

2013

Annual Report on Asylum and Migration Policy in Belgium



European Migration Network
National Contact Point Belgium



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

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ANNUAL REPORT 2013

ON ASYLUM AND MIGRATION POLICY

IN BELGIUM

EXECUTIVE SUMMARY

In 2013, the Belgian government, which took office on 6 December 2011, further implemented the coalition agreement dated from 1 December 2011 which focuses on three main lines, namely (i) the state reform, (ii) the consolidation of public finances and (iii) social and economic reforms. These orientations also affected asylum and migration policies.

As part of the sixth state reform, the transfer of substantial competences, including in addressing economic migration related policies, from the federal level to the communities and regions was enshrined in law. This transfer will result in the communities and regions being able to develop their own policy in this field based on the competences specifically assigned to them and their specific socio-economic environments.

As part of efforts to consolidate public finances and achieve socioeconomic reforms, measures were inter alia taken to increase social inclusion and labour market participation of certain population subgroups, including people with a migratory background. Actions were for example taken to support newcomers in the field of language learning and socio-professional orientation, promote diversity and anti-discrimination in employment practices and encourage interregional and international labour mobility.

In this context, the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Racism, Maggie De Block, continued in 2013 to implement a policy implementing the above mentioned coalition agreement. She further worked towards (i) developing a coherent policy linking asylum, migration and reception in a "chain", (ii) strengthening qualitative and efficient reception and asylum procedures, (iii) promoting voluntary return and enforcing forced return when necessary, with priority focus on the removal of offenders, (iv) fighting fraud and intensifying the struggle against marriages and legal cohabitations of convenience as well as misuses of applications for residence permits

based on medical grounds. Some key developments are summarised below.

Legal migration and Integration

Throughout 2013, family reunification was particularly brought attention to. Following actions for annulment of certain family reunification provisions, the Constitutional Court, in its ruling from 26 September 2013, dismissed most arguments raised against the Law of 8 July 2011, leaving stricter requirements for family reunification unchanged. However, the Court annulled three provisions and interpreted many other provisions of this law.

New legislation and further measures were introduced in 2013 to intensify the fight against marriages of convenience and extend it to legal cohabitations of convenience. The Law of 2 June 2013 amended the Civil Code, the Penal Code, the Judicial Code and the Aliens Act, notably providing for a legal definition of legal cohabitation of convenience and applying preventive and enforcement measures similar to those laid down to struggle against marriages of convenience. In November 2013, another measure making information regarding marriages and legal cohabitations of convenience accessible via the National Register got the go-ahead of the Council of Ministers. On the margins of this phenomenon, the number of false declarations of parenthood was also considered with increased concern, especially as provisions to fight such misuses (in the same way as marriages/legal cohabitations of convenience) are still missing.

As regards integration, an integration pathway was approved in the Brussels Capital region and another of this scheme further negotiated in the Walloon region in 2013. In the Flanders region, a reform was implemented to put in place a more coordinated approach of the integration and the civic integration sector. At the federal level, a socioeconomic monitoring instrument was set up and released a first report in 2013, analyzing data on the labour market situation of people of foreign origin according to their backgrounds in terms of nationality.

Border Monitoring and Biometrics

In 2013 the Visa Information System (VIS) was further implemented via biometric checks at arrival and departure at all external borders. At the end of 2013 all Belgian consulates were equipped with and were conducting biometric

visa checks for short-term visa (Schengen). However, they are not all linked to the central VIS database yet.

In order to improve the effectiveness of controls carried out by Belgian border guards, several initiatives were taken in the field of training (pool of trainers, national IT information platform, self-learning, training exchange programme, etc.).

The problem of false transits on the Eurostar Brussels – London (the so called ‘Lille-Loophole’) was tackled thanks to close cooperation between Belgian and British border guards and the train operator. These actions also made additional facilitation possible towards intra-Schengen travellers, now seated in a dedicated carriage on board the train, as they no longer have to present themselves for exit checks. An intra-Schengen terminal has been provided for their use.

In 2013, Belgium participated again in a number of Frontex Joint Operations in order to support Member States (Italy, Spain, Bulgaria, Poland, Croatia, etc.) experiencing disproportionate pressures at the borders.

Irregular Migration and Return

Belgium continued to conduct so-called “prevention and sensitization campaigns”. Throughout 2013 the following countries were targeted: Armenia, Northern Caucasus (Russia), Senegal, Guinea, DR Congo and Kosovo. As in previous years, Belgian authorities monitored very closely the inflow of asylum seekers and irregular migrants from visa-free regimes, especially from the Western Balkans.

The Law regarding sanctions and measures against employers (and their subcontractors) who employ illegally staying third country nationals (TCN’s) entered into force on 4 March 2013. This Law transposes Directive 2009/52/EC (Sanctions Directive) and opens possibilities of enforcing tougher penal and financial sanctions.

In May 2013 a new open return center in Holsbeek became operational. However, the effectiveness of the open return places was questioned from different angles. While the number of apprehensions and the number of (forced and voluntary) returns decreased slightly compared to 2012, the number of regularizations on humanitarian or medical grounds decreased significantly compared to previous years.

In 2013, Belgium signed Implementing Protocols to the EU Readmission Agreements with Serbia, Bosnia and Herzegovina, Moldova and with Georgia. A new Memorandum of Understanding (MoU) regarding practical cooperation on identification related issues was signed with China.

International protection, unaccompanied minors and other vulnerable groups

In 2013, the number of asylum applications continued to decrease, while the average protection sustained to increase. The policy was also a continuation of the policy developed since the appointment of the government at the end of 2011. The list of safe countries of origin was again approved, containing the same countries as in the previous list.

In 2013 concern grew regarding the high number of subsequent asylum applications. In September 2013, the competence to assess new facts and circumstances presented by an asylum seeker during a subsequent application was shifted from the Immigration Office to the Office of The Commissioner General for Refugees and Stateless Persons (CGRS). The legislative changes of September also included the implementation of certain provisions of the EU Qualification Directive (2011/95/EU) and the concept of “first country of asylum”, as described in the Asylum Procedures Directive, was introduced in national legislation.

As for the reception system, the Federal Agency for the Reception of Asylum-Seekers (Fedasil) could end the crisis-management and focus more on quality and individual needs, taking into account the recommendations of the evaluation of the reception system. In 2013 Fedasil was able to decrease the reception capacity and, for the purpose of flexibility, install a buffer capacity.

In 2013, Belgium launched a structural resettlement programme within the framework of the Joint EU Resettlement Programme. Based on the cases referred by UNHCR and according to the priorities defined in the EU, the CGRS selected 100 refugees from refugee camps in the Great Lakes region in Africa for resettlement. Belgium also continued to be an active player in the field of practical cooperation and participated in nearly all activities of the European Asylum Support Office (EASO).

The number of unaccompanied minors (UAMs) applying for asylum continued to drop in 2013. For those UAMs who are not claiming asylum, a new Registration Protocol came into force, explaining in detail the procedures that have to be followed at first encounter with UAMs, with special attention for vulnerable minors and/or minors who are victims of trafficking in human beings (THB). As regards other vulnerable groups, on 10 June 2013, an updated version of the National Action Plan (NAP 2010-2014) to combat partner violence and other forms of domestic violence was approved by the Ministerial Conference.

Actions against Trafficking in Human Beings (THB)

In accordance with the Action Plan – The fight against trafficking in human beings 2012-2014 (Action Plan 2012-2014), several actions were taken in Belgium in 2013. A new Law was adopted, providing strict recognition criteria for specialized reception centres for victims of THB, to guarantee that the reception of victims of THB is qualitatively implemented in Belgium. Another Law was later passed to clarify and expand the scope of the offence of THB, following EU developments aimed at taking into account modern forms of THB. Other provisions adopted allowed to apply a multiplication factor in the fines imposed in the context of THB.

Measures were also taken in 2013 to reinforce training and disseminate simplified tools for victims' identification and referral. A multidisciplinary training workshop was for example organized and a flyer developed to help social workers in reception centres for asylum seekers to better detect and refer (especially unaccompanied minor) victims of THB.

In relation to the protection of child victims specifically, the evaluation on the protection of minor victims was finalized in 2013, as foreseen in the Action Plan 2012-2014. The evaluation resulted in a series of recommendations to improve the identification of minor victims to be implemented in 2014.

1. INTRODUCTION

This is the 10th policy report of the Belgian Contact Point of the European Migration Network. The report covers migration and asylum developments in Belgium in the period **1 January 2013 to 31 December 2013**. 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 releases¹. Key partners, whose input was particularly appreciated in the drafting of this report, were also contacted inter alia 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 and the Interfederal Centre for Equal Opportunities (the former Centre for Equal Opportunities and Opposition to Racism), the Development Cooperation Department as well as the C5 Unit dealing with Migration, Asylum and the Fight against Trafficking in Human Beings in the Federal Public Service Foreign Affairs.

This report was produced according to **common study specifications**² for the production of the EMN Annual Policy Report 2013. It contains ten chapters and three annexes. After an *introduction* including basic information on the legal framework and the asylum and migration policy in Belgium (below), *chapter 2* gives an overview of policy developments in 2013, setting 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 and return. *Annexes* provide information on the terms and definitions used as well as the bibliography.

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 Belgian EMN website (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.

1.1 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 information³. The short overview below focuses on institutional changes that stand out by their relevance.

Belgian state structure

Belgium is a federal state with a complicated 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 defense, justice, finance, social security and the bulk of public health and home affairs. Migration and asylum policies are federal competences. The language-based communities are responsible for culture and issues directly related to individuals and their language, such as aid to people, health and education, integration of foreigners and emancipation of ethno-cultural minorities,⁴ 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 the issuance of work permit to foreigners.

³ All reports are available on: www.emnbelgium.be

⁴ 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).

¹ More details on sources in the bibliography (annex 3).

² EMN Specifications for Annual Policy Report 2013 (National report part 2) are presented in MIGRAPOL Doc 297.

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 is being translated into legislation. This sixth state reform⁵ 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 is a mixed competence of the federal state (legislation) and the regions (implementation of legislation) and will be further regionalised during the sixth state reform (see below).

Since immigration and asylum are mainly federal competences, political responsibility lies at the level of the federal government. The current State Secretary⁶ for Migration and Asylum Policy, Social Integration and the Fight against Poverty is Ms. Maggie De Block (Open-VLD), who was sworn in in December 2011. She is attached to the Minister of Justice, Ms Annemie Turtelboom (Open-VLD).⁷ In May 2014, new elections took place for the federal and regional (and European) level. A new federal government and new regional governments are being formed.

The Immigration Office⁸ is the public service responsible for the entry, residence, establishment 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.

Since 2007⁹, the Council for Alien Law Litigation (CALL) has acted as an appeal court competent to hear appeals against decisions taken by asylum agencies 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 and also falls under the supervision of the federal State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty. Fedasil acts also as coordinating body for the Belgian policy on assisted voluntary return. 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 Centre for Equal Opportunities and Opposition to Racism (transformed in 2014, see part 3.4), 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 on entry, stay, settlement and removal of foreign nationals¹⁰ (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, stay, 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.

⁵ The sixth State reform (December 2011): ‘A more efficient federal State and more autonomous entities’

⁶ In Belgium, ‘State Secretary’ is the title given to deputy ministers.

⁷ In contrast with her predecessor in office, Mr Melchior Wathelet (CdH), who was attached to the Minister of Employment and Equal Opportunities, Ms De Block is also in charge of the reception of asylum seekers and the national return policy (forced and voluntary return). In this way the political decision to concentrate the competences for all aspects of migration and asylum in one cabinet has been implemented into the structure of the current government. According to the coalition agreement of the Federal Government, the State Secretary is requested to present an annual report on migration and asylum to the Parliament.

⁸ The Director-General of the Immigration Office is legally the delegate of the responsible State Secretary.

⁹ Before the reform of 2007, the Permanent Refugee Appeals Commission (and partly the Council of State) was the competent appeal Court.

¹⁰ A consolidated version of the [Law of 1980](#) (FR) and the [Royal Decree of 1981](#) (FR) are accessible on the website of the Immigration Office: <https://dofi.ibz.be>

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. OVERVIEW OF ASYLUM AND MIGRATION POLICY DEVELOPMENTS

2.1 Political developments

The year 2013 was marked by few significant policy developments. It was caught in the middle of the October 2011 political agreement on the sixth state reform on the one hand, and the May 2014 federal and regional elections on the other hand.

In 2013, the Belgian government further implemented the 2011 coalition agreement which focuses on three main lines, namely (i) the state reform, (ii) the consolidation of public finances and (iii) social and economic reforms.

The sixth state reform and transfer of competences

Based on the sixth state reform, an important set of **competences** is to be **transferred from the federal level to the communities and regions**. The communities and regions will be able to develop their own coherent policies in the concerned areas. On 7 June 2013, a global agreement was reached in this matter within the Committee for the Implementation of Institutional Reforms. Among others, the agreement foresees that additional employment related competences are transferred to the regions, including **economic migration** related policies. In this context, the State Secretary for Migration and Asylum Policy, Social Integration and the Fight Against Poverty, in her policy paper from 3 December 2013¹¹, underlined that criteria for labour migration will be entrusted to the regions while the issuance of residence permits will remain the responsibility of the federal state. Furthermore she stressed the important role that regions, next to the federal State, play in the transposition, by 25 December 2013, of the single permit directive¹² into laws, regulations and administrative provisions.

¹¹ [General Policy Paper – Asylum and Migration Part](#), State Secretary for Migration and Asylum Policy, Social Integration and the Fight Against Poverty, Doc 53 3096/016, 3 December 2013.

¹² [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 a common set of rights for third-country workers legally residing in a Member State.

Budgetary consolidation and control over expenditures

In 2013, the consolidation of public finances was also a central issue. As in other countries, **Belgian public finances** were affected by the economic crisis. On the occasion of the federal budget control of March 2013 and given forecasts of potential and actual growth, it was found that much more efforts were required to achieve nominal budgetary objectives of the 2012-2015 stability programme. On 26 April 2013, the Council of Ministers of the federal government approved the stability programme 2013-2016. The government decided to prioritize efforts in structural terms, better aligning the budgetary policy to the European economic governance.

The government inter alia committed to **reducing the structural deficit** by 1 % of GDP in 2013. In the Belgian institutional structure, where competences and financial resources are decentralized, consolidation efforts needed to be divided. The communities and regions' contributions to the betterment of public finances were also discussed in 2013. In the context of budgetary consolidation, **control over expenditures** (primary expenditures, staff expenditures, etc.) was intensified and its impact was clearly felt also in the asylum and migration field.¹³

Belgium's 2013 national reform programme and its stability programme for the period 2012-2016 were submitted to the Council of the European Union on 26 April 2013 for in-depth review. The Council inter alia stressed that Belgium suffers from below-average and stagnating labour market participation and high unemployment and unemployment disparities across regions and population subgroups (including those with a migratory background). The Council noted that such groups are also exposed to higher risks of poverty and social exclusion. In this regard the Council underlined that the reform of the unemployment benefits system doesn't in itself guarantee more effective matching of labour supply and demand unless it is associated with effective job-search assistance and training opportunities. The Council recommended that Belgium takes action within the period 2013-2014 to inter alia develop **comprehensive social-**

¹³ [The Stability programme of Belgium 2013-2016](#).

inclusion and labour market strategies for people with a migratory background.¹⁴

Social and economic reforms

The national reform programme 2013, which tracks the objectives of the EU2020 Strategy and the country-specific recommendations, presents major measures taken, mainly in the field of the labour market. The programme pays particular attention to certain target groups, inter alia and depending on the areas concerned, women, youths, unskilled and low-skilled persons, persons with migratory background and newcomers.

