes the following activities to assist Iraqi voluntary returnees in finding a job in the Kurdistan Region, thus fostering their sustainable socio-economic reintegration:

- Provision of information on reintegration services and respective service providers present in Kurdistan Region of Iraq, prior to departure and upon arrival;

- Setting-up of an online job matching database, which allows Iraqi voluntary returnees to create a professional profile, and companies to post open vacancies;
- Reinforcement of the network of employers as partners in Iraq in order to identify vacancies and encourage prospective employers to hire voluntary returnees: **In October 2015**, IOM hosted a job and training fair in Erbil for Iraqi nationals returning voluntarily to the Kurdistan Region of Iraq from the partner countries. IOM also facilitated a study visit in December 2015 for government officials from the Ministry of Labour and Social Affairs (MoLSA) and the Bureau of Migration and Displacement (BMD) in the Kurdistan Region of Iraq to France, Belgium and the Netherlands. In each of the three countries, the KRI government officials met with representatives from labour ministries and learnt about national and local employment policies and practices to improve opportunities for job seekers;
- Job counselling, job referrals and placement of voluntary returnees (e.g. skill/profiling assessment, reviewing qualifications, work experience and expectations, and assistance in the creation of CVs to be uploaded in the job matching database).

Targeted Initiatives in the framework of the European Mobility Partnerships

(i) Targeted Initiatives for Armenia

The project was launched in January 2013 for a period of three years. It aims at strengthening Armenia's migration management capacities - with a special focus on reintegration activities - by increasing the capacities of competent authorities and civil society in Armenia to actively support dignified sustainable return and reintegration; at addressing the challenges posed by irregular migration; at facilitating opportunities for legal migration; and at strengthening the positive impact of migration on Armenia's social development. The project is managed by the 'Office Français de l'Immigration et de

l'Intégration' (OFII), and Fedasil acts as a partner.

The project was supposed to end on 19 December 2015. However, during the High Level Meeting of 9 December 2015 regarding the Mobility Partnership with Armenia, the European Commission confirmed that the project would be **extended for nine months**.

Fedasil has been involved in several activities since the start of the project (until Steering Committee Meeting of 24 November 2015), including the development – in cooperation with the Armenian Migration Service - of a specific website for migrants (<http://tundarc.am>); the creation of the Referral Centre within the Armenian Migration Service, a “one-stop shop” where Armenian returnees can benefit from support in the reintegration process; support regarding job-matching (e.g., a labour market survey was published in October 2015 at the request of the Armenian Ministry of Work), etc.

The activities that will be implemented during the extension period are mostly a continuation of existing activities (such as the Referral Centre or re-training and career orientation activities). However, a few new activities will also be implemented at the request of the Armenian Migration Service in the framework of their National Migration Plan 2012-2016 and their Migration Action Plan 2017-2021.

(ii) The Mobility Partnership in Morocco and the Support project Sharaka

A Mobility Partnership was signed on 7 June 2013 between the European Commission, the Moroccan Ministry of Foreign Affairs and Cooperation and the Ministries responsible for Migration in nine EU Member States (Belgium, France, Germany, Italy, Portugal, Spain, Sweden, the Netherlands, and the United Kingdom). This Mobility Partnership defines a set of political objectives. The Sharaka project – set up in the framework of this Mobility partnership - has a duration of 3 years and aims at consolidating the existing results in the field of migration and development, through a comprehensive approach and for

the benefit to take more fully into account the national policies and strategies. Fedasil is actively involved in the fourth component of the project, which aims at strengthening the capacity of the Moroccan authorities, both at national and local level, to support the socio-economic reintegration of Moroccan migrants returning to Morocco.

In this framework, Fedasil has started conducting an **expert mission** - dedicated to voluntary return – at the request of Expertise France (leader of the project). This activity started in **September 2015** and is expected to be finalised in spring 2016. The aim of this mission is to carry out a ‘comparative analysis of European AVRR programs/ projects in Morocco’. In the framework of this analysis, three deliverables will be produced: a directory of European institutions active in AVR(R); factsheets of the different AVR(R) projects and programs to Morocco (from the partner countries); a comparative analysis of European AVRR programs/ projects in Morocco, based on an evaluation grid.