Key measures taken in the field of the labour market¹⁵ include inter alia:

- **Adaptation of the unemployment benefit scheme:** the reform strengthening unemployment benefit depression had full effect in 2013. Reactions were raised, inter alia from the Walloon Federation of Belgian Labour (FGTB) that carried out an impact study concluding that the said reform would deprive 55.000 unemployed persons of **the right to unemployment benefits** as from January 2015¹⁶.
- **Adaptation of the active labour market policy:** measures taken aim at intensifying active job search activities, and, to that end, reinforcing support to people remote from the labour market. Amongst persons requiring particular attention, **newcomers** are supported in the field of language learning and socio-professional orientation. In Wallonia, the integration pathway, that was set up at the end of 2012, intended to better articulate **(language) training and socio-professional orientation**. In March 2013, the Flemish government decided to allocate 12 million Euro to the teaching of Dutch as second language so that more persons benefit from it as from 1 January 2014. In addition to this, the fight against **discrimination in employment** continued. It is to be noted that the

Actiris (Brussels regional employment office) management contract 2013-2017¹⁷ stresses the importance of the diversity and non-discrimination policy, and it endorses the establishment of a non-discrimination and diversity Council. The latter is tasked to mobilize all social actors, employers and employment offices for **higher employment of the target audience, including persons of foreign origin**.

- **Strengthening interregional and international labor mobility:** regional employment offices enhanced their collaboration to channel job offers from one region to the other and increase the employment rate. In 2013, meetings and job fairs were jointly organized by regional employment offices. International mobility was also promoted through language training and grants for internships.
- **Adequacy of training and employment policies:** actions and agreements were developed for “training-employment” cross-cutting policies. The training supply was broadened and diversified, particularly for youths, low-skilled job-seekers and those remote from the labour market inter alia **because of their foreign origin or nationality**. The supply was also better directed at targeted sectoral needs (construction, language, tourism, etc.). The prevention of « deskilling » was also a key theme of the training policy.

The national reform programme 2013 also draws the attention to challenges in the field of social inclusion, and in this regard to risks of poverty and social exclusion.

Various measures in the field of social inclusion¹⁸ were developed, including:

- **Ensure the population social protection:** as part of the 2013-2014 welfare envelope, 422.000 Euro were set aside on an annual basis to raise the lowest allocations (including the **integration income**) higher than the inflation. In

¹⁴ [Council Recommendation of 9 July 2013](#) on the National Reform Programme 2013 of Belgium and delivering a Council opinion on the Stability Programme of Belgium 2012-2016, (2013/C 2017/02), Official Journal of the European Union, 30 July 2013.

¹⁵ [National reform programme 2013](#), 25 April 2013, pp. 9-11

¹⁶ [55.000 Belgian job-seekers will lose their allocations](#), Sud Info, 20 November 2013

¹⁷ [Actiris 2013-2017 management contract](#), p. 63

¹⁸ [National reform programme 2013](#), 25 April 2013, pp. 28-30

order to ensure that everyone has access to fundamental rights. To achieve a coordinated approach in the fight against poverty, public authorities adopt a methodological approach: second federal plan to fight poverty, Flemish 2010-2014 action plan to fight poverty, Brussels 2012 action plan to fight poverty and, inter alia, Walloon 2009-2013 and 2014-2019 social cohesion action plans. Moreover, Flanders has introduced at the beginning of 2013 a poverty quick scan to examine **the impact of policies on poverty**.

- **Fight against inadequate housing and homelessness:** consultations were conducted in 2013 to achieve a structural approach to combatting homelessness and, in this framework, conclude an agreement between the different levels of government. Efforts were also devoted to optimizing winter emergency programs. In 2013 again, the collaboration between the **Roma and Travellers** Mediation Centre and Walloon municipalities was strengthened to improve the **reception** of this specific group.

2.2 Overall developments in asylum and migration

One policy: coherence and synergies

The State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Racism, Maggie De Block was, in December 2011, entrusted with competences in asylum, migration and reception matters (which were previously entrusted to two different members of the government).

In 2013, Maggie de Block continued to work towards a **coherent policy, linking asylum, migration and reception in a “chain”**. In this regard, measures were taken to strengthen synergies:

- Between asylum authorities
- Between asylum authorities and Fedasil
- Between asylum authorities/Fedasil/ other partners (EU, UNHCR, IOM etc.)

In focus: control of incoming & outgoing flows

In her policy papers presented in January 2013 and January 2014, the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Racism, Maggie De Block, stated that she aimed to focus on the **control of incoming and outgoing flows**.¹⁹

To substantially reduce inflows, several measures were taken in 2013. Some legislative changes were made, inter alia to discourage multiple asylum applications (see below). Cooperation mechanisms between asylum and reception authorities were reinforced to better monitor flows. Prevention campaigns were conducted, inter alia in the Balkan countries (Kosovo, Albania, Serbia and Former Yugoslav Republic of Macedonia - FYRM) to provide information on new applicable rules and the inclusion of these countries in the list of safe countries of origin²⁰.

To increase outflows, maximum attention was given to return, voluntary if possible, forced if necessary. Voluntary return was particularly encouraged through various initiatives, including dissemination of information among target groups and creation of places in open return centers. The forced return policy further focused on persons who are a danger to public order.

Asylum: consolidated results, integrated asylum chain, discouragement of multiple asylum applications

In a context of declining asylum applications, the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Racism, Maggie De Block, pursued in 2013 the objective of consolidating results achieved the previous year. The focus was again laid on improving the efficiency while maintaining the quality of asylum processes:

- **Strengthening decision-making capacity and reducing processing times:** In 2013, the CGRS took a decision on new asylum applications within an average of three months (or 15 working days for decisions

¹⁹ [Policy Note “Asylum and Migration Part »](#), State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, - [“Reception Part”](#), Fedasil, 21 december 2012 – [Policy Note “Asylum and Migration Part” – “Reception Part”](#), State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 7 November 2013.

²⁰ Detailed information on the Royal Decree of 7 May 2013 establishing the list of safe countries of origin on: http://www.ejustice.just.fgov.be/mopdf/2013/05/15_1.pdf#Page8

to take into account applications from persons originating from “safe third countries”).

- **Reducing the backlog:** In 2013, the CGRS managed to reduce the backlog to 8.145 (in December 2013) while it amounted still to 15.343 files in March 2012.
- **Further integrating the asylum chain:** In 2013, the “enhancement project asylum procedure”, which was launched in 2011, was pursued and enhancement projects implemented with a view to improving the efficiency within the chain processes. For example a quality project was set up with the aim of increasing the quality of asylum decisions and harmonizing working methods.

While overall asylum applications decreased, the number of **multiple asylum applications** further increased in 2013²¹. To tackle this, the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Racism, Maggie De Block, took **targeted measures**. The Immigration Act was modified with a view to inter alia entrust the CGRS with the review of “new elements” in case of multiple applications and the definition of “new elements” was also specified.²²

In 2013, Belgian asylum authorities continued to promote European harmonization in the asylum field and they were active in developing a common asylum policy at EU level with a view to adopting the **new “asylum package”**.²³

External dimension of asylum policy: resettlement plan, Syrian refugee crisis

A structural resettlement program was set up in 2013. Based on the cases referred by the UNHCR and according to the priorities defined in Europe, the CGVS selected in 2013 100 refugees²⁴ for resettlement in Belgium. The government also approved in 2013 a **plan with increasing**

numbers of refugees to be resettled in the country in the coming years (250 refugees by 2020).

On 19 December 2013, the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Racism, Maggie De Block, stated in the House of Representatives that 75 (out of 100) refugees to be resettled in Belgium respectively in 2013 and in 2014, would be Syrians²⁵. The **situation of Syrian refugees** obviously raised considerable attention, inter alia from the Coordination of Initiatives for Refugees and Foreigners (CIRE) and the National Coordination Action for Peace and Democracy (CNAPD) pleading for activating, at EU level, a temporary protection status for Syrians and for supplying resettlement places for the most vulnerable Syrian refugees. Moreover the above-mentioned organizations invited Belgian authorities to adapt the **visa and family reunification policies** to allow Syrians to legally join family members in Belgium.²⁶ With regard to the latter requests, the State Secretary affirmed that visa applications introduced abroad on humanitarian grounds are examined on a case-by-case basis and all elements taken into account. She also announced easing measures taken in the field of family reunification for beneficiaries of subsidiary protection. Considering the number of Syrian beneficiaries of subsidiary protection, it is expected that they will find it easier to bring family members in Belgium²⁷.

Reception: evaluation, reform oriented towards quality, flexibility and efficiency

In 2013, measures for **evaluating and reforming the reception model** were taken in Belgium. The difficult crisis period which occurred between 2008 and 2012 was declared over. A new management team was established within Fedasil and a management plan presented in March 2013²⁸. The comprehensive evaluation undertaken between October 2012 and May 2013 led to a certain number of recommendations. All this allowed recovering

²¹ During the first eight months of 2013, 37% of asylum applications were multiple asylum applications (as compared to 29% in 2012).

²² [Law of 8 May 2013](#), modifying the Law of 15 December 1980 regarding the entry, residence, settlement and removal of foreign nationals and the Law of 27 December 2006 containing various provisions.

²³ In June 2013 the Eu Parliament voted the final adoption of the asylum package. More information on: <http://www.emnbelgium.be/news/european-parliament-adopts-common-european-asylum-system-ceas>

²⁴ Detailed information on refugees resettled in Belgium in 2013 on: <http://www.resettlement.be/news/refugees-resettled-2013>

²⁵ House of Representatives [Plenary Session from 19 December 2013, Analytical report](#), p. 29

²⁶ [Two years of unrest in Syria: continuing violence and humanitarian crisis](#), Press release from CIRE and CNAPD, 14 March 2013.

²⁷ House of Representatives [Plenary Session from 19 December 2013, Analytical report](#), pp. 28-29

²⁸ [Contributions to a comprehensive migration policy](#), Management Plan 2012-2018, Jean-Pierre Luxen (Director General Fedasil), 15 March 2013.

serenity, drawing a new starting line and looking forward.

The results of the reception model evaluation were presented in 2013, focusing on **quality as well as flexible and optimal management** of the reception network. In total 37 recommendations were submitted, grouped in the following seven areas²⁹:

- Ensuring qualitative accompaniment and infrastructure, based on standards
- Focusing on the individual assessment of the resident's needs
- Adapting to specific categories of residents
- Better taking into account residents in transition from material aid to financial assistance
- Developing appropriate instruments to ensure smooth functioning
- Optimizing the use of available resources
- Adapting constantly to changing conditions

The management plan 2012-2018, that was presented in 2013 by the Director General of Fedasil, Jean-Pierre Luxen, formulated a vision for the future of the organization and three strategic priorities for the future³⁰:

- **Overall responsibility:** Implementing a global and coherent approach, in contacts with partners
- **Reception tailored more closely to reality:** Being consistent with asylum policy and return path
- **Effectiveness and efficiency:** Optimizing functioning and use of resources

In line with above mentioned recommendations and priorities, more attention was paid in 2013 to inter alia improving the network management. In terms of efficiency and **rationalization**, places in collective reception structures continued to be reduced in 2013. The **reception capacity** was reduced to 21.037 places at the end of 2013³¹ and the occupancy rate to about 72%. The State Secretary for Migration and Asylum Policy, Social

²⁹ [Flexible and optimal management and quality reception](#), PowerPoint Presentation, Fanny François, (Director Network Management and Control), Brussels, 25 October 2013.

³⁰ [Contributions to a comprehensive migration policy](#), Management Plan 2012-2018, Jean-Pierre Luxen (Director General Fedasil), 15 March 2013, pp. 15-16

³¹ [A third less of persons received](#), Fedasil website, 7 January 2014.

Integration and the Fight against Racism, Maggie De Block, stated that the aim for the end of 2014 was to maintain an operational reception capacity of 18.000 places and, for the purpose of flexibility, an additional buffer capacity of 1.800 places.³² At the same time, as mentioned above, measures were taken to better manage **inflows and outflows**. The State Secretary noted that, in 2013, inflows amounted to 1.500 per month, while outflows approached 2000. She committed to taking additional measures to improve the monitoring of inflows and outflows and control of the right to reception.³³

In terms of policies towards target groups, the State Secretary stated that the reception situation towards unaccompanied foreign minors improved in 2013 thanks to the creation of additional places for this vulnerable group and cooperation between stakeholders. In January 2013, a protocol agreement was signed between the Immigration Service, the Guardianship Service and Fedasil specifying general principles for the **registration and reception of non- asylum seeker unaccompanied foreign minors**.³⁴ In addition to this, a working group worked in 2013 on developing a cooperation agreement between the federal state and communities to improve cooperation with youth services. The State Secretary also committed to further reviewing reception places for unaccompanied foreign minors with a view to better adjust to their needs.³⁵

Migration: return policy, promotion of voluntary return, fight against misuse

Pursuant to the coalition agreement, the focus was, in 2013, particularly laid on return, voluntary if possible, forced if necessary. With a view to better **promoting and monitoring voluntary return**, cooperation and synergies were reinforced between concerned actors (Fedasil, Immigration Office, municipalities, Police, IOM,

³² [Written question n° 5-9844](#) from Els Van Hoof (CD&V) to Maggie de Block, State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Racism, Senate, 5 September 2013

³³ [Policy Note "Reception Part"](#), State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 7 November 2013, p. 4

³⁴ [Oral question n° 16823](#) from Zoé Genot (Ecolo-Groen) to Maggie de Block, State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Racism, House of representatives, 17 April 2013.

³⁵ [Policy Note "Reception Part"](#), State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 7 November 2013, p. 9

Caritas).³⁶ A cooperation agreement was also concluded between Fedasil and the Immigration Office in order to structurally address the reception and accompaniment of illegally staying families with minor children. An **open return center** managed by the Immigration Office was opened in Holsbeek in April 2013, where possible durable solutions are examined and accompanying measures to facilitate the return are provided to families.³⁷

As to the forced return policy, it focused in 2013 on the **removal of persons posing a threat to public order** and national security. The Immigration Office cooperated with partners from the Federal Public Service Justice towards the removal of foreign offenders. A joint **Ministerial Circular** was signed in relation to foreign detainees to make the monitoring and organization of removals from persons held in prison more effective.³⁸

Beside return issues, the focus was again laid in 2013 on family reunification. Pursuant to the coalition agreement, the **fight against marriages and legal cohabitation of convenience** was strengthened. To this end, the Law of 2 June 2013 was passed, providing for new measures at administrative, judicial and penal levels. Increased penalties, extended competences of criminal law judges, longer delays for public prosecutors instruction and appropriate information exchange mechanisms were inter alia inserted in the Law. **False declarations of parenthood** were also an issue of concern. In 2013, while a working group was still working on an action plan in this matter, no less than 288 suspected cases were subject to administrative investigation. Other types of misuse were in 2013 targeted and firmly addressed, particularly **misuse of medical regularization**. Cooperation between relevant services in the Immigration Office and with competent prosecutors was strengthened and investigations closely followed up and assessed. In this regard, the case of a doctor sentenced with imprisonment and fine called particular attention in 2013.

³⁶ [Policy Note "Asylum and Migration Part"](#), State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 7 November 2013, p. 17

³⁷ [Policy Note "Asylum and Migration Part"](#), State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 7 November 2013, p. 18

³⁸ [Ministerial Circular n° 1815](#) « Detained foreigners », signed by the Minister for Justice and the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Racism

In 2013, immigration authorities were also involved in the development of the EU migration policy. Work was undertaken to transpose EU Directives. The transposition of the **Single Permit Directive**, which takes place in the context of institutional reforms and transfer of competences linked to employment policies towards the regions, required cooperation with relevant authorities. With some delays, it was also given effect to the EU Regulation requiring the storage of **biometric features in residence permits**. In this regard a pilot phase was launched in 2013 with success. Another example relate to the transposition of the EU Regulation of 26 June 2013 modifying the concept of "**short stay**" and calculation rules.