Fedasil also participated in different exchange forums created in the framework of this project in 2015.

(iii) The Mobility Partnership in Tunisia and the Support project

A Mobility Partnership was signed on 3 March 2014 between Tunisia, the EU, and 10 EU Member States (Belgium, Denmark, Germany, Spain, France, Italy, Poland, Sweden, and United-Kingdom). A support project of three years aims at supporting the implementation of the Mobility Partnership by reinforcing the government’s capacity to develop and implement its national migration policy. The development of the project was carried out by a consortium composed of France, Italy, Poland, Sweden, Belgium, Portugal, and Spain (coordinated by Expertise France). The project **will start in March 2016**. The Belgian Immigration Office and Fedasil are partners of the project (also see section 7 of this report).

Organisation of joint reintegration projects targeted towards unaccompanied minors (project AMIF specific actions)

This action aims at ensuring a more attractive return procedure for unaccompanied minors (UAMs) by enhancing their reintegration in their country of origin. It consists of awareness raising and information activities in the countries of origin, as well as some activities focusing on the reintegration of minors in their country of origin. Family reunification will be a first priority in this regard. However, when family reunification is not possible, the reintegration of the minors will be based on educational projects, as well as professional training.

The leading Member State for this action is France. Fedasil is a participating partner in this project. The target countries for this project are Guinea, Congo, Mali, Bangladesh, Pakistan, Afghanistan, Algeria, Morocco and Albania. The objective is to organize at least 150 reintegration projects for minors. The provisional budget is EUR 2,550 million over the entire programming period. The EU co-financing rate is 90%, the remaining 10% need to be covered from a distribution between project partners.

In 2015, Fedasil answered the questionnaire regarding national practices in the field of voluntary return for UAMs sent by the French Ministry of Interior. The first steering committee is expected to take place mid-2016.

EURLO

Belgium supports the common approach which has been developed in the EU action plan on return. More concretely, Belgium has started to develop synergies between the Belgium chaired EURLO program and the other return actions, such as EURINT and ERIN and with a coordinating / supporting role of Frontex and EMN-REG.

The EURLO program consists in deploying immigration liaison officers in third countries, who will be specifically active on return related issues, who will not only represent the sending member state but also all participating member states and associated states. The EURLO steering group has developed a curriculum for the deployed EURLOs and will organize training

in Spring 2016, so that effective deployment can be organized from Summer 2016 onwards.

EURESCRIM (EURINT)

Within the EURINT program, Belgium has initiated the EURESCRIM Initiative, which is based on a bilateral cooperation between Belgium and Spain. Many third country nationals who are in a Belgian prison have a residence permit from another EU Member State. Since it was established that some of them, who were returned to Spain after having served time in a Belgian prison, came back to Belgium to commit new crimes, Belgium developed a system in order to verify whether the residence permit could be revoked in Spain, so that the third country national could be returned to his country of origin. This would make it much more difficult for the third country national to come back. Furthermore, an entry ban for the whole Schengen area could be imposed.

Following the conclusions of the JHA-Council of 8 October 2015, Belgium organized a first workshop in December 2015, to which a dozen Member States and associated states, as well as Frontex participated. The goal is to expand the Spanish-Belgian pilot EU-wide, so that condemned criminals will be systematically send to their country of origin. A second workshop will be organized in Spring 2016.

Videoconferencing project

The aim of this pilot-project, which started in June 2014, is to test the use of videoconferencing tools for the identification of irregular migrants by the authorities of the countries of origin. Belgium, Poland and Luxembourg participate in this pilot project whereas the Netherlands and the United Kingdom are associated partners²⁶⁹.

Videoconferencing tools can be installed according to three possible configurations:

- Intra EU Member States : Identification interviews from detention centres to the consular representation in the Member State or to the headquarters of the immigration service
- Inter EU Member States: Identification interviews from Member States to the consular representation of third countries located in another Member State
- EU Member State to Country of Origin: Identification procedure from the Member State to the Country of Origin through the national embassy or directly.

In 2015, the first videoconferencing tools have been installed in Belgium, at the Immigration Office, the detention centre of Merksplas and the prisons of Merksplas and Jamioulx, and are already in use. In 2016, three additional tools will be bought for Belgium and installed in the other detention centres, as well as one mobile videoconferencing tool²⁷⁰.