Furthermore, **readmission agreements** at EU or Benelux levels are considered as essential to the return policy, according to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Racism, Maggie De Block.³⁹

Human trafficking: implementation of national action plan, several legislative changes, awareness raising

In her policy paper from 7 November 2013⁴⁰, the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Racism, Maggie De Block, underlined that the fight against THB, particularly **unaccompanied foreign minor victims**, remains a priority for all relevant government entities. In this regard, in accordance with the Action Plan 2012-2014, it was invested in 2013 in training and information of staff in reception centers with a view to better detecting child victims. A cooperation protocol was also signed in January 2013 between the Immigration Office, Fedasil and the Guardianship service about the registration and reception of non-asylum seeker unaccompanied foreign minors to provide them with adequate care and better fight THB.

In 2013, several legislative changes occurred in this field. The Law of 18 April 2013 was passed providing for **strict recognition criteria for specialized reception centers for victims of THB**. The three specialized reception centers (PAG-

³⁹ [Policy Note "Asylum and Migration Part"](#), State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 7 November 2013, p. 20.

⁴⁰ [Policy Note "Asylum and Migration Part"](#), State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 7 November 2013.

ASA, Payoke, Sürya) were officially recognized. The Law of 29 April 2013⁴¹ was also adopted in order to **clarify and expand the scope of the offence of trafficking in human beings**. New provisions expanded conducts constituting offences of human trafficking and definitions of sexual exploitation, economic exploitation and organ trafficking. Finally the Law of 24 June 2013⁴² allowed applying **finances as many times as there are victims**.

In 2013, initiatives in the field of trafficking also aimed at raising awareness on **doctors' key role in identifying victims** of trafficking. The State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Racism, Maggie De Block, supported a research and awareness project jointly developed by the specialized reception center Payoke and the University of Antwerp aiming at education and training of health professionals about trafficking in human beings.⁴³

⁴¹ [Law of 29 April 2013](#) modifying Article 433 quinquies of the Penal Code in order to clarify and expand the definition of trafficking in human beings, Belgian Official Gazette, 23 July 2013.

⁴² [Law of 24 June 2013](#) on repression of begging and prostitution exploitation, human trafficking and smuggling depending on the number of victims, Belgian Official Gazette, 24 June 2013.

⁴³ Newsletter Trafficking in human beings, Police, June 2013, p. 4. Restricted source.

3. LEGAL MIGRATION AND MOBILITY

3.1 Promoting legal migration

Students and researchers

During 2013 no major national⁴⁴ developments occurred regarding students and researchers. However it is important to mention that student migration is part of the political agreement on the sixth state reform (see above).

Today the federal government – competent for immigration policy – decides on the issuance of residence permits for students, whereas education policy is a competence of the communities. In the future, the issuance of residence permits to students will remain a federal competence but the communities will be given a decisive role in the process since they will become competent for issuing a special “student permit” needed to obtain a residence permit. This way, student immigration policy should be better suited to the reality of the different communities. The so-called “student permit” does not exist yet and the planned reform is not yet implemented.

Other legal migration

Further developments on legal migration relate to the dissemination of information on legal migration channels, both through the website of the Immigration Office and during campaigns.

The website of the Immigration Office was upgraded and the English information pages explaining the legal migration procedures were further developed⁴⁵. This was done to respond to (or anticipate) numerous information requests from external clients (possible candidate migrants and other citizens) regarding legal migration procedures.

Belgium continued to organize so-called prevention and sensitization campaigns. These campaigns, which aim to reduce irregular migration flows by pointing at the risks associated to it, also provide an overview of legal migration channels.

⁴⁴ At the European level there were important developments, since the European Commission did a proposal for a [recast Directive](#) on the issue.

⁴⁵ <https://dofi.ibz.be/sites/dvzoe/EN/Pages/home.aspx>

3.2 Economic migration

Institutional reform: regionalization of economic migration policy

Economic migration is subject to an institutional reform. The institutional agreement in the current government agreement stipulates that the regulatory competence in terms of the work permits A and B (work permit for economic migrants) and the professional card will shift to the regions⁴⁶, 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. This regionalisation aims at providing the regions with the necessary powers to have an economic migration policy fully adjusted to the needs of the labour market. The Law on the sixth state reform⁴⁷ (the legal translation of the political agreement) was approved in the beginning of 2014 and entered into force on 1 July 2014. The regions are this way free to elaborate their own policy on the issue.⁴⁸ As long as the regions do not have their own legislation in force, the (old) federal legislation is still being applied.

EMN Activities, Publications and Impact

EMN Study: Attracting Highly Qualified and Qualified Third Country Nationals to Belgium (July 2013)⁴⁹

Commissioned by the Belgian Contact Point of the EMN, the law firm Fragomen Belgium conducted the EMN study ‘Attracting Highly

⁴⁶ Currently the legislative framework on the employment of foreign nationals is a federal competence. The regions are in charge of the execution, among others: granting permits.

⁴⁷ Special Law of 6 January 2014 on the sixth State reform (Loi spéciale à la Sixième reform de l’Etat). Available on: <http://reflex.raadvst-consetat.be/reflex/pdf/Mbbs/2014/01/31/126539.pdf>

⁴⁸ In July 2013 a “Committee for the staff working in diplomatic posts and embassies” has been created. This Committee can focus among others things on the improvement of both knowledge and information dissemination when it comes to economic migration, especially given procedural complexities that may arise as a result of the future regionalisation of economic migration policy in Belgium.⁴⁸ Source: EMN-Study of the Belgian EMN NCP: Jo Antoons and Alexandre Pirotte (Fragomen Belgium), *Attracting Highly Qualified and Qualified Third Country Nationals to Belgium*, July 2013. Available on www.emnbelgium.be.

⁴⁹ EMN-Study of the Belgian EMN NCP: Jo Antoons and Alexandre Pirotte (Fragomen Belgium), *Attracting Highly Qualified and Qualified Third Country Nationals to Belgium*, July 2013. Available on www.emnbelgium.be.

Qualified and Qualified Third Country Nationals to Belgium’.

The study reports that there is currently no explicit law in Belgium aiming at attracting non-European (non-EU) highly educated and skilled foreigners. However, access to the Belgian labour market is very much facilitated for highly skilled workers. A previous European comparative study revealed that the Belgian procedure is flexible for this group.

The situation is different for skilled workers. For this category, the Belgian legislation provides no special rule or procedure, which means that the “migration stop” still applies to them. Facilitation of access to the Belgian labour market for this category is one of the main requirements on the employers’ side.

The report lists some recommendations and sees the current regionalisation of the labour migration policy as an opportunity for policy makers to develop an active and transparent economic migration policy as well as a monitoring system that allows assessing the employment of foreign workers on the territory.

The Belgian study was presented to national stakeholders on 30 September 2013 and received coverage in national media, both on television and in several newspapers. On the basis of the national reports from Belgium and from 22 other national contact points, an EU Synthesis Report was published on this topic in October 2013.⁵⁰

Legal modifications: exemption of work permits

A Royal Decree of 17 July 2013 modified the Royal Decree of 9 June 1999 concerning the employment of foreign employees⁵¹. The changes relate to possible exemptions of the work permit:

The criterion to determine the possible exemption from a work permit for family members of a Belgian or of an EU-citizen is the

⁵⁰ The Synthesis Report and the other national reports are available on the European EMN website http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/index_en.htm

⁵¹ Source: Kruispunt Migratie-Integratie

type of residence permit (instead of – as it was before - the family situation or family relation).

Exemptions of the work permit for holiday workers have become more restricted.

Exemptions for trainees were extended, in the sense that also students who studied in other EU Member States (or Switzerland) and who want to do a traineeship in Belgium are exempted from the labour permit (formerly an exemption was only attributed to trainees who had studied in Belgium).

Skills recognition and labour matching

Flanders: As from 1 September 2013, third country nationals (TCN’s) who want their diploma to be recognized in the Flanders region have to pay for this service. The price of the procedure depends on the type of demand and varies from 90 to 300 Euro. However, important categories are exempted from this measure, such as TCN’s who follow a civic integration program, people with low income, asylum seekers, refugees, people granted subsidiary protection, etc.⁵²

In a judgment of 14 March 2013, the Constitutional Court affirmed that irregularly staying foreign adults can be excluded from subsidized education and training courses. The measure to exclude this category of foreigners had been decided by the Flemish Parliament in 2011.⁵³

Walloon and Brussels regions: A recently adopted act⁵⁴ defining the landscape of higher education and the academic organization of studies, broadened the concept of generic level recognition for foreign higher education degrees (for both EU and TCN’s) whatever the type of higher education is concerned. Before that, the generic level recognition was only possible for university degrees.

The above mentioned act opens the possibility of organizing “compensatory measures”, in the form of an individualized test, for the full recognition of higher education degrees.

⁵² Source: Flemish government department for education policy. More information: <http://www.ond.vlaanderen.be/naric/nl/nieuws/mededelingen/betalen-de-procedure.htm>

⁵³ Source: Kruispunt Migratie-Integratie

⁵⁴ Decree defining the landscape of the higher education and academic organisation of studies, adopted on 7 November 2013 by the Parliament of the Federation Brussels – Wallonia (Décret définissant le paysage de l’enseignement supérieur et l’organisation académique des études, adopté le 7 novembre 2013 par le Parlement de la FWB).

In application of the new legal modalities, discussions have been initiated to review current procedures and practices, including specific procedures for refugees, but also to include the possibility of “automatic recognition” at generic level of the higher education degrees awarded in a country having implemented the most relevant structural reforms of the Bologna Process.

In terms of information, a paper version including all relevant information on academic and professional recognition of foreign higher education degrees is being updated. In the same perspective, the website dedicated to academic and professional recognition of foreign higher education degrees is being constantly updated. Furthermore, the ENIC-NARIC Centre of the Federation Wallonia-Brussels⁵⁵ is developing a communication strategy to better reach the main target groups, i.e. individuals, higher education institutions, employers and other ENIC-NARIC centers.

National developments in the EU context

Single Permit Directive not yet transposed

Negotiations regarding the transposition of the Single Permit Directive didn't advance fast enough to meet the transposition deadline. The negotiations are taking place within the framework of the institutional reform taking place in Belgium.

Free movement of workers: full access to the labour market for Romanians and Bulgarians – transitory period for Croatians

Transitional measures aiming at restricting access to the labour market for Romanians and Bulgarians were upheld throughout 2013 but ended on 31 December 2013. By the Royal Decree of 24 June 2013⁵⁶, a transitory period regarding the free movement of Croatian employees was installed. This transitory period for Croatians (meaning they still need a work permit to work in Belgium) will last until 30 June 2015.

Free movement of services: adaptations to the obligatory LIMOSA-declarations

Following the judgment of the Court of Justice of 19 December 2012 (Case C-577/10), some

adaptations to the obligatory LIMOSA-declarations had to be made as from 1 July 2013⁵⁷. The Court esteemed that the obligatory declaration for foreign self-employed impeded the free movement of services. Each European company should be able to offer services without constraints in Belgium. The Court argued that constraints can be justified for reasons of fighting fraud (fake self-employment and moonlighting) for example. However, the Court judged that the measures imposed by Belgium were not proportional because the Belgian administration demanded too much information to the self-employed. Following this judgment, the Belgian LIMOSA-declaration was simplified. With the Law of 11 November 2013 modifying chapter 8 of title IV of the Program Law of 27 December 2006, trainees and independent trainees, are completely exempted from the obligatory LIMOSA-declaration.

EMN Activities, Publications and Impact

EMN-Informs: Tools to identify labour market needs⁵⁸ (November 2013) and The application of quotas (August 2013)⁵⁹

An EMN Inform of November 2013 summarises in a few pages the findings of an EMN Ad Hoc Query on the regulatory frameworks to manage the labour migration of third country nationals (TCN's) to the EU.

This Inform points at the fact that a **labour market test** (LMT) is implemented and applied widely among the Member States, save some exceptions (such as Sweden). Where the LMT is applied, a number of categories of workers are exempted, reflecting the specific national situations and priorities. Member States apply different methodologies in undertaking LMT's. In

⁵⁵ This is the information centre on higher education and recognition but also the NCP for the directive 2005/36/EC, thus not in charge of the academic and professional actual operational processes.

⁵⁶ Source: FPS Employment, Labour and Social Dialogue.

⁵⁷ Source: www.limosabe.be. LIMOSA was introduced on 1 April 2007 and consists in: (1) a mandatory declaration for each foreign seconded employee and all foreign self-employed persons working temporarily and/or partially in Belgium; (2) an information exchange system between the different regions (competent for the application for work permits), the Ministry for Middle Classes (for professional cards) and the Immigration Office (for residence permits). The information is available and exchangeable between the different authorities.

⁵⁸ EMN Inform, *Approaches and tools used by Member States to identify labour market needs*, November 2013. Available on: www.emnbelgium.be/

⁵⁹ EMN Inform, *The application of quotas for managing labour migration*, August 2013. Available on: www.emnbelgium.be/

general, a considerable role is left to employers and public employment services. The duration of the verification process varies among Member States. In the majority of them, a work permit cannot be issued if equally qualified national or EU citizens are found for the job.

The Inform also notes that Member States use **shortage lists** to determine labour market needs in specific sectors. Needs are identified on the basis of information collected by relevant national and regional authorities, specific policy boards or via discussions with employers in specific sectors, applying variable criteria and showing great differences in the number of job categories and employment sectors. Conditions of entry and stay are not notably facilitated for TCN workers, applying for work in shortage occupations.

At last, Member States may use **quotas** to manage and regulate labour migration from third countries. A separate EMN Inform from August 2013 provides information on this topic. Some Member States (Austria, Estonia, Hungary, Italy, Portugal, Slovenia, the United Kingdom, Norway) apply quotas or limits as measures to manage labour migration from third countries. The approach to quotas varies from hard caps (Austria) to softer targets.

Quota limits may be based on a percentage of national labour supply (Austria, Slovenia); permanent population (Estonia); the number of requests in the previous year (Hungary); and labour market assessments (Italy, Portugal, Slovenia, United Kingdom).

In many cases, quotas are included in bilateral and other agreements concluded with third countries for the purpose of labour migration. Furthermore, the EMN Inform provides more information on inter alia the recent changes in quota levels and on national debates on quotas in different Member States.

3.3 Family Reunification

Specific context

The new Law on family reunification from 8 July 2011⁶⁰ entered into force on 22 September 2011 and amended substantive and procedural aspects regarding family reunification both with TCNs and with EU and Belgian citizens. Among other changes, the law introduced an income requirement whereby third-country national and Belgian sponsors have to prove that they have stable, regular and sufficient resources to maintain themselves and their family members and not become a burden for public authorities. Stable, regular and sufficient resources must at least be equivalent to 120% of the social integration income (corresponding to 1308 Euro per month in September 2013) and not consist of resources from additional assistance schemes (social welfare benefits, family allowances, etc.).

In March 2012 six associations (CIRÉ, ADDE, Liga voor Mensenrechten, Ligue des Droits de l'Homme, MRAX, Siréas) had introduced actions for annulment of the law before the Constitutional Court. Concerns had been raised regarding provisions considered as discriminatory and prejudicial to the right to family life.

Apart from this law, the government coalition agreement from 1 December 2011 announced measures to fight misuse of family reunification, which abuse the legal and social protection system. Measures targeting marriages and legal cohabitations of convenience were taken in 2013 (see below).

Implementation of family reunification provisions interpreted by the Constitutional Court

Following the above-mentioned actions for annulment of the Law of 8 July 2011 modifying family reunification provisions, the Constitutional Court, in its ruling from 26 September 2013⁶¹, examined conditions required for foreigners to benefit from a right of residence in Belgium for family reunification purposes.

In brief the Court dismissed most arguments raised by several individuals and human rights associations against the Law of 8 July 2011,

⁶⁰ The Law from 8 July 2011 amending the Aliens Act regarding the conditions for family reunification, as published in the Belgian Official Gazette on 22 September 2011, is available in French and Dutch on: http://www.ejustice.just.fgov.be/mopdf/2011/09/12_3.pdf#Page5

⁶¹ Judgement n° 121/2013, Constitutional Court, 26 September 2013.

leaving stricter requirements for family reunification unchanged. However, the Court annulled three provisions and interpreted many other provisions of this law.