MedCOI project

The aim of the MedCOI project (Medical Country of Origin Information) is to research and share information on medical treatments in countries of origin between the 14 participating European countries. This information focuses on two aspects: availability of medical treatment in the countries of origin and access to the medical treatments. In the MedCOI project, these two aspects are dealt with by teams from the Dutch Immigration and Naturalisation Service (the Bureau for Medical Advice) and from the Belgian Immigration Office (the Belgian Desk of Accessibility or BDA).

On 1 April 2015, the fourth phase of the project was launched, financed by the AMIF fund. Under AMIF, the project is funded until 2022, but the intention is to have EASO take over the project. In autumn 2015, the possibilities of this take-over were examined and assessed by Consultancy Bureau Ramboll. In 2016, the Dutch Immigration and Naturalisation Service, the Belgian Immigration Office and

²⁶⁹ For more details on the project, see the BE EMN NCP [Annual Report 2014 on Asylum and Migration Policy in Belgium](#).

²⁷⁰ Source: Immigration Office

Ramboll will use the results of this study to prepare the take-over. As this will take some time, the MedCOI project will be continued in its current form in 2017.

In 2015, the BDA organised a workshop on Medical Country of Origin Information for the MedCOI partners and other interested European countries. During this workshop, the needs and expectations regarding information on access were defined, and the several products of the BDA (individual answers and reports) were analyzed. This workshop led to new insights and inspired the BDA to strive for quality improvement, more transparency and uniform products in 2016. In 2015, nine staff members of the Belgian Immigration Office were involved in the MedCOI project.

Special Needs project

The ‘special needs project’, which aims at humanising the forced return of vulnerable persons with special needs was continued in 2015. The aim of the project is to provide these persons with tailored support before, during and after their forced return. It is implemented by the Immigration Office in cooperation with local partners in the countries of origin. Before return, support is provided in the closed detention centres (e.g. urgent psychiatric admissions of residents, the purchase of medication or other necessities, training the staff of detention centres...). During the return procedure, a tailored medical/social escort is provided. After return, reintegration assistance and monitoring activities are organised in certain cases (e.g. medical follow-up).

In 2015, in order to ensure the effectiveness of the special needs project, supporting documentation has been developed for the staff members of the detention centres, the family units and the federal police (social and psychological support team), as well as an easy to understand presentation for the persons who are benefiting from the project.

Project ‘humanisation’ of closed centres

The project ‘humanisation’ of closed centres²⁷¹ – managed by the Belgian Immigration Office and funded by the European Return Fund – was continued in 2015. It aims at improving the living environment of residents of closed centres in Belgium.

Main developments for 2015 include the modernization of a block within the closed centre of Merkplas. The aim of these changes was to improve the privacy of the residents by organizing reception in a ‘room regime’ and no longer a ‘group regime’, and to increase the supply of leisure activities. In 2015, EUR 88,202.17 were spent in the framework of this project.

²⁷¹ For more details, see the BE EMN NCP [Annual Report 2014 on Asylum and Migration Policy in Belgium](#).

ANNEXES

Annex A: Methodology and Definitions

Methodology

In accordance with Article 9(1) of Council Decision 2008/381/EC establishing the EMN, each EMN National Contact Point is required to provide every year a report describing the migration and asylum situation in the Member State, which shall include policy developments and statistical data.

This report is the 12th Policy Report elaborated by the Belgian Contact Point of the EMN. It presents the most significant policy developments in the field of migration and asylum in Belgium in the period **1 January 2015 to 31 December 2015**. More particularly, the Belgian Annual Report 2015 has three main aims:

- To identify and facilitate information exchange on significant legal, political and administrative developments in 2015 in migration and asylum in Belgium;
- To document the state of implementation of EU legislation and the impact of European policy developments at the national level;
- Put into perspective relevant public debates in the field of asylum and migration.