The Court annulled the following three provisions requiring legislative changes:

1. An exception must be introduced as regards the 21 year old age requirement for registered partners of EU citizens (article 40bis, §2, alinea 1er, 2°, c)) because such exception also applies for partners of third-country nationals.
2. The Belgian law must foresee – in accordance with directive 2004/38 - a residence procedure for certain ‘other’ family members of EU citizens. In the beginning of 2014 a bill was approved on this matter, dealing with the residence rights of TCN parent of an EU citizen.⁶²
3. There shouldn't be any resource requirement in the case only a minor child of a Belgian citizen (or his/her partner/equivalent partner) applies for family reunification (article 40ter, alinea 2) because such requirement would imply a difference in treatment between Belgians and their family members on the one hand and TCN's and their family members on the other hand.

As mentioned above, the Court also interpreted many provisions. The Circular of 13 December 2013 explains the way certain provisions were interpreted to help clarify the Court ruling's consequences on the handling of family reunification applications. Here are some examples of provisions concerned in the framework of family reunification of family members of a TCN:

- Article 10, §1er, alinea 1, 4° & 5°: when calculating the 12 months waiting time in case of family reunification with a foreigner authorized to stay for an unlimited period, it is now foreseen to take into account periods of authorization to stay in Belgium for a limited duration preceding the granting of the authorization of unlimited stay or settlement.

- Article 10, §2, alinea 4: handicapped persons over 18 years old who are declared to have a prolonged status of minor are deemed equivalent to minors and, based on this, are not subject to the requirement to prove sufficient means of subsistence.
- Article 10ter, §2: when processing an application subject to investigation on the marriage or conditions of a durable and stable relationship, the decision to extend the three month period for a second time, must indicate its exceptional nature linked to the complexity of the case.

Measures to prevent and fight marriages / legal cohabitations of convenience

During previous years, efforts were already devoted to fighting marriages of convenience and such efforts have borne fruits. Based on partial figures for 2013, administration investigations for both intended and contracted marriages of convenience are decreasing. However there was a shift towards other types of misuses and those who tried in vain to contract a marriage of convenience tend to turn towards legal cohabitations of convenience.

In 2013, Belgium introduced new legislation and further measures with the aim to fight misuse of family reunification through marriage and legal cohabitation of convenience.

The Law of 2 June 2013⁶³, published in the Official Belgian Gazette on 23 September 2013 and entered into force on 3 October 2013, intensifies the fight against marriages of convenience and extends it to legal cohabitations of convenience. Measures introduced at administrative, judicial and penal levels include inter alia:

- the strengthening of penalties, including (1 month -3 years) imprisonment, (> 500 Euro) fine and (5 year) entry ban against those involved in such misuses;
- the expansion of the competence of criminal law judges to the civil procedure for annulment of marriage and declaration of legal cohabitation of convenience;

⁶² Law of 13 February 2014 concerning different provisions on Asylum and Immigration and to modify the Law of 15 December 1980.

⁶³ The Law of 2 June 2013 is accompanied by two Circulars, namely Circular of 6 September 2013 (clarification of new provisions) and Circular of 17 September 2013 (information exchange).

- the extension of examination/ investigation periods of Public Prosecutors;
- the exchange of information (in case of refusal or nullity of marriage/legal cohabitation)

Moreover, on 14 November 2013, the Council of Ministers gave its green light to a new measure making information regarding marriages/legal cohabitations of convenience accessible via the National Register. Municipalities will be able to check whether a person has already been reported in population registers by another municipality due to presumption of marriage/legal cohabitation providing residence related benefit, refusal to register declaration of marriage/legal cohabitation, suspension of celebration of marriage. Other stakeholders, including public prosecutors and the Immigration Office, will also access such information. A Royal Decree⁶⁴ was in this regard approved at the end of February 2014.

On 14 November 2013 as well, an information and awareness campaign against relationships of convenience and forced marriages was launched as a result of cooperation between victims, associations, the Immigration Office, the Federal Public Service (FPS) Interior, local and federal public authorities and the Police. Women are particularly targeted by this campaign, especially (i) vulnerable young women (16-25 years old) who are invited to engage in relationships with nationals from Morocco, Algeria, Tunisia or Turkey and (ii) mature women who think they have found love during holidays. The message of the campaign “Don’t be a victim of a relationship of convenience or forced relationship” is disseminated through a short film (to be viewed on You Tube), a brochure, a website and business cards. New legislation, useful information and links are provided on:

www.relationdecomplaisance.be.

New working group to prevent and fight false declarations of parenthood

The number of false declarations of parenthood is of concern to various actors including the Immigration Office, municipalities and the National Family Allowance Office, especially as

provisions to fight such misuses (in the same way as marriages/legal cohabitations of convenience) are still missing. The new legal provision⁶⁵ - introduced by the Law of 8 July 2011 - granting parents of a Belgian child a right to stay in Belgium led to increased concerns regarding the phenomenon of false declarations of parenthood. The scale of the phenomenon is not known due to the lack of data but 368 investigations have been requested in 2012 and 2013 with several cases brought to court. A large proportion of women are suspected of encouraging Belgian citizens to recognize their child to have their stay regularized in Belgium.

A joint working group (Immigration Office – FPS Interior - and FPS Justice) was set up and met to examine all possible ways of actions to prevent and fight false declarations of parenthood. Specific questions were raised by the working group to professors specializing in this matter. Given the vulnerable group concerned (children), stakeholders are cautious and haven’t decided yet on existing and (possible) new measures in this field.

While awaiting (new) measures, the Public Ministry has been using its right of action as guarantor of public order and security, challenging fraudulent declarations of parenthood in courts⁶⁶.

In 2013, despite the lack of legal basis, registrars in several municipalities, notably in Liège where awareness raising and information exchange has been encouraged on that matter, have refused to register declarations of parenthood which were considered as suspect/false. For example on 11 September 2013, the registrar of Sprimont refused to register a declaration of parenthood on the grounds that a combination of circumstances convinced him that the intention of the applicant wasn’t the establishment of paternity in the interest of the child but rather the obtaining of a residence related advantage benefiting to the mother of the child. The registrar further referred to the best interests of the child (Article 3.1 of the International Convention on the Rights of the Child) and to false documents in civil status records (Articles 45§1 last paragraph, 52 and 1317 and following of the Civil Code). On the occasion of its hearing

⁶⁴ Royal Decree of 28 February 2014 to modify the Royal Decree of 16 July 1992.

⁶⁵ Article 40ter of the Immigration Law as modified by the Law of 8 July 2011.

⁶⁶ Actions are introduced based on Article 138 bis §1 of the civil code.

of 21 February 2014, the Court of first instance of Liège⁶⁷ concluded that registrars are not legally able to refuse to register a declaration of parenthood. Calling for strict compliance with current legal provisions, the Court didn't admit to date a possible registrars' a priori verification authority in this matter.⁶⁸

EMN Activities, Publications and Impact

Concerns regarding misuses of family reunification, including marriages and legal cohabitations of convenience but also false declarations of parenthood, were raised through – among others - the 2012 EMN Study « Misuse of the Right to Family Reunification : Marriages of convenience and False Declarations of Parenthood »⁶⁹.

Based on the coalition agreement and additional concerns raised, the Secretary of State for Migration and Asylum Policy, Social Integration and the Fight against Poverty committed to intensifying the fight against both marriages and legal cohabitations of convenience and false declarations of parenthood in her policy paper from 7 November 2013⁷⁰. Specific measures were planned and many of them already implemented and monitored.

National developments in the EU context

Active contribution to EU Handbook on marriages of convenience

Belgium has actively contributed, in the framework of the free movement working group (FREEMO-meetings), to the production of the EU Handbook on marriages of convenience, exchanging a lot of practical information on this matter and paying particular attention to the specific problem of legal cohabitations of convenience. Belgium did not initiate or participate in EU Joint Investigation Teams (also

⁶⁷ Court of first instance of Liège, hearing of 21 February 2014, 13/4275/A.

⁶⁸ Source: Immigration Office.

⁶⁹ EMN study « Misuse of the Right to Family Reunification : Marriages of convenience and False Declarations of Parenthood », See Belgian Study dated from March 2012 and Synthesis Report dated from June 2012. Available on www.emnbelgium.be.

⁷⁰ « Family reunification » in Policy Paper from the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 7 November 2013, pp. 11-13.

because, according to the Belgian experience, there is in general no link with organized criminal activities).⁷¹

Legal modifications for family members of Belgian and EU citizens

In 2013 changes were introduced by the Law Program of 28 June 2013⁷² in relation to family members of Belgian/EU citizens. So far, family members of Belgian/EU citizens, residing in Belgium on family reunification grounds, were granted a conditional right to stay during a period of 3 years, after which they could be granted a permanent residence permit. According to the above mentioned Law Program, this period is now extended to 5 years, hence permanent residence in the form of a card E+ or F+ is only possible after 5 years. In addition to this, changes also concern EU citizens' family members' rights to social integration. According to the above mentioned Law Program, EU citizens and their family members as well as family members of Belgian citizens are no longer entitled to social integration (living wage) during the first 3 months of their stay from the date of issuance of Annex 19⁷³ or 19ter⁷⁴.

These changes complement Circular of 28 March 2012⁷⁵ concerning family members of EU Citizens. According to the latter Circular, EU citizens and their family members can only claim social assistance (by Public Social Welfare Centers) after 3 months from the issuance of Annex 19 or 19ter. The Law Program introduced a similar 3 months exclusion for the right to social integration. Such measures implement the possibility foreseen in Article 24.2 of Directive 2004/38/EC⁷⁶.

⁷¹ Source: Immigration Office

⁷² The Law Program of 28 June 2013 was published in the Belgian Official Gazette on 1 July 2013, and is available on: http://www.ejustice.just.fgov.be/cgi/article_body.pl?language=fr&pub_date=2013-07-01&numac=2013203870&caller=list

⁷³ EU citizens who want to stay in Belgium for a period exceeding 3 months, laying down a declaration of registration, receive this Annex as a proof of legal stay, awaiting the decision for a residence permit.

⁷⁴ Non-EU family members of EU citizens who submit an application for family reunification in Belgium receive this Annex as a temporary proof of legal stay, awaiting the decision on their application.

⁷⁵ Circular of 28 March 2012 is available on: http://www.mis.be/sites/default/files/doc/7301-version_fr.pdf

⁷⁶ Article 24.2 of Directive 2004/38/EC stipulates that "By way of derogation from paragraph 1, the host Member State shall not be obliged to confer entitlement to social assistance during the first three months of residence or, where appropriate, the longer period provided for in Article 14(4)(b), nor shall it be obliged, prior to acquisition of the right of permanent residence, to grant maintenance aid for studies, including vocational training, consisting in student grants or student loans to persons other than workers, self-employed persons, persons who retain such status and members of their families".

It is expected from measures of temporary exclusion from entitlement to social assistance/integration that they contribute to the decrease in the number of non-national beneficiaries of financial support provided by Public Social Welfare Centers. Such measures should impact and relieve pressure on the Belgian social security system.

3.4 Integration

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.

Flanders has an (obligatory) integration pathway for newcomers since several years, but the (civic) integration sector in Flanders is now subject to a structural reform. Integration pathways for newcomers are under development both in the Brussels Capital region and in the Walloon region.

Federal level: socio-economic monitoring instrument

A long-term instrument⁷⁷, the so-called socioeconomic monitoring instrument, has been set up to collect and analyse data on the labour market situation of people of foreign origin according to their backgrounds in terms of nationality. The first report on this socioeconomic monitoring⁷⁸ was published in September 2013. The instrument cross-references individual data and those relating to matters such as national backgrounds with conventional socioeconomic data such as business size and sector, wage structure and location. This instrument will

⁷⁷The instrument has been developed by the Federal Department of Employment, Labour and Social Dialogue together with the Centre for Equal Opportunities and Opposition to Racism. Also involved are the National Registry, the Social Security Crossroads Bank, the Communities and the Regions. More information on <http://www.emnbelgium.be/publication/first-report-socio-economic-monitoring>

⁷⁸Federal Department of Employment, Labour and Social Dialogue and Centre for Equal Opportunities and Opposition to Combat Racism, *Socio-Economic monitoring*, 2013. Available in Dutch and French on: <http://www.diversite.be/>

provide regular updates of the data needed for defining and evaluating public policy and the activities of social partners in the area of combating discrimination and promoting diversity.⁷⁹

Flanders: structural reform of the (civic) integration sector

The (civic) integration sector in Flanders is subject to a structural reform. In June 2013, the Flemish Government ratified a new Decree⁸⁰ (Flemish legal act) on Integration and Civic Integration, which replaces two former decrees (one on integration and one on civic integration). One of the goals of the reform is to get a more coordinated approach of the integration and the civic integration sector.

Pursuant to the decree, an external autonomous (civic) integration agency has been drawn up in November 2013.⁸¹ In 2014 existing organizations in this sector are to be included in the new agency.

The level of the language course “Dutch as a second language”, which is part of the civic integration program⁸² (together with a social orientation course, career orientation and program counseling) will be raised to level A2⁸³. When implementing this, specific attention will be paid to low-skilled groups. Measures also take into account the expectations and profile of individuals. In the future, the integration certificate will only be awarded to people who successfully concluded the language course (A2 level) and the social orientation course. In the beginning of 2013 a pilot project was launched in Flanders’ welcome offices to create new

⁷⁹ For example, by the Program Law from 28 June 2013 (Official Gazette, 1 July 2013), legal measures were taken to restrict the right to social assistance concerning a limited group of regularized persons, and also for (EU and non-EU) family members of EU-citizens and Belgian nationals during the first 3 months of their residence, and a. More information: Kruispunt Migratie-Integratie, *Nieuwsbrief Vreemdelingenrecht en IPR*, nr. 3, 3 July 2013.

⁸⁰ Flemish Decree of 7 June 2013 on Integration and Civic Integration. Available on: http://www.integratiebeleid.be/sites/default/files/Decreet_integratie-en_inburgeringsbeleid.pdf

Vlaams minister van Bestuurszaken, Binnenlands Bestuur, Inburgering, Toerisme en Vlaamse Rand, *Beleidsbrief Inburgering en Integratie, Beleidsprioriteiten 2013-2014*, Vlaams Parlement, stuk 229 (2013-2014), 21 October 2013.

⁸¹ More information: Kruispunt Migratie-Integratie, *EVA integratie en inburgering is opgericht*. Beschikbaar op: <http://www.kruispuntmi.be/nieuws/eva-integratie-en-inburgering-is-opgericht>

⁸² More information on the website www.inburgering.be (civic integration) from the Flemish Government: <http://www.inburgering.be/en/civic-integration-programme>

⁸³ Level according to the European language levels.

instruments to counsel newcomers: a personal action plan and “portfolio”. These instruments should help follow-up competences of participants in integrating successfully into society.

As the number of foreigners who are obliged to follow the civic integration program decreased, welcome offices were in 2013 able to attract more foreigners who are entitled (but not obliged) to follow the program: newcomers (e.g. asylum seekers) as well as people who have been living in Flanders for some time (so-called *oudkomers*, which literally means ‘old-comers’). All kinds of actions were undertaken to attract people (via letters, websites, blogs, Facebook, information sessions, partner organizations).⁸⁴

An “Evaluation Framework for the Flemish Integration Policies”⁸⁵ was published in 2013 by the Flemish Policy Research Centre on Integration. The framework’s main goal is to provide a blueprint for the evaluation of the integration sector as a whole as opposed to the evaluation of concrete policies such as civic integration.⁸⁶

In Brussels a decree on integration pathway for newcomers was approved – Ongoing negotiations on a decree on the issue in the Walloon region

A decree on the integration pathway for newcomers in the Brussels Capital region was approved on 18 July 2013 and published on 18 September 2013 in the Belgian Official Gazette⁸⁷. Beneficiaries are foreigners (older than 18 years) who have been legally staying in Belgium for less than three years, who are registered in the foreigners’ register of a municipality of the Brussels Capital region and who are in possession

of a residence permit of more than three months. The integration pathway *inter alia* aims to increase beneficiaries’ social, economic and cultural participation. The primary component of the integration pathway consists of a welcome session, social investigation and linguistic assessment. The secondary component of the integration pathway consists of an individualized host project translated into a hosting agreement, determining objectives to be achieved as well as rights and obligations of parties. Based on needs identified, beneficiaries are provided with administrative support and follow-up as regards housing, livelihood, healthcare, socio-professional integration and oriented towards training providers. Individualized training comprises language training (French language and literacy) and citizenship training. The implementation of the integration pathway is entrusted to welcome offices. Three implementing decrees are to be adopted.