This report was produced according to **common study specifications** for the production of the EMN Annual Policy Report 2015. The common specifications aim at facilitating comparability between the findings from all Member States. They are based on the assessment of previous reports and in particular on the lessons learned from drafting Synthesis Reports. Like for the previous Annual Policy Reports, they have been adapted to contribute to the factual reporting of the tracking method of the Stockholm Programme and its accompanying Action Plan. To this aim, the Belgian Contact Point of the EMN contributed in April 2016 an **Annex** to the herewith presented Policy Report 2015.

In order to provide an objective overview of developments in 2015, the Belgian Contact Point of the EMN used a **wide range of sources**²⁷², including:

- draft legislation subject to political agreement
- published and adopted national and European legislation
- government statements and reports
- official statistics
- pending cases and rulings (Constitutional Court, etc.)
- publications (EMN, ECDPM, ICMPD, OECD, etc.)
- summaries of proceedings (EMN conferences, GFMD, etc.)
- press releases (press centers, newspapers, etc.)
- newsletters (Kruispunt Migratie, etc.) and journals (AlterEchos, Labiso, etc.)
- other information products (information kits, awareness campaigns etc.)
- other information tools (web sites of key stakeholders in this field)

Key partners, whose input was particularly appreciated in the drafting of this report, were also contacted inter alia in the following institutions:

- Immigration Office (FPS Interior)
- Office of the Commissioner General for Refugees and Stateless Persons (FPS Interior)

²⁷² More details on sources in the bibliography (Annex D).

- Federal Agency for the Reception of Asylum Seekers
- Myria, the Federal Migration Centre
- Interfederal Centre for Equal Opportunities
- FPS Foreign Affairs (Development Cooperation Department and Unit involved in migration, asylum & the fight against trafficking in human beings)
- Federal Public Service of Justice (unit dealing with among others trafficking and smuggling of human beings),
- the authorities on the regional level in charge economic migration
- the authorities on the regional level in charge of integration policies.

The Belgian Annual Report 2015, together with national contributions from other EMN National Contact Points, will serve to develop **country-specific factsheets as well as theme-based EMN Informs**²⁷³.

Terms

Significant development

For the purpose of this report, a significant development is defined as an event often involving one or more of the following:

- legislative developments
- institutional developments
- major debates in parliament
- government statements
- media and civil society debates
- academic research

Definitions

Terms included in this report are to be understood on the basis of:

- national legislation and definitions
- EMN Glossary of Asylum and Migration Terms²⁷⁴

List of abbreviations

AFIS	Automated Fingerprint Identification System
ALO	Airline Liaison Officer
AVRR	Assisted Voluntary Return and Reintegration

²⁷³ EMN Informs will be made available on www.emnbelgium.be

²⁷⁴ On the EMN Glossary, see: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/glossary/index_a_en.htm

BAC	Benelux Afro Centre
BAMF	German Federal Office for Migration and Refugees
CALL	Council for Alien Law Litigation
CEAS	Common European Asylum System
CEOOR	Centre for Equal Opportunities and Opposition to Racism
CGRS	Office of the Commissioner General for Refugees and Stateless Persons
COI	Country Of Origin
CP	Cooperation Programme
CPEP	Common Planning and Evaluation Platform
CSI	Common Support Initiative
DRC	Democratic Republic of the Congo
DT&V	Dutch Repatriation and Departure Service
DVO	Document Verification Officer
EASO	European Asylum Support Office
EC	European Commission
ECHR	European Convention on Human Rights
EEA	European Economic Area
EIF	European Integration Fund
EMN	European Migration Network
ENPI	European Neighbourhood and Partnership Instrument
ERI	European Reintegration Instrument
ERIN	European Reintegration Network
FEDASIL	Federal Agency for the Reception of Asylum Seekers

FIM	Federal Impulse Fund for Migrant Policy
FPS	Federal Public Service
FYROM	Former Yugoslav Republic Of Macedonia
GFMD	Global Forum on Migration and Development
GND	General National police Database
IHECS	Institute for Advanced Studies in Mass Communications
ICP	Interdepartmental Coordination Platform for the Fight against Trafficking and Smuggling in human beings
ICPMD	International Centre for Migration Policy Development
ICT	Intra-corporate transferee
IFAD	International Fund for Agricultural Development
ILI	Local Integration Initiatives for foreigners and people of foreign origin
IOM	International Organization for Migration
JO	Joint Operation
JPT	Joint Procurement Team
KRG	Kurdistan Region of Iraq
LGTBI	Lesbian, gay, bisexual, transgender and intersex
MIDA	Migration for Development in Africa
MIGRI	Finnish Immigration Service
MoU	Memorandum of Understanding
MS	Member State
NAP	National Action Plan
NGO	Non-Governmental Organization
PCD	Policy Coherence for Development