The new integration pathway should allow better meeting newcomers’ basic needs (accommodation, healthcare, education, etc.) and enable them to participate in social, cultural and community life. It should result in better knowledge of and compliance with social norms and common rules of life.⁸⁸

The (draft) decree on the integration pathway for newcomers in the Walloon region, and its implementing decree, are slow in being approved. In 2013, they remained at reading stage and subject to instances providing advice. In the meantime however, the call for projects 2013⁸⁹ funding local initiatives aimed at the integration of foreigners or persons of foreign origin was modeled on the lines of the above mentioned integration pathway, with a focus on at least one of the following four areas: (i) learning French as a foreign language, (ii) citizenship and understanding of social and cultural codes as well as knowledge of the institutions of the host country, (iii) training and support to integrate into socio-professional

⁸⁴ Vlaams minister van Bestuurszaken, Binnenlands Bestuur, Inburgering, Toerisme en Vlaamse Rand, *Beleidsbrief Inburgering en Integratie, Beleidsprioriteiten 2013-2014*, Vlaams Parlement, stuk 229 (2013-2014), 21 October 2013, p. 12.

⁸⁵ González Garibay, Montserrat & De Cuyper, Peter, *An evaluation framework for the Flemish integration policies*. Antwerpen: Steunpunt Inburgering en Integratie, 2013, 53p. Available on: <http://www.steunpuntieni.be/>

⁸⁶ In the study conclusions are drawn for the Flemish and international level. At the Flemish level, it suggests new criteria to evaluate policies, it provides a definition for efficiency and effectiveness, it identifies gaps in the evaluation-research on the topic, it established a basis for comparing local integration practices and lays the ground for the construction of a framework to evaluate Flemish integration policies on a systematic basis. At the international level, the evaluation framework provides a tool to enhance the evidence-based contents of the Flemish policy experience.

⁸⁷ See : <http://reflex.raadvst-consetat.be/reflex/pdf/Mbbs/2013/09/18/125234.pdf>

⁸⁸ Both the EIF and the ERF, respectively for their target audience, were used in 2013 to support projects of trainers in citizenship modules. Previously trained trainers were given the opportunity to exchange good practices and others were informed of the common training framework to be used in this matter.

⁸⁹ See Walloon Region policy towards foreigners or persons of foreign origin – Call for projects “Local Initiatives for Local development” 2013: http://socialsante.wallonie.be/sites/default/files/texte_paru_au_M_B_2013.pdf

schemes, (iv) assistance to exercise rights and obligations, particularly for newcomers.

Equal opportunities and non-discrimination

In 2013 final legal and practical preparations were made to create, by March 2014, one sole "Interfederal" Centre for Equal Opportunities, and this in execution of the cooperation agreement of 12 June 2013 between all competent Belgian governments (federal, regional and community). For this purpose, the current Centre for Equal Opportunities and Opposition to Racism is converted and transformed into two institutions, the Interfederal Centre for Equal Opportunities on the one hand and a Federal Migration Centre on the other hand.⁹⁰ Moreover, Belgium will need to develop an umbrella organisation which is in accordance with the Paris Principles from 1993 and which would serve as a National Institute on Human Rights, including among others the Interfederal Centre for Equal Opportunities, the Federal Migration Centre and the Institute for the Equality of Women and Men.

The tasks of the Interfederal Centre will be expanded to include competence for the regions and communities, in addition to its authority at the federal level. This is an important step in the fight against discrimination and racism because it will enable every resident to approach one and the same institution for any request for information, advice or assistance on the subject of discrimination (with the exception of sex discrimination), without having to wonder whether this is a federal, regional or community matter. Due to the fact that all expertise will be

pooled, citizens will also be certain to receive the best possible treatment.

In June 2013 new guidelines for public prosecutors and the Police (so-called 'COL'⁹¹) were published concerning discrimination and hate crimes⁹². In June 2013, after several months of work with the police, public prosecutors, FPS Justice and FPS Interior and the two Belgian equality bodies (discrimination and gender), COL 13/2013 was published, asking for special attention concerning racial crimes and crimes based on sexual orientation. Special public prosecutors and special police forces are designated for intensifying their attention on these phenomena. They will be trained in all legal aspects of discrimination and so become familiar with European non-discrimination directives. The COL document is completed with a 'lexicon' (definitions, examples, jurisprudence) elaborated by the Centre for Equal Opportunities and Opposition to Racism. This lexicon will be updated when necessary. Every year a meeting for evaluation and exchange of experiences will be organized. The system is seen as a very interesting working method for increasing awareness at national and local levels.

Developments from the EU perspective

Both the European Integration Fund (EIF) and the European Refugee Fund (ERF), respectively for their target audience, were used in 2013 to support the development and progressive implementation of integration pathways for newcomers. This was mostly as a continuation of actions previously initiated within multiannual programs.

Flanders. With financial means of the EIF of the civic integration budget, a project was prolonged till January 2014 to make professional education more accessible to non-native Dutch speakers. Three EIF-projects developed initiatives to enhance participation of minor newcomers to cultural and youth activities and sports. Among others, a publication was published called "VRIJUIT" on minor newcomers and free time.⁹³

⁹⁰The current Centre for Equal Opportunities and Opposition to Racism is created by a federal law and is an independent public service. Its legal competences are twofold.

- The first is to promote equal opportunities and the fight against all forms of distinction, exclusion, restriction or preference based on nationality, alleged race, skin colour, ancestry, national or ethnic origin, but also sexual orientation, civil status, birth, wealth, age, religious or philosophical conviction, current or future state of health, disability, political beliefs, physical or genetic characteristics, or social background. **This competence is transferred in March 2014 to a new so-called "interfederal" centre for equal opportunities.** The Board of Administrators is expected to be appointed in 2014 (by the Parliaments and not any more by the Federal government, which has importance in light of the Paris principles).

- The second is to ensure respect for the fundamental rights of foreigners, to give the authorities information shedding light on the nature and scope of migratory flows, and to encourage the fight against the trade and trafficking in human beings. **This competence was transferred in March 2014 to the new Federal Migration Centre.**

⁹¹ In Belgium five Attorney-Generals can elaborate guidelines for Public Prosecutors and Police. These guidelines are called 'COL'.

⁹² Circular on the policy on investigation and the prosecution related to discriminations and hate crimes (including discriminations based on gender). (Circulaire relative à la politique de recherche et de poursuite en matière de discriminations et de délits de haine (en ce compris les discriminations fondées sur le sexe): available on http://www.om-mb.be/extern/getfile.php?p_name=4499864.PDF&pid=5198967

⁹³ Available on: <http://www.inburgering.be/brochures-en-jaarboeken>

Another action in the framework of EIF is “Changemakers”, a project to endorse more ethnic-cultural diversity in participation fora.⁹⁴

Wallonia and Brussels. While funds have in previous years been used to develop tools for various components of the integration pathways (such as testing tool to assess the level of French as a foreign language at the social assessment stage), they were rather used in 2013 to disseminate tools previously developed (testing tool⁹⁵, educational kit, etc.) and to train actors involved (service providers using tools). Funds were also used to ensure support of services providing translation and interpretation in social environment, in order to facilitate communication between service providers and persons of foreign origin having little knowledge of French.

Citizenship and Naturalisation

Specific context

A reform of the Belgian Nationality Law – which was seen by some as being too liberal – was on the political agenda for the last couple of years. Also the government coalition agreement of 1 December 2011 devoted a section on the project to reform the conditions for acquiring the Belgian nationality. The government announced that the reform would aim at making the legislation more neutral from an immigration point of view and that language and integration requirements would be introduced, taking into consideration the economic participation of the applicant. In addition to this, acquiring the Belgian nationality through the procedure before the House of Representatives would still be possible but exceptional. On this basis, a political agreement was found mid 2012 on a bill to tighten the conditions for acquiring the Belgian nationality and on 4 December 2012, a new law⁹⁶ modifying the Belgian Nationality Code was approved.

⁹⁴ More information on: <http://www.minderhedenforum.be/Changemakers.htm>

⁹⁵ More information on the testing tool for French as a foreign language developed by “Lire et Écrire Communauté française” on: <http://communaute-francaise.lire-et-ecrire.be/content/view/242/84/>

⁹⁶ The Law modifying the Belgian Nationality Code to make the acquisition of nationality neutral from an immigration point of view, date from 4 December 2012 and published on 14 December 2012. is available on: French: http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&table_name=loi&cn=2012120404 and Dutch: http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2012120404&table_name=wet

The new Belgian Nationality Code entered into force on 1 January 2013

On 1 January 2013 the Law modifying the Belgian Nationality Code entered into force.⁹⁷ While the former law of 1 March 2000 considered the acquisition of the Belgian nationality as a step on the way to integration, the new law reverses this approach, determining integration-requirements to start an acquisition procedure. According to the latter, the Belgian nationality may now only be requested in Belgium and not from abroad. As announced (see above), naturalisations granted by the naturalisation commission of the House of Representatives were made exceptional and restricted to persons who have demonstrated or could demonstrate “exceptional merits”.

Based on the above mentioned law reform, in most cases a foreigner over the age of 18 needs to fulfill 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). 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 and of economic participation (exceptions for the person married to a Belgian, handicapped or retired persons, ...)

Longer track: If a person cannot show evidence of civic integration and of his/her economic participation, he/she can only acquire the Belgian nationality after ten years of legal residence, and only if he/she can prove his/her participation “to the life of the host community” (in addition to the two requirements mentioned above).

Discussions to reform the legislation had been on-going for the last couple of years, and also the

⁹⁷ Except of the provisions concerning the loss of Belgian nationality, which already came into force on 14 December 2012.

last developments were closely followed up and commented by different stakeholders. The changes, which were a compromise between the political parties in the majority, were considered as too harsh for some while not enough for others. The first ones, who negatively reacted to the changes, put forward the following arguments: (1) the new law may potentially harm vulnerable persons who may not be able to prove their economic participation to the host community, (2) new requirements in conjunction with the length of stay appear too demanding, (3) administrative procedures and costs increase. Such reactions were disseminated through awareness campaigns⁹⁸. The second ones, who welcomed the strengthening of conditions of acquisition of nationality, mainly raised two elements: (1) the previous law was too flexible and resulted in increasing unhandled applications and (2) the new law is likely to encourage possible applicants to participate in the life of the host community.

3.5 Managing migration and mobility

Visa Policy and Schengen Governance

Schengen Information System alerts

On 9 April 2013 the second generation of the Schengen Information System (SIS) entered into operation. SIS II offers Member States enhanced functionalities (e.g. on biometrics) and it ensures stronger data protection.

In application of article 24 of the Regulation⁹⁹ on SIS II (former article 96 of the Convention implementing the Schengen Agreement), the SIS II contains – among others – data on TCN's for whom an alert has been issued for refusal of entry or stay in the Schengen area. Alerts are supplied by each of the Member States.¹⁰⁰

In Belgium the Immigration Office is competent for issuing alerts into the SIS II. As mentioned in

⁹⁸ For example, see the flyer from Objectief - Movement for Equal Rights on http://www.allrights.be/sites/www.allrights.be/files/Affiche_Objectief_nov2011FR.pdf

⁹⁹ Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II).

¹⁰⁰ An alert can be entered where the (national) decision is based on a threat to public policy, to public security or to national security, which the presence of the non-EU national in question in the territory of a Member State may pose. It will also be possible to enter an alert when the decision is based on the fact that the non-EU national has been subject to a measure involving expulsion.

the previous Belgian policy report, the number of Belgian alerts in application of article 24 (and the former article 96) increased since July 2012 as a consequence of legislative changes. Before 2 July 2012, Belgium provided only limited alerts: only on third-country nationals subject to a removal order with a 10-year entry ban¹⁰¹. Following the implementation of the return directive in Belgian law in 2012, alerts are now also applicable to third-country nationals who are illegally staying on the country's territory and subject to a removal order accompanied by an entry ban under the return directive (for more information, see part 9 of this report, on Return). As an illustration, Belgian authorities entered 446 alerts into the system in 2012, while 4.508 alerts were entered in the system in 2013.¹⁰²

Visa Information System - biometric visa checks

With regards to the Visa Information System (VIS), an IT system that allows the exchange of visa data, is being rolled out gradually by region until all Schengen states consulates/consular sections worldwide are connected.

Belgian authorities follow the roll-out scheme of the EU. The VIS was rolled out in North Africa (first zone) following its launch in October 2011, and in 2012, in the Near East and Gulf Region (second and third zone). By the end of 2013, the 11th region is now covered.

At the end of 2013 all Belgian consulates were equipped with and were taking biometric visa checks for short-term visa (Schengen). However, they are not all linked to the central VIS database yet.

Cooperation between (Member) State consular services

In 2013, Belgium further progressed in representation arrangements and consular cooperation in Kinshasa. Belgium has signed representation agreements with various Schengen Member States (as updated in the annex 28 of the Visa Code Handbook). In 2013 agreements have been signed with Norway and Slovakia.

¹⁰¹ It concerns removal measures taken by Ministerial and Royal Decrees, (so-called "Ministerieel Besluit tot terugwijzing" / "Arrêté Ministériel de renvoi" or "Koninklijk Besluit tot uitzetting" / "Arrêté Royale d'expulsion").

¹⁰² Information from the Immigration Office.

Belgium has also set up a joint consular service in Kinshasa (DRC) some years ago and to date, 15 Schengen Member States have joined this service.¹⁰³

National visa database

Belgium developed a national visa database "Automatic Fingerprint Identification System" (AFIS), which is operational since July 2013. AFIS was created for the purpose of identification of TCN's. Currently it contains only information regarding short-term visa but it is intended to extend it in a later phase to long-term visa applicants as well. Identification of TCN's is important for (1) the possible return process (e.g. in case of over-staying) and (2) to detect possible abuses or fraud (e.g. identification of undocumented asylum seekers).¹⁰⁴

Sponsorship underwriting short-term visits

According to the Schengen Border Code and the Visa Code, any TCN must in principle show that he/she has sufficient resources to cross the external borders of the Schengen Member States with a view to short-term staying or transiting in the Area as well as obtaining a visa for this purpose.

The Visa Code authorizes Member States to develop an ad hoc form establishing the proof of sponsorship to prove the condition of sufficient resources. The Belgian proof of sponsorship form, the "annex 3bis", was adapted in 2013 to bring it more in conformity with the Visa Code and the VIS Regulation.

Combating and preventing irregular migration caused by visa liberalization

See Part 8 of this report, on Irregular Migration.

Border Monitoring

Enhanced border management at the external borders

In 2013 the VIS was further implemented via biometric checks at arrival and departure at all external borders. Also a series of new passport readers were installed at additional check points or were used to renew old ones.

In order to improve the effectiveness of controls, several initiatives were taken in the field of training:

- Creation of an operational pool of trainers in the field of border checks;
- Development of a national IT-information platform that allows border guards to have access to updated information to perform more effective border checks;
- Emphasis on the importance of self-learning through active participation in the Frontex eLearning initiatives. eLearning and distance-learning (basic and further training) will be further developed in 2014;
- Participation in the Frontex training exchange program for border guards.

The problem of false transits on the Eurostar Brussels – London (the so called 'Lille-Loophole") was tackled thanks to close cooperation between Belgian and British border guards and the train operator. These actions also made additional facilitation possible towards intra-Schengen travellers, now seated in a dedicated carriage on board the train, as they no longer have to present themselves for exit checks. Rather, an intra-Schengen terminal has been provided for their use. The use of a dedicated carriage is currently being evaluated, but seems to have effectively halted the Lille Loophole phenomenon.