OFII	French Office for Immigration and Integration
ONPRA	Burundi National Office for the Protection of Refugees and Stateless Persons
REG	Return and Reintegration Experts Group (of the EMN)
SIS	Schengen Information System
TIA	Targeted Initiative for Armenia
TIM	Targeted Initiative for Morocco
TCN	Third-country national
THB	Trafficking in Human Beings
UAM	Unaccompanied minor
UN	United Nations
UNCDF	United Nations Capital Development Fund
UNHCR	United Nations High Commissioner for Refugees
VIS	Visa Information System

Specific terms

Immigration Act	Law of 15 December 1980 regarding the entry, residence, settlement and removal of foreign nationals
Closed centre	Detention centre for irregular migrants, pending their forced return (administrative detention).
Housing unit	Private housing unit where irregular families with children are accommodated pending their (forced) return. Alternative to detention in closed centres where a collective regime prevails.
<i>Inburgering</i>	Flemish term for the first steps of the (civic) integration process of newcomers.
Open centre	Reception centre for asylum seekers.

Annex B: Transposition and implementation of EU legislation in Belgium in 2015

- **Directive 2011/98/EU (Single Permit)^[1]**

The Single Permit Directive had to be transposed into national legislation by 25 December 2013. An infringement procedure is currently ongoing (n°2014/0230). On 19 November 2015, the European Commission referred Belgium to the Court of Justice of the EU. Financial sanctions were also proposed (daily penalty of EUR 52,828.16 after the possible ruling of the Court)^[2].

A political agreement between the different competent authorities (federal and regional) on the transposition of this directive was approved by the Council of Ministers of 20 November 2015^[3], and subsequently by the Concertation Committee of 25 November 2015. Several draft bills were adopted by the Council of Ministers on 20 May 2016²⁷⁵.

- **Directive 2002/90/EC^[4] (facilitation of unauthorised entry, transit and residence) and Council Framework Decision 2002/946/JHA^[5] (strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence)**

Following an analysis carried out for the European Commission, it was found that the Belgian legislation did not entirely comply with the European legislation as the attempt to aid illegal immigration was not explicitly criminalized under article 77 of the Immigration Act.

The Belgian position was based on the assumption that article 77 of the Immigration Act was in compliance with the directive and the framework decision, given the broad interpretation of this article. The attempt to commit this offence falls under the common denominator ‘ preparatory acts ’ (‘ acts that have prepared the entry, transit or residence, or that have facilitated them ’). Since the jurisprudence of the Belgian courts and tribunals and the analysis carried out for the European Commission have adopted a different point of view, the decision was taken to adapt article 77 to ensure legal certainty. The law of 31 May 2016²⁷⁶ entered into force on 18 June 2016.

- **Directive 2011/95/EU^[8] (qualification) and Directive 2013/32/EU^[9] (asylum procedures) and Directive 2013/33/EU^[10] (reception)**

^[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](#), OJ L 343, 23.12.2011, p. 1–9.

^[2] European Commission, *Press release: Commission refers Belgium to the Court of Justice of the European Union regarding the Single Permit Directive*, Brussels, 19 November 2015, http://europa.eu/rapid/press-release_IP-15-6011_en.htm

^[3] *Press release after the Council of Ministers of 20 November 2015*, <http://www.presscenter.org/fr/pressrelease/20151120/concretisation-du-transfert-de-competences-en-matiere-de-permis-de-travail-et->

²⁷⁵ *Press Release after the Council of Ministers of 20 May 2016*, <http://www.presscenter.be/fr/pressrelease/20160520/permis-unique-pour-les-travailleurs-dorigine-etrangere>, and <http://www.presscenter.be/fr/pressrelease/20160520/emploi-de-certains-ressortissants-etrangers-se-trouvant-dans-une-situation-par>

^[4] [Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence](#), OJ L 328, 5.12.2002, p. 17–18.