Frontex¹⁰⁵

In 2013, Belgium participated in a number of Frontex Joint Operations in order to support Member States experiencing disproportionate pressures at the borders:

- JO Hermes in Italy (03/06 – 03/07/2013, 1 border guard)
- JO Hermes in Italy (25/11 – 21/12/2013, 1 border guard)
- JO Minerva in Spain (29/07 – 17/09/2013, 2 border guards)
- JO Minerva in Spain (29/07 – 11/09/2013, 1 border guard)
- JO Minerva in Spain (29/07 – 20/08/2013, 1 dog)
- JO Indalo in Spain (13/05 – 31/10/2013, 7 border guards)

¹⁰³ Information provided by FPS Foreign Affairs

¹⁰⁴ Source: Immigration Office

¹⁰⁵ Belgium also organised and participated in Joint Return Operations in collaboration with Frontex (see part 9. Return).

- JO Focal Points Land in Bulgaria (23/07 – 27/08/2013 (1 border guard)
- JO Focal Points Land in Poland 01/10 – 31/10/2013 (1 border guard)
- JO Neptune in Hungary and Croatia 17/06 – 16/07/2013 (1 border guard)
- JO Meteor in Portugal 15/09 – 03/10/2013 (1 border guard)
- JO Focal Points Air in Spain 01/05 – 31/05/2013 (1 border guard)
- JO Focal Points Air in Italy 31/03 – 30/04/2013 (1 border guard)
- JO Focal Points Air in France 02/09 – 01/10/2013 (1 border guard)
- HO Mizar in France (03/04 – 16/05/2013, 1 border guard)

4. INTERNATIONAL PROTECTION INCLUDING ASYLUM

4.1 International protection procedures

Specific context

After several years of high numbers of asylum applications, trends started decreasing in the course of 2012, and this trend continued in 2013. In 2013, 15.840 asylum cases (21.230 persons) were lodged in Belgium. This represented a significant decrease in comparison with 21.463 cases (28.275 persons) in 2012 and 25.479 cases in 2011. At the same time, the average protection rate has been increasing. Moreover, the average period for decision taking has been shortened. Furthermore, the total caseload of the Office of the Commissioner General for refugees and Stateless Persons (CGRS) significantly declined in 2013, amounting to about 7,000 cases by the end of the year (as compared to 11.495 cases on 1 January 2013). Also the total number of pending cases (first instance plus appeal) decreased.

It is considered that this decrease in the number of asylum applications is due to a combination of measures that start to have effect (prevention campaigns, faster and more efficient asylum procedures, more effective return policy). However, the number of subsequent asylum applications remained relatively high (over 35% of all applications).

Significant policy and legislative developments, as well as specific debates

List of safe countries of origin.

Since 2012 Belgium has introduced the concept of “safe country of origin” in its Immigration Act and included 7 countries in the list. As a consequence, the asylum procedure for these applications is accelerated and the applicant has a higher burden of proof. It is provided that this list is reviewed at least once a year.

On 15 May 2013 the Royal Decree relating to the list of safe countries of origin was published, containing the same countries as in the previous list: Albania, Bosnia-Herzegovina, Former Yugoslav Republic Of Macedonia (FYROM), Montenegro, Kosovo, Serbia and India.

Subsequent applications.

The competence to assess new facts and circumstances presented by the asylum seeker during a subsequent application has since September 2013 been shifted from the Immigration Office to the CGRS.

The CGRS was considered in a better position to assess new elements. This change should allow an accelerated handling of many unfounded subsequent applications. Subsequent applications made up more than 35% of all asylum applications in 2013.

The definition of new elements from the Asylum Procedures Directive (APD) was implemented in Belgian law.¹⁰⁶

Enhancement project asylum procedure and quality project

Upon request of the Belgian federal government the “enhancement project asylum procedure” was launched in 2011. The project analyses the efficiency of each authority involved in the asylum process (Immigration Office, CGRS, Council of Aliens Law Litigation (CALL)), as well as the various possibilities to improve the efficiency within the chain processes. It also focuses on a uniform, integrated reporting on the performances of and within the asylum chain. The objective is to identify opportunities for further reducing the processing times of asylum claims while maintaining a high quality standard.

The first phases of the project were completed whereby the different possibilities to improve the organisation and the procedure were analysed and also benchmarked with asylum systems in other States. For the CGRS, 47 enhancement opportunities were proposed covering the subjects of quality management, knowledge management, processing times, monitoring and ICT support regarding the chain processes. During 2013 and 2014 these enhancement opportunities were and will continue to be further developed and implemented.

Following the recommendations of the enhancement project, the CGRS set up a “Quality project” with the aim of increasing the quality of asylum decisions and harmonizing working methods. It includes the definition of quality indicators, and the gradual setting up of a quality

¹⁰⁶ Article 57/6/2 Immigration Act transposing article 40 of Directive 2013/32/EU on common procedures for granting and withdrawing international protection (APD).

unit and methods of quality management. Also UNHCR and other organisations with expertise in the matter are being consulted. This project was and will be developed and implemented in the course of 2013 and 2014.

Links with recent EU policy developments

On 22 August 2013 modifications to the Immigration Act were published in the Belgian Official Gazette, and those changes entered into force as from 1 September 2013. This includes changes to implement certain provisions of the EU Qualification Directive (2011/95/EU). Some concepts were further clarified: e.g. social group, gender based persecution including sexual orientation, actors of protection, internal flight alternative, etc. This law also introduced the concept of “first country of asylum” as described in the Asylum Procedures Directive. This enables authorities not to assess the substance of an asylum application based on the assumption that the asylum seeker already enjoys sufficient protection and refugee status in another country.

In 2013, the Country of Origin Information (COI) research department of the CGRS (Cedoca) developed, in the context of a ERF-funded project, an approach to harmonise the drafting of COI products. This ensures more transparency about the research and information used in the asylum decisions, which is beneficiary to the asylum seeker and its legal representative and facilitates exchange at EU level. It is also the aim to increase the quality of the products and the efficiency of the COI department. In a second stage certain COI products will be published on the CGRS website.

4.2 Reception of applicants for international protection

Under the supervision of a single State Secretary, competent for all aspects related to asylum, reception and return, Belgium managed to counter the reception crisis. This due to intense cooperation and coordinated actions involving policy makers, Fedasil, the CGRS and the Immigration Office (“chain management”). As a consequence, in 2013, Fedasil could end the crisis-management and focus more on quality, individual needs and fully respecting standards foreseen in the Reception Conditions Directive.

In 2013 Fedasil was able to decrease the reception capacity and install a buffer capacity.

The reception capacity was reduced to 21.037 places at the end of 2013¹⁰⁷ and the occupancy rate to about 72%. The State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Racism, Maggie De Block, stated that the aim for the end of 2014 is to maintain an operational reception capacity of 18.000 places and, for the purpose of flexibility, an additional buffer capacity of 1.800 places.¹⁰⁸

The **comprehensive evaluation** of the reception system undertaken between October 2012 and May 2013 led to a certain number of recommendations. All this allowed recovering serenity, drawing a new starting line and looking forward.

The results of the reception model evaluation were presented in 2013, focusing on quality as well as flexible and optimal management of the reception network. In total 37 recommendations were submitted, grouped in the following seven areas¹⁰⁹:

- Ensuring qualitative accompaniment and infrastructure, based on standards
- Focusing on the individual assessment of the resident’s needs
- Adapting to specific categories of residents
- Better taking into account residents in transition from material aid to financial assistance
- Developing appropriate instruments to ensure smooth functioning
- Optimizing the use of available resources
- Adapting constantly to changing conditions

The **management plan 2012-2018**, that was presented in 2013 by the Director General of Fedasil, Jean-Pierre Luxen, formulated a vision for the future of the organization and three strategic priorities for the future¹¹⁰:

¹⁰⁷ [A third less of persons received](#), Fedasil website, 7 January 2014.

¹⁰⁸ [Written question n° 5-9844](#) from Els Van Hoof (CD&V) to Maggie de Block, State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Racism, Senate, 5 September 2013

¹⁰⁹ [Flexible and optimal management and quality reception](#), PowerPoint Presentation, Fanny François, (Director Network Management and Control), Brussels, 25 October 2013.

¹¹⁰ [Contributions to a comprehensive migration policy](#), Management Plan 2012-2018, Jean-Pierre Luxen (Director General Fedasil), 15 March 2013, pp. 15-16

- Overall responsibility: Implementing a global and coherent approach, in contacts with partners
- Reception tailored more closely to reality: Being consistent with asylum policy and return path
- Effectiveness and efficiency: Optimizing functioning and use of resources

EMN Activities, Publications and Impact

In 2013, the EMN produced a study on reception of asylum-seekers. The purpose of this study was to provide an overview of the organization of reception facilities in the different Member States and to identify good practices and existing mechanisms for efficient and flexible reception facilities whilst ensuring quality.

The Belgian contribution to this EMN study was published in August 2013, examining strengths and weaknesses of Belgian reception facilities. It was found that the quality of the reception of and assistance to asylum-seekers in Belgium meets higher standards than the minimum standards set out in EU legislation. However the reception crisis from mid-2008 until the beginning of 2012 showed a lack of flexibility of the system to cope with a large and rapid influx of asylum-seekers. The Belgian report examines how policy-makers responded to this crisis, notably by developing an integrated policy on asylum, reception and return (“chain management”).

On 25 October 2013 the Belgian National Contact Point organized a conference on the reception of asylum seekers in Belgium and in the EU, where inter alia the national report was presented. The national report and the EMN synthesis report were well received by policymakers and received wide media attention

Resettlement

After two ad hoc resettlement operations (Iraq in 2009 and Tunisia in 2011), 2013 marked the first year of the Belgian structural resettlement programme within the framework of the Joint EU Resettlement Programme.

Based on the cases referred by UNHCR and according to the priorities defined in Europe, the CGRS selected 100 refugees in 2013 for resettlement. The CGRS conducted two selection missions in the refugee camps in the Great Lakes region in Africa - one mission in Tanzania where Burundian refugees lived and one mission in Burundi to select Congolese refugees. The CGRS also selected several particularly vulnerable refugees on a case by case basis. These refugees originate from various regions of the world. All the refugees passed medical examinations overseen by IOM. The resettlement operations were also covered in the national press.¹¹¹

4.3 Integration of asylum applicants and persons with international protection status

A few days before making their way to Belgium, the resettled refugees (supra) took part in a cultural orientation mission conducted by Fedasil. Upon arrival in Belgium, the refugees lodged a formal asylum application and were received into one of the Fedasil reception centers for a period of six to seven weeks. During this first reception phase, the refugees followed an integration programme and were prepared to a more independent life in Belgium. The Public Social Welfare Centers, which are responsible for finding housing for the refugees, provides integration support for a period of twelve months. Two NGOs (Caritas and Convivial) provide additional support to integrate the refugees in their new community.

4.4 Measures to implement aspects of the CEAS

Solidarity with other MS and support to EASO

Belgium is an active partner in the European Asylum Support Office (EASO) and has participated in nearly all activities. This involves not only the asylum authorities (CGRS) but also other institutions involved in the asylum process

¹¹¹ More information: <http://www.resettlement.be/news/refugees-resettled-2013>

(Immigration Office, Fedasil, Guardianship Service and the Council for Aliens Law Litigation (CALL)). The activities cover: Management Board, Consultative Forum, Thematic meetings (e.g. on quality, resettlement, practical cooperation workshops, external dimension, etc.), EASO Asylum Curriculum, COI Common Portal and COI Strategic Network, Group for Provision of Statistics and activities regarding unaccompanied minors). Belgium is not only a participant but is often actively involved (e.g. by developing and updating EAC modules, or by sharing information through presentations).

Belgium contributed to the Asylum Intervention Pool, using this as a flexible tool whereby more experts can be included if desired by experts.¹¹² Belgium participated several times in different Asylum Support Teams in 2013 whereby it provided 2 experts to the emergency exercise in Hungary and Romania (summer 2013); 2 experts to the special support plan for Italy¹¹³ and 3 experts to support Bulgaria.¹¹⁴

¹¹² Upon request for assistance by one or more EU countries under particular pressure, the European Asylum Support Office may coordinate the deployment of one or more asylum support teams to their territories for an appropriate period of time. These teams provide technical assistance, such as interpreting services, information on countries of origin and know-how on managing asylum cases. For this purpose EASO established an asylum intervention pool made up of experts, from which the teams are drawn up. EU countries contribute to this pool with experts from their national pools.

¹¹³ On 4 June 2013, The European Asylum Support Office and Italy have signed a special support plan which provides for EASO Special Support to Italy, until the end of 2014, in a number of prioritized areas, such as data collection and analysis, Country of Origin Information (COI), Dublin system, reception system and emergency capacity, and training of independent judiciary.

¹¹⁴ On 17 October, EASO and Bulgaria signed an Operating Plan which provides for EASO support to Bulgaria, until September 2014.

5. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS¹¹⁵

5.1 Unaccompanied Minors

Specific context

The number of unaccompanied minors (UAMs) applying for asylum increased significantly from 2008 until 2011, but dropped in 2012 and continued to decrease in 2013. In 2013, there were 486 UAMs applying for asylum. In 2012 there were 981 asylum applicants that could be considered as minors after the age assessment and 1385 in 2011.¹¹⁶

In recent years, the number of asylum applicants claiming to be unaccompanied minors has been significantly higher (about 35% more) than those actually appearing to be unaccompanied minors after the age assessment test. On average, 73% of those subject to an age assessment test could not be considered as unaccompanied minors.¹¹⁷

There are specific reception facilities for unaccompanied minors in Belgium. When arriving, UAMs receive initial reception in so-called Observation and Orientation Centres (OOCs) where an age assessment test takes place. In a second phase UAMs are referred to specific collective reception facilities where a specialised team of coaches and educators provide support.

Significant policy and legislative developments, as well as specific debates

Registration Protocol

The Registration Protocol, that came into force as of 28 January 2013, mentions in detail the procedures that have to be followed at first encounter with UAMs. This concerns persons who declare themselves to be UAMs and are not claiming asylum in Belgium.

¹¹⁵ Besides unaccompanied minors and victims of trafficking in human beings, “vulnerable groups” include minors, disabled people, elderly people, pregnant women, single parents with minor children, persons with mental health problems and persons who have been subject to torture, rape or other serious forms of psychological, physical or sexual violence, based on the definition of “vulnerable group” in the proposed recast of the Directive laying down minimum standards for the reception of asylum seekers (“Receptions Directive”).

¹¹⁶ Source: CGRS statistics, <http://www.cgra.be/en/Chiffres/>

¹¹⁷ [Wirtten question n° 0495-53](#) from Peter Logghe (Vlaams Belang) to Maggie de Block, State Secretary for Migration and Asylum Policy (House of Representatives), 11/06/2013.

Strategy and actions about the return of UAMs

The strategy regarding the AVRR for UAMs was further developed. The most important measures taken in 2013 in this regard were the increase in the grants for reception partners as well as the reintegration grant for UAMs (maximum amount of 2700 Euro), plus an amount of 700 Euro per parent (maximum) for the parents in the country of origin, and the strengthening of the communication via information sessions for guardians and first line staff.

Consultations between the Immigration Office and Fedasil ensure that rejected UAMs, when reaching majority, are entitled to an extension of their authorization to stay and accommodation so as to prepare their voluntary return. These consultations were launched when Fedasil created return places in open reception centres¹¹⁸, specifically dedicated to assist voluntary returns.

Relevant case law

The European Court of Justice stated in a judgment of 6 June 2013¹¹⁹ that “where an unaccompanied minor with no member of his family legally present on the territory of a Member State has lodged asylum applications in more than one Member State, the Member State in which that minor is present after having lodged an asylum application there, is to be designated the “Member State responsible”.

The Court provided herewith an interpretation for the second paragraph of Article 6 of the Dublin Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a TCN. The Court further stressed that “Since unaccompanied minors form a category of particularly vulnerable persons, it is important not to prolong more than is strictly necessary the procedure for determining the Member State responsible, which means that, as a rule, unaccompanied minors should not be transferred to another Member State”.