^[5] [Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence](#), OJ L 328, 5.12.2002, p. 1–3.

²⁷⁶ [Law of 31 May 2016 completing the implementation of european obligations regarding the sexual exploitation of children, pedopornography, trafficking of human beings and aid to irregular entry, transit and residence](#), *Belgian Official Gazette*, 8 June 2016.

^[8] [Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted](#), OJ L 337, 20.12.2011, p. 9–26.

^[9] [Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection](#), OJ L 180, 29.6.2013, p. 60–95.

^[10] [Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection](#), OJ L 180, 29.6.2013, p. 96–116.

Directives 2013/32/EU and 2013/33/EU should have been transposed in the national legislation by 20 July 2015. Two infringement procedures (n°2015/0355 et n°2015/0356) were started by the European Commission on 23 September 2015.

Article 45.5 of Directive 2013/32/EU was transposed in the law of 10 August 2015 ^[11], in order to better take into account the threats against society and national security in applications for international protection. This law also transposes articles 14.4, 14.5 and 14.6 of Directive 2011/95/EU.

Regarding asylum seekers' access to the labour market (article 15 of Directive 2013/33/EU), the royal decree of 29 October 2015 ^[12] reduced the waiting period between lodging the asylum application and access to remunerated employment from 6 to 4 months.

Furthermore, the law of 1 June 2016^[14] reduces the duration of the residence permit granted to recognized refugees: refugees are no longer automatically granted a residence permit of unlimited duration. They first receive a residence permit valid for 5 years. After these 5 years, they receive a residence permit of unlimited duration, provided their refugee status has not been withdrawn. This law transposes article 24 of Directive 2011/95/EU. This law also aligns certain provisions regarding family reunification of family members of beneficiaries of international protection with article 23 of Directive 2011/95/EU and with article 17 of Directive 2003/86/EC (family reunification).

By mid-2016, the Council of Ministers will probably adopt another draft bill on the reform of the asylum procedure, in order to further transpose Directives 2013/32/EU and 2013/33/EU.

- **Directive 2008/115/EC^[14] (return of illegally staying third country nationals)**

In order to comply with several grievances from the European Commission and the jurisprudence of the Court of Justice of the EU (criminalisation of irregular stay, definition of risk of absconding, irregular migrants taken back by another Member State pursuant to an agreement or bilateral arrangement existing on the date of entry into force of the directive, that is to say 13 January 2009), a draft bill modifying the Immigration Act was provisionally approved on 30 April 2015 by the Council of Ministers^[15]. However, before final approval certain aspects were put again on the table and the draft is now integrated in the draft bill on the reform of the asylum procedure (see above), and will probably be approved in the summer of 2016.

- **Directive 2003/86/EC^[16] (family reunification for third country nationals) and Directive 2003/109/EC^[17] (long term resident status)**

The royal decree of 16 February 2015 modifying the royal decree of 8 October 1981 was adopted in order to determine the fees that have to be paid to partially cover the

^[11] [Law of 10 August 2015 modifying the law of 15 December 1980 on the entry, residence, settlement and removal of foreign nationals in order to better take into account the threats against society and national security in applications for international protection](#), *Belgian Official Gazette*, 24 August 2015.

^[12] [Royal Decree of 29 October 2015 modifying article 17 of the Royal Decree of 9 June 1999 executing the law of 30 April 1999 regarding the employment of foreign workers](#), *Belgian Official Gazette*, 9 November 2015.

^[14] [Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals](#), *OJ L 348*, 24.12.2008, p. 98–107.

^[14] [Law of 1 June 2016 modifying the law of 15 December 1980 on the access, residence, settlement and removal of foreign nationals](#), *Belgian Official Gazette*, 28 June 2016.

^[15] [Press release after the Council of Ministers of 30 April 2015](#), <http://www.presscenter.be/fr/pressrelease/20150430/asile-mise-en-conformite-de-la-loi-avec-la-directive-europeenne-concernant-le->

^[16] [Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification](#), *OJ L 251*, 3.10.2003, p. 12–18.

^[17] [Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents](#), *OJ L 16*, 23.1.2004, p. 44–53.

administrative costs associated with processing certain residence permit applications in Belgium.