¹¹⁸ Migrants are allocated to a return place, in the view of preparing the voluntary return. In 2012 open return places were located in four reception centres managed by Fedasil: Arendonk, Poelkapelle, Sint-Truiden and Jodoigne. In addition to these places in existing centres, in 2013 an open return centre opened his doors in Holsbeek.

¹¹⁹ <http://curia.europa.eu/juris/documents.jsf?num=C-648/11>

Thus, the second paragraph of Article 6 of Regulation No 343/2003 cannot be interpreted in such a way that it disregards the fundamental rights and principles which are acknowledged in the Charter, in particular, that set out in Article 24(2) of the Charter, whereby in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests are to be a primary consideration.

The Immigration Office changed its practice to act according to the above-mentioned judgment of the Court of Justice and will no longer send back unaccompanied minors according to the Dublin Regulation if there are no family members in another Member State.

EMN Activities, Publications and Impact

On 18 November 2013, at the initiative of the Study Unit of the Immigration Office, the Belgian National Contact Point of the EMN launched an ad hoc query on admission, residence and guardianship related provisions for unaccompanied foreign and EU minors in vulnerable situations.

Belgian authorities were particularly interested in the type and value of instruments containing the said provisions and the distinction (or not) between texts dealing with unaccompanied foreign minors in vulnerable situations on the one hand and unaccompanied EU minors in vulnerable situations on the other hand.

16 Member States replied to this ad hoc query and a compilation was produced on 16 January 2014.

The information collected through this ad hoc query served as input for the preparation of new legislation regarding guardianship provisions for unaccompanied minors in vulnerable situations.¹²⁰

Links with recent EU policy developments

Links with the Action Plan on UAMs¹²¹ and its Mid-term Review

The new Registration Protocol is obviously linked to the Action Plan on Unaccompanied Minors (2010-2014), in particular to point 4.1. concerning procedures at first encounter and standards of protection. As mentioned above, the registration protocol explains procedures that have to be followed at first encounter with UAMs, with special attention for vulnerable minors and/or minors who are victims of trafficking in human beings (THB). One of the protocol's aims is to set procedures for taking care of UAMs who are not claiming asylum by accelerating their identification by the Guardian Service. As a result, the whole of the care-taking process, in particular the appointment of a guardian and, if necessary, the designation by Fedasil of a place of accommodation, is also accelerated.

Cooperation with EASO

From June to September 2013 a Belgian national expert coordinated **the update of the EASO Interviewing Children Module**.

The MINTEH unit (Immigration Office) and staff members of the Guardianship Service attended three meetings on **Family Tracing (FT)** organized by the EASO in collaboration with the European Commission. The meetings enabled Member States to share their experience and expertise on UAMs and FT, and to map current practices.

5.2 Other Vulnerable Groups

Specific context

Since November 2010, Belgium has been extending the scope of its national action plan to fight domestic violence, so as to include forced marriage, honour crimes and female genital mutilation. These three kinds of violence particularly affect women migrants and asylum seekers. Some measures in the national action plan (NAP 2010-2014) specifically address asylum and migration issues.

¹²⁰ [Unaccompanied minors from EU Member States from now better protected](#), 25 March 2014.

¹²¹

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0213:FIN:EN:PDF> plus the Mid-term Review Report : http://ec.europa.eu/dgs/home-affairs/e-library/docs/uam/uam_report_20120928_en.pdf

**Significant policy and legislative developments,
as well as specific debates**

On 10 June 2013, an updated version of the NAP 2010-2014 to combat partner violence and other forms of domestic violence was approved by the Ministerial Conference¹²². The Institute for Gender Equality is responsible for carrying out the NAP.

The new version of the NAP 2010-2014 includes measures regarding information and awareness raising, prevention of forced marriage, training of people who are professionally in charge of girls and women who are victims (or at risk) of these kinds of violence, and protection of victims.

By including additional issues and homophobia in the NAP 2010-2014, the federal government aims to improve prevention and repression of these kinds of violence and to provide better protection to victims.

The NAP 2010-2014 also has implications for the category “women migrants and asylum seekers”. The objective is to raise awareness of these kinds of violence among female migrants (girls and women) and asylum seekers, and also among the public in Belgium, different categories of professionals in the field, and also (potential) authors.

¹²²

More

information:

http://www.partnergeweld.be/nl/algemene_informatie/belgische_beleid/nationaal_actieplannap/

6. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

6.1 Specific context

In Belgium, trafficking in human beings (THB) is defined and prohibited by Articles 433*quinquies* to 433*novies* of the Criminal Code. In addition to this, the Immigration Act, in its Article 61/2 to 61/5, enshrines a specific residence permit procedure for victims of trafficking.

Following the first Action Plan against THB for 2008-2011, a **new Action Plan against trafficking in human beings for 2012-2014** (hereafter Action Plan 2012-2014)¹²³ was adopted, setting out 19 actions in five areas. The Action Plan 2012-2014 envisages inter alia: (i) reviewing anti-trafficking legislation, (ii) developing simplified information tools for victim referral, (iii) updating the indicators of trafficking used in investigations and prosecutions, (iv) focusing on financial investigations analyzing the cash-flows of human trafficking networks, (v) finding solutions for optimum data collection enabling strategic analyses.

The **Inter-Departmental Co-ordination Unit** for Action against Trafficking in Human Beings (hereafter called Inter-Departmental Co-ordination Unit), which brings together all the relevant ministries and public bodies, supervises the implementation of the national anti-trafficking policy, including the implementation of the Action Plan 2012-2014. A **Bureau** staffed by representatives of the main departments involved in actions against THB handles the Unit's day-to-day work and prepares and executes decisions, recommendations and initiatives.

In addition, **anti-trafficking structures** have been created, notably within the police, the Prosecutor's Office, the labour inspectorate services and the Immigration Office. Over the years, the Centre for Equal Opportunities and Opposition to Racism (CEOOR)¹²⁴ has also played a vital role in action against THB, assessing and stimulating the efforts deployed. Assistance in terms of accommodation, legal aid, counselling and medical care for adult victims of trafficking is

¹²³ [The fight against the trafficking and smuggling of human beings in Belgium – Action Plan 2012-2014](#)

¹²⁴ In March 2014, the Centre for Equal Opportunities and Opposition to Racism was converted and transformed into two institutions, the Interfederal Centre for Equal Opportunities on the one hand and a Federal Migration Centre on the other hand. The Federal Migration Centre continues to be involved in action against THB.

provided by **three centres¹²⁵ specializing in the reception of victims** of trafficking, which are state-accredited NGOs. Child victims are however accommodated elsewhere, in centres managed by other NGOs¹²⁶ which are better suited to that purpose.

The above-mentioned actors tend to apply a multidisciplinary approach to the identification and referral of victims of human trafficking on the basis of the **2008 Circular on multidisciplinary cooperation¹²⁷** (hereafter called Circular on multidisciplinary cooperation) in respect of victims of trafficking.

6.2 Significant policy and legislative developments

New legislation: recognized centers, extended definition of THB, fines adjusted to number of victims

The Royal decree of 18 April 2013¹²⁸ provided for **recognition criteria for specialized reception centers for victims** of THB. Strict recognition criteria (relating to the centers' social purpose, strategic and operational plan, reporting obligations, residence permit procedure compliance and cooperation) were adopted to guarantee that the reception of victims of THB is qualitatively implemented in Belgium. The three existing specialized reception centers (PAG-ASA, Payoke, Sürya) were immediately, that is as of 22 May 2013, recognized for 5 years. They can conclude separate agreements with other centers for the reception of victims who require special assistance such as minors of age.

The Law of 29 April 2013¹²⁹ was also adopted in order to **clarify and expand the scope of the offence of trafficking in human beings**. The new definition broadens the list of conducts constituting THB and is harder on sexual exploitation and removal of human material. The

¹²⁵ The three centres are Pag-Asa in Brussels, Payoke in Antwerp and Sürya in Liège.

¹²⁶ Specific accommodation centres for unaccompanied foreign minors who are victims of trafficking in Belgium are Esperanto in Wallonia, Minor-Ndako in Brussels and Juna in Flanders.

¹²⁷ [Circular of 26 September 2008](#) on implementing multidisciplinary cooperation in respect of victims of THB and/or certain aggravated forms of smuggling of migrants.

¹²⁸ [Royal decree of 18 April 2013](#) relating to the recognition of centers specialized in the reception of and assistance to victims of trafficking and other aggravated forms of trafficking in human beings and the capacity to initiate legal proceedings.

¹²⁹ [Law of 29 April 2013](#) modifying Article 433 *quinquies* of the Penal Code in order to clarify and expand the definition of trafficking in human beings, Belgian Official Gazette, 23 July 2013.

new provisions take into account all forms of sexual exploitation (while the previous ones only covered the exploitation of the prostitution and child pornography). In addition, the new provisions make the removal of human material in violation of the Law of 19 December 2008 punishable in the context of THB (while repression was only possible before for organ removal in violation of the Law of 13 June 1986). The new legislation follows EU developments aimed at taking into account modern forms of THB.

Finally the Law of 24 June 2013¹³⁰ provided that **finances applied in the context of THB will be multiplied as many times as there are victims**. New provisions apply as of 2 August 2013.

Simplified tools for victims' identification and referral and training initiatives

On 19 September 2013, Fedasil organized a **multidisciplinary training workshop** to help social workers in reception centres for asylum seekers to better detect and refer (especially unaccompanied minor) victims of THB. Other stakeholders, including the Immigration Office, specialized reception centres for victims of THB and Esperanto, were actively involved. Around 80 persons participated and positively evaluated the training, stressing how important it is to better understand their role, to learn to recognize possible indications of THB and to be aware of who to turn to in case of doubts.¹³¹

The Bureau of the Interdepartmental Coordination Unit¹³² drafted and disseminated a simplified flyer to help social workers in reception centres for asylum seekers to identify minor victims of THB. The need for such targeted practical tools was highlighted inter alia in the findings of the evaluation undertaken in 2010-2011 concluding that the 2008 Circular on multidisciplinary cooperation should be complemented, for actors in the ground, by tools for immediate use¹³³. The flyer will be adapted to also inform legal guardians.

¹³⁰ [Law of 24 June 2013](#) on repression of begging and prostitution exploitation, human trafficking and smuggling depending on the number of victims, Belgian Official Gazette, 24 June 2013.

¹³¹ See Fedasil [press release](#) from 13 September 2013.

¹³² See 5.3.1 for information on the Interdepartmental Coordination Unit for the fight against THB, and its Bureau.

¹³³ See action proposal 6 of the Action Plan 2012-2014.

Other training initiatives were organized, inter alia a two-day training session in January and February 2013 for prosecutors specialized in THB concerning the practical ways of dealing with slum landlords and **financial investigation techniques**.

In its report from 25 September 2013, the GRETA welcomed the efforts made to train officials specializing in THB as well as non-specialized staff likely to come into contact with trafficking victims. The Belgian authorities were invited to pursue and **further increase these efforts, in particular concerning the initial training of police officers who are not specialized in THB**.¹³⁴

EMN Activities, Publications and Impact

In October 2013 the Belgian National Contact Point of the EMN published a study on the "Identification of victims of THB in international protection and forced return procedures". The study examined whether and how (potential) victims of THB are detected in the above-mentioned procedures and referred onto specific procedures for victims of THB.

The study revealed that mainly other actors, especially social workers in reception centers for asylum seekers and in closed centers for rejected applicants, are active in detecting (potential) victims. It also stressed the central role played by specialized reception centers for victims of THB in Belgium. As to asylum and immigration authorities, the report found it urgent to clarify what their role is in the detection and referral of (potential) victims, pointing at important training needs. The report also underlined that statistical information, research and analysis are further required.

A synthesis report was prepared in March 2014 on the basis of national contributions from 24 National Contact Points. The synthesis report showed that recent EU legislation provides a holistic framework for the improved identification and protection of

¹³⁴ [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium](#), GRETA, Strasbourg, 25 September 2013.

victims. However there is evidence of victims going unidentified in international protection and forced return procedures. The synthesis report identifies proactive methods of detection (e.g. screening) as good practices and possible improvements to national systems (e.g. training).

Belgian stakeholders have been actively involved in the drafting of the Belgian study and have shown great interest in the findings of both the national and EU reports. The EMN study inter alia reinvigorated contacts between asylum authorities and the Bureau of the Interdepartmental Coordination Unit, accelerated a training project for front-line officers in the Immigration Office and stimulated reflection on follow up actions to better detect and identify (potential) victims of THB in international protection and forced return procedures, to be possibly included in the future national action plan.

6.3 Links with EU policy developments

Enhanced coordination and cooperation among key actors

In 2013, efforts were pursued to further develop interagency coordination and cooperation among key actors in the field of THB in Belgium. The Inter-departmental Co-ordination Unit has been behind numerous initiatives aimed at combating THB. Based on the Action Plan 2012-2014, which provides for the **“formal integration of specialized reception centers”** in the above mentioned Unit¹³⁵, an agreement in principle was reached in January 2013 to have the specialized centers officially represented in the Unit (while they were previously involved on an ad hoc basis). The text of the Royal Decree of 16 May 2004 will therefore be amended accordingly.

Also in 2013, the CEOOR continued working in the framework of the **ISEC program**. The project aims to study the way in which social corporate responsibility and the implementation of the United Nations principle guidelines relating to businesses and human rights can act as a tool in the prevention of THB. In cooperation with

businesses in the sector, the Centre drafted a **tool for the prevention of THB that can be implemented in the construction sector**. Labour unions, employers organizations, NGOs and other civil society organizations were involved in the preliminary research and mapping of the sector. Employer organizations and construction firms were involved in the drafting of the guide.

Other cooperation initiatives were further developed in 2013, also at EU and international level. For example the Federal Prosecutor's Office co-operated with Romania, Austria and France under a two-year project (2012-2013) backed by the European Commission entitled **“Stepping up action against forced begging: a multidisciplinary approach”**.

Protection of child victims of trafficking

In relation to the protection of child victims specifically, the **evaluation on the protection of minor victims** was finalized in 2013, as foreseen in the Action Plan 2012-2014¹³⁶. The evaluation resulted in a series of recommendations to improve the identification of minor victims to be implemented in 2014. On this basis, adequate tools shall be developed, helping targeted stakeholders, specifically the Guardianship service, better detect (potential) child victims of THB.

¹³⁵ See Action Plan 2012-2014, Action Proposal 16.

¹³⁶ See Action Plan 2012-2014, Action Proposal 8.

7. MIGRATION AND DEVELOPMENT POLICY

7.1 Specific context

In 2012, the priority in terms of **policy coherence for development** had been placed on inserting, in the draft Law modifying the Law of 25 May 1999 on Belgian International Cooperation, the basis for setting up an institutional mechanism responding to commitments and recommendations in this matter¹³⁷. The revision of the Law provided for innovative elements aimed at enhancing policy coherence for development, inter alia screening the impact of draft legislation on development.¹³⁸

In his general policy note from 20 December 2012¹³⁹, the Belgian Minister for Development Cooperation committed to finalizing and adopting the above-mentioned **new Law and its implementation decrees**. He also committed to setting up in 2013 an Interministerial Conference to take into account the impacts on development of policies in other areas. To ensure follow up of guidance provided by the Interministerial Conference, an interdepartmental Commission would be set up at administrative level. Finally an Advisory Council on policy coherence for development was planned to undertake independent reflection and evaluation on policy coherence for development.

Given changes in development financing and the increased share of financial flows originating inter alia from trade, investments, loans and remittances from migrants, policy coherence for development is considered as a major issue. In addition to this, the financial, economic and budgetary crisis makes policy coherence for development and efficiency-oriented strategies even more pivotal.