This royal decree is in compliance with directive 2003/86/EC (family reunification) and Directive 2003/109/EC (long term resident status) as well as with the jurisprudence of the Court of Justice of the EU.

- **Directive 2003/86/EC^[18] (family reunification for third country nationals)**

In compliance with article 5, §4 of Directive 2003/86/EC, the law of 17 May 2016²⁷⁷ extends the maximum time limit for examining family reunification applications from 6 months to 9 months^[19].

The law of 4 May 2016²⁷⁸ extended the period to control the fulfilment of the conditions for family reunification: it was lengthened from three to five years after granting a temporary residence permit to a third country national's family member. During this period, the Immigration Office can check whether the conditions for family reunification are still being fulfilled. If not, the Immigration Office can withdraw the residence permit of the third-country national's family members. This modification brings the control period for family members of third country nationals in accordance with the five year period in force since 2013 for family members of Belgian and EU-citizens.

- **Directive 2004/38/EC^[20] (right of EU citizens and their family members to move and reside freely within the territory of the Member States), and Directive 2003/86/EC^[18] (family reunification for third country nationals)**

In order to comply with article 5, §2 of Directive 2004/38/EC on the requirements to issue a visa to family members of an EU citizen who are not nationals of a Member State, the royal decree of 13 February 2015 modifying the royal decree of 8 October 1981 was adopted.

New instructions addressed to Belgian diplomatic and consular posts abroad were also adopted, and are in force since 3 November 2015.

Furthermore, the law of 4 May 2016²⁷⁹ introduces various provisions regarding asylum and migration. This law transposes – inter alia – certain provisions of directive 2003/86/EC (family reunification), 2003/109/EC (long term resident status), 2004/114/EC (entry and stay of students), 2005/71/EC (entry and stay of researchers) and 2009/50/EC (entry and stay of highly qualified workers – EU Blue Card). This law extends the period of time after which a family member of a TCN can obtain a residence permit of unlimited duration (compliance with directive 2003/86/EC and analogy with directive 2004/38/EC) from 3 to 5 years. During these 5 years, the residence permit of a family member of a TCN can be withdrawn if he no longer meets the requirements for

^[18] Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, OJ L 251, 3.10.2003, p. 12–18.

²⁷⁷ [Law of 17 May 2016 modifying articles 10ter and 12bis of the Law of 15 December 1980 on the access, residence, settlement and removal of foreign nationals](#), *Belgian Official Gazette*, 28 June 2016.

^[19] *Press release after the Council of Ministers of 18 December 2015*, <http://www.presscenter.org/fr/pressrelease/20151218/prolongation-du-delai-de-traitement-pour-une-demande-de-regroupement-familial->

²⁷⁸ It became the [Law of 4 May 2016 concerning divers provisions on asylum and migration modifying the Law of 15 December 1980 on the access, residence, settlement and removal of foreign nationals and the Law of 12 January 2007 on the reception of asylum seekers and certain other categories of foreigners](#).

^[20] [Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation \(EEC\) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC \(Text with EEA relevance\)](#), OJ L 158, 30.4.2004, p. 77–123.

^[18] Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, OJ L 251, 3.10.2003, p. 12–18.

²⁷⁹ [Law of 4 May 2016 introducing various provisions regarding asylum and migration and modifying the law of 15 December 1980 on the access, residence, settlement, and removal of foreign nationals and the law of 12 January 2007 on the reception of asylum seekers and other categories of foreign nationals](#), *Belgian Official Gazette*, 27 June 2016.

family reunification. The law also inserts other provisions into the Immigration Act and the Reception Act. This includes provisions to comply with the Schengen acquis regarding border crossings, visas and short stays, as well as the jurisprudence of the Court of Justice of the EU.

Annex C: National Statistics

Table 1 : First residence permits delivered in Belgium in 2015, by reason

	All	Female	Male
First permits (all)	50.085	25.569	24.516
Family	26.206	15.104	11.102
Education	6.345	3.282	3.063
Remunerated activities	4.948	1.668	3.280
Other	12.586	5.515	7.071

Table 2: Visas issued by Belgium in 2015

Total visa	(Schengen) short stay Visas (so called A and C visas, the latter including LTV visas – stays of up to 90 days)		National Visas (so called D visas)	
	Issued to third country nationals coming directly from a third country	Issued to third country nationals resident in another EU Member State	Issued to third country nationals coming directly from a third country	Issued to third country nationals resident in another EU Member State
232.792	204.288	872		27.632

Table 3: Number of third-country nationals returned in 2015, by nationality and by country of return

Returned as part of forced return measures			Returned voluntarily		
Total	Top 5 Nationalities	Top 5 Countries of Return	Total	Top 5 Nationalities	Top 5 Countries of Return
2.526	Albania	Albania	3.395	Iraq	Iraq
	Morocco	Morocco		Ukraine	Ukraine
	Serbia	Serbia		Russian Federation	Russian Federation
	Kosovo	Kosovo		Brazil	Brazil
	Pakistan	Pakistan		Kosovo	Kosovo

Table 4: Asylum applications in Belgium in 2015, and citizenships of main groups of applicants

Applicants		Citizenships of main groups of asylum applicants							
No.	First group	No.	%	Second group	No.	%	Third group	No.	%
44.760	Syria	10.415	23%	Iraq	9.470	21%	Afghanistan	8.310	19%

Table 5: First instance asylum decisions in Belgium in 2015

Total decisions	Positive decisions	Of which:			Rejections
		Geneva Convention status	Subsidiary protection	Humanitarian reasons	
19.455	10.475	8.825	1.650	Not applicable*	8.980

*Remark: A humanitarian status cannot be granted in the framework of an asylum procedure, specific procedures apply.

Table 6: Intra-EU solidarity – relocated third country nationals to Belgium in 2015

Number of relocated third-country nationals				
Total	Female	Male	Minor	Top 3 countries
6	3	3		Eritrea

Remark: 6 persons from the first pledge of 30 persons relocated from Italy arrived in 2015

Table 7: Number of third country nationals resettled to Belgium in 2015 and countries from which they were resettled

Number of resettled third country nationals			
Total	Female	Male	Countries form which TCNs were resettled
276	131	145	<i>LB,JO,TR,BI</i>

Annex D: Studies of the Belgian Contact Point of the EMN

The present annex lists the national reports published by the Belgian Contact Point of the EMN between 2009 and 2016. The other EMN National Contact Points (NCPs) 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

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

2009

<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

<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

<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

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

2013

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

2014

<i>February 2014</i>	Migrant Access to Social Security – Policy and Practice in Belgium - <i>Also available in French and Dutch</i>
<i>June 2014</i>	Good Practices in the Return and Reintegration of Irregular Migrants: Belgium's Entry Bans Policy and Use of Readmission Agreements
<i>June 2014</i>	The Use of Detention and Alternatives to Detention in the Context of Immigration Policies in Belgium
<i>July 2014</i>	Annual Report on Asylum and Migration Policy in Belgium – 2013
<i>October 2014</i>	Policies, Practices and Data on Unaccompanied Minors in Belgium (2014 Update)
<i>December 2014</i>	Admitting Third-Country Nationals for Business Purposes in Belgium

2015

<i>June 2015</i>	Determining Labour Shortages and the Need for Labour Migration from Third Countries in Belgium
<i>July 2015</i>	Annual Report on Asylum and Migration Policy in Belgium - 2014
<i>August 2015</i>	Dissemination of Information on Voluntary Return: How to Reach Irregular Migrants not in Contact with the Authorities in Belgium

2016

<i>May 2016</i>	Changes in Immigration Status and Purpose of Stay in Belgium
<i>May 2016</i>	Integration and Support Measures for Refugees and Persons Granted Subsidiary and Other Forms of Humanitarian Protection
<i>June 2016</i>	Annual Report on Asylum and Migration Policy in Belgium - 2015
<i>Upcoming</i>	Returning rejected asylum seekers: challenges and good practices
<i>Upcoming</i>	Resettlement and humanitarian admission programmes in Europe – what works?
<i>Upcoming</i>	Family reunification of beneficiaries of international protection (<i>working title</i>)
<i>Upcoming</i>	Illegal employment of third country nationals (<i>working title</i>)