7.2 Policy and legislative developments

Policy coherence for development

The new **Law of 19 March 2013** relating to Development Cooperation¹⁴⁰ provided a **legal basis for policy coherence for development**. The new Law, which contains a specific section on policy coherence for development¹⁴¹, stipulates that, in order to ensure consistency between policies for development, draft laws, draft royal decrees and proposed decisions, which are submitted to the Council of Ministers, are to be examined in advance as to their possible impact on development. The Law also foresees that the annual report of the Development Cooperation Department specifically includes recommendations concerning policy coherence for development¹⁴². The Law overall encourages stakeholders to seek maximal coherence and synergies between different fields of policies at all levels.

On the occasion of the **6th Stakeholders Meeting** of the Belgian Development Cooperation on 7 May 2013¹⁴³, the Belgian Minister for Development Cooperation provided a situation report of the Belgian framework for policy coherence for development. He offered guarantees that policy coherence for development would be given priority attention and noted that, after the adoption of the new Law, actions would be taken, in consultation with the communities and the regions, to set up an Interministerial Conference in order to ensure political commitments at governmental levels and to define common political priorities in this area. The Minister further stated that the Belgian system would be based on the EU framework which determines five **priority areas**: trade and finance, climate change, food security, **migration** and security.¹⁴⁴

On 19 December 2013, the **Council of Ministers** approved the setting up of an **Interministerial**

¹³⁷ See commitments inter alia in Article 208 of [European Union Consolidated Treaties](#) from March 2010 and [OECD 2011 recommendations for policy coherence](#).

¹³⁸ 2012 Annual Policy Report on Migration and Asylum in Belgium, Belgian Contact Point of the European Migration Network, p.42.

¹³⁹ [General Policy Note DOC 53 2586/002](#), Minister of Public Enterprises and Development Cooperation, in charge of Larger Towns Policy, December 2012, 60p.

¹⁴⁰ The Law of 19 March 2013 relating to Development Cooperation, was published in the Belgian Official Gazette on 12 April 2013. It is available on:

http://diplomatie.belgium.be/fr/binaries/loi_cooperation_au_developpement_19_mars_2013_tcm313-221450.pdf

¹⁴¹ Chapter 8 of the Law of 19 March 2013.

¹⁴² Chapter 10 of the Law of 19 March 2013.

¹⁴³ More information on the 6th Stakeholders Meeting of the Belgian Development Cooperation on:

http://diplomatie.belgium.be/en/policy/development_cooperation/stakeholders_meeting/

¹⁴⁴ [Speech of Minister Labille on policy coherence](#) on the occasion of the 6th Stakeholders Meeting on the Belgian Development Cooperation, 7 May 2013.

Conference, an **Advisory Council** as well as an **Interdepartmental Commission** on policy coherence for development. This decision was positively welcomed by many stakeholders who pleaded for materializing this institutional setting. The National Centre for Development Cooperation (CNCD), in its 2013 report on Belgian development aid, stressed the importance of establishing permanent political dialogue involving all federal and regional decision-making levels. In 2014, the two draft royal decrees aimed at creating the Advisory Council as well as an Interdepartmental Commission on policy coherence for development will be submitted for the opinion of the Council of State and for final adoption.

Some of the above-mentioned developments, particularly political commitments to make progress on policy coherence for development and identified priority areas, were reported in the **EU 2013 Report on Policy Coherence for Development**.¹⁴⁵

Additional efforts were undertaken to promote policy coherence for development at international level. On the occasion of the **High Level Dialogue on International Migration and Development**¹⁴⁶ on 3-4 October 2013, Belgium underlined that a cooperative, inclusive and multilateral approach is necessary to address both the potential and the global implications of migration and development. Moreover Belgium committed to co-chair, with Bangladesh and Mexico, round table 1.2 (Framing Migration from the Millennium Development Goals and the Post-2015 UN Development Agenda) of the **Global Forum on Migration and Development (GFMD)** that took place in Stockholm in May 2014.

Gender dimension

On 19 December 2013, the Council of Ministers approved the establishment of the **Advisory Council Gender and Development**, revoking the Commission on Women and Development created in 1993. This decision was taken for the purpose of better taking into account gender related issues into development cooperation actions, according to the Law of 19 March 2013.

¹⁴⁵ [EU 2013 Report on Policy Coherence for Development](#), Commission staff working document, SWD(2013) 456 final, 31 October 2013, 187 p.

¹⁴⁶ See Belgian intervention during the side event on shared experiences from the Global Forum on Migration and Development 2007-2013

The Advisory Council will advise the Minister on gender related implications in the development of the Belgian development cooperation policy. Upstream, the Advisory Council will also encourage gender mainstreaming in development interventions. Proposals will also be submitted with a view to feeding work of international organizations, including preparing the Belgian position in such bodies.¹⁴⁷

7.3 Specific projects

Diasporas' and Migrants' contributions to development

MEDMA 2

In 2013, Belgium supported the International Organization for Migration (IOM) for the implementation of the two-year **MEDMA 2 project** – Mobilizing Moroccans residing in Belgium for the Development of Morocco – aimed at (i) highlighting the ability of the Moroccans residing legally in Belgium or Belgians from Moroccan origin to participate in the development of Morocco by investing in projects with proven socio-economic impact and (ii) experimenting mechanisms in place to receive these investments in order to increase their efficiency and broaden their scope.

On 6 February 2013, an information session was organized in cooperation with the embassy of Morocco in Brussels, presenting the MEDMA 2 project and local partners as well as **investment opportunities** to around 160 Moroccans residing abroad. On this occasion, the OIM officially launched the **call for projects**, inviting the target group to propose new enterprises or extension of existing Belgian enterprises demonstrating a sustainable impact on local development (in terms of employment, environment or economic growth) in three specific regions of Morocco. In June 2013, a selection committee convened to examine all applications submitted by qualified project leaders. Eleven projects have been selected and will benefit from the added value of the project over the period 2013-2014.

Through the Solvay Business School (SBS), the MEDMA2 project offers professional training to all candidates to refine their project document. The SBS will provide 14 training hours to the

¹⁴⁷ [Creation of the Advisory Council Gender and Development](#) - Council of Ministers of 19 March 2013, Press Release, 19 March 2013. [Second reading](#) of draft royal decree on the occasion of the Council of Ministers of 28 March 2014.

selected candidates to enable them to draw up an operational business plan. In addition to **individual training**, the selected candidates will benefit from two **work-related stays in Morocco** to meet experts, national institutions and investigate the Moroccan domestic market. In the field, a technical support will be provided by the Hassan II-MRE Foundation (FHII-MRE) to facilitate the implementation of the selected projects.¹⁴⁸

The evaluation of MEDMA 2 is foreseen after the two-year project. Specific studies will already provide useful outcomes in 2014, including: (1) the study on the situation of Moroccans residing abroad (Observatory of the Moroccan Community Abroad - Hassan II Foundation), (2) the study measuring the **impact of migration on the development of Morocco** (Institute for Public Policy research) and (3) mapping of projects focusing on socio-economic reintegration of Moroccans residing abroad and socio-educative reintegration of children.

Benelux Afro Centre (BAC) and Cap Santé

Belgium supported development programs of migrants' associations, more particularly two organizations established by members of the **African Diaspora in Belgium who are active in the health sector in the Democratic Republic of Congo (RDC)**. The program 2013-2015 of both the Benelux Afro Centre (BAC)¹⁴⁹ and Cap Santé are supported, respectively (i) to strengthen coordination between health actors at national and provincial levels in RDC and (ii) to consolidate the health district of Kabinda and extend to Nganbdajika.¹⁵⁰

The evaluation of the BAC and Cap Santé projects is foreseen at the end of the 2013-2015 programs.

Other migration and development projects

In 2013, the specific prevention budget, managed by the Immigration Office in consultation with the Director General for Development Cooperation, allowed the launch of two projects aimed at assisting illegally staying migrants, respectively in Guinea and in Morocco, with

voluntary return and reintegration to their countries of origin.

Guinea

The new project, which is allocated 200.000 Euro, has been initiated on 1 October 2013 with a view to supporting Guineans who return to Conakry from Africa (mainly from Maghreb and Angola) and at assisting them upon return. Beneficiaries are provided with training and financial assistance to start their own business.

Morocco

A project aimed at supporting the voluntary return and reintegration programme offered in Morocco to migrants originating from Sub-Saharan Africa, was provided 165.000 Euro as from 1 September 2013. The project, which has been implemented since a few years, has been successful in assisting migrants stranded in Morocco in returning to their country of origin and offering them a reintegration package.

Besides the above mentioned projects, resources were allocated in 2013 to actions aimed at curbing irregular migration (short prevention campaigns in Senegal, Guinea, Democratic Republic of Congo and Kosovo) and at strengthening asylum services (Burundi¹⁵¹).¹⁵²

¹⁴⁸ More information on MEDMA 2 on <http://belgium.iom.int/index.php/en/projects/medma-2>

¹⁴⁹ More information on the Benelux Afro centre – Bac on : <http://www.bacmd.net/>

¹⁵⁰ Source : Civil Society Department D3 – Development Cooperation Department – FPS Foreign Affairs.

¹⁵¹ The project undertaken by the CGRS in Burundi, was initially funded by the Development Cooperation budget. It is now allocated 20.000 Euro from the 650.000 Euro.

¹⁵² Source : Ilobel – Immigration Office

8. IRREGULAR MIGRATION

8.1 Specific context

Since several years, the authorities have been carrying out prevention and awareness raising missions in several countries of origin to inform on legal migration possibilities and the risks of irregular migration.¹⁵³

Since October 2008, illegally staying families, who are ordered to leave the territory, have been accommodated in open housing units where they are assisted by return coaches; as an alternative to detention. Over the years, the Immigration Office has been extending such housing units that are commonly known as return houses.¹⁵⁴

8.2 Significant policy and legislative developments, as well as specific debates

Monitoring and identifying migration routes

The Immigration Office continued to produce strategic analyses (general reports and specific country analyses) of asylum and irregular migration flows to Belgium. For this purpose, it also continued to organise quarterly round-table meetings with internal and external partners (FPS Foreign Affairs, CGRS, Federal Police, Social Inspection, etc.), as part of intelligence gathering. This information may be used to prepare or propose new operations, administrative measures or legislative proposals.

Prevention campaigns

Belgium continued to organise so-called "prevention and sensitization campaigns". Throughout 2013 the following countries were targeted: Armenia, Northern Caucasus (Russia), Senegal, Guinea (in combination with a special return flight), DR Congo and Kosovo.¹⁵⁵ The State Secretary for Migration and Asylum Policy participated in the campaign in DR Congo. The General Director of the Immigration Office

participated in the campaigns in Senegal, Guinea and DR Congo.

Several diplomatic contacts (including a ministerial meeting) were also laid with the Serbian and Kosovo authorities to discuss the prevention and return of irregular migrants originating from these countries.

Combating and preventing irregular migration caused by visa liberalisation

As in previous years, Belgian authorities monitored very closely the inflow of asylum seekers and irregular migrants from visa-free regimes, especially from the Western Balkans. The Immigration Office also shared, on a monthly basis, their main findings with these countries of origin and organized six meetings with diplomatic staff from Western Balkans countries, and also participated in a seminar in Serbia regarding strategic analysis and inflows of asylum seekers to the EU.

The asylum applications from applicants originating from the Western Balkans are handled under an accelerated procedure and have decreased in recent years. On 15 May 2013 the Royal decree relating to the list of safe countries of origin was published, containing the same countries as the previous list. The list covers six countries from the Western Balkans: Albania, Bosnia-Herzegovina, the Former Yugoslav Republic Of Macedonia (FYROM), Montenegro, Kosovo and Serbia.

Enhanced border management at the external borders

See Part 3.5. of this report.

Apprehensions, orders to leave the territory and detention

In 2013 there were 17.762 apprehensions, which is a decrease, compared to 2012 (20.746). The largest group of people who were apprehended in 2013 was constituted of North Africans (44%).

When a person in irregular stay is apprehended, an order to leave the territory is issued (14.284 in 2013). This order to leave the territory may come along with an entry ban. The person who is apprehended can also be detained for the

¹⁵³ Government Agreement, Belgian government 1 December 2011.

¹⁵⁴ Questions have regularly been raised in this matter in the Parliament to the State Secretary. Several organizations have been pleading for additional staff and training to ensure that the concerned families are provided with adequate assistance regarding their status and a possible return.

¹⁵⁵ Emphasis was placed on the provision of information to the public about the new legislation on asylum and the risk of falling into the hands of human traffickers.

purpose of forced return (3.478 in 2013). Whether an apprehended person will be detained especially depend on the country of origin. With some countries of origin, such as Algeria, there are no agreements regarding the forced return, which makes the return problematic and the apprehension result in a mere order to leave the territory.

Regularisation

In 2013 there were 8.706 applications for regularization lodged on humanitarian grounds (9bis) and 4.290 on medical grounds (9ter). About 1.900 persons obtained a temporary or permanent residence permit in 2013 on humanitarian or medical grounds.¹⁵⁶ This is significantly less compared to 2012 (4.412 migrants received a positive decision on their regularization application) and to 2011 (9.509).

From the spring of 2012 to mid-February 2013 the Immigration Office rejected applications for regularization on medical grounds, motivating that the invoked elements “were not immediately life threatening”. The jurisdiction of the Council of State on the topic was not unanimous. Some judgments annulled decisions motivated on this ground and stated that this interpretation of article 9ter of the Immigration Act referring to the strict conditions under article 3 ECHR was too severe. Other judgments of the Council of State indicated that it was correct to follow a strict interpretation according to article 3 ECHR.¹⁵⁷ Anyway, since mid-February 2013 the decisions of the Immigration Office are motivated in a different way and take into account all aspects of article 9ter of the Immigration Act.

The low percentage of positive decisions on medical regulations and a strict interpretation of Article 9ter, for example for persons infected with HIV, was also contested by NGOs and in the press.¹⁵⁸

8.3 Links with EU developments

Sanctions and measures against employers of illegally staying third-country nationals

The Law of 11 February 2013 regarding sanctions and measures against employers (and their subcontractors) who employ illegally staying TCNs, has entered into force on 4 March 2013. This law transposes Directive 2009/52/EC (Sanctions Directive). Possibilities to enforce tougher penal and heavier financial sanctions have been opened. Employers are required to verify that every non-EU national employee possesses a valid residence authorization before the starting date of employment. The employer must maintain a copy of the employee’s work authorization documentation for the duration of employment, and notify the relevant ministry of the employee’s starting date and if the employee is terminated. Unauthorized employment of TCNs are subject to a range of new and increased sanctions, including administrative fines per unlawful worker and payment of repatriation costs, back pay, taxes and social security. Repeat or severe violations may lead to criminal penalties, including significant fines, imprisonment, or a curtailment of the employer’s ability to conduct business. The law also foresees the possibility for trade unions, the CEOOR and certain public institutions of launching legal actions before the Court on demand of irregular staying workers or on their own initiative.

Preventing irregular migration via the Greek-Turkish Border

The Immigration Office continued to second 1 expert to the “COM Task Force on Greece (TFGR)” (until 1 December 2013), to help the Greek authorities with the elaboration and implementation of national programs projects covered under the “EU Solidarity Funds on Migration and Asylum” (by providing technical assistance).

The Federal Police deployed 1 expert (debriefers) at the Border Crossing Point of Lesbos Island during the period from 30 May to 2 July 2014.

¹⁵⁶ More information on the website of the Immigration Office: https://dofi.ibz.be/sites/dvzoe/NL/Statistieken/Pages/Humanitaire_m_achtigingen_tot_verblijf.aspx

¹⁵⁷ “Raad van State verdeeld over draagwijdte artikel 9ter Verblijfswet”, Kruispunt Migratie-Integratie.

¹⁵⁸ “Onterecht gejuich over daling regularisaties, Hugo Durieux”, MO, 12 March 2013.

9. RETURN

9.1 Specific context

In 2011 and 2012, the framework on return, removal and detention was modified. A lot more emphasis was put on effective return of irregularly staying migrants, preferably on a voluntary basis, coercively if necessary.

Since January 2012, on the occasion of the transposition of the Return Directive (2008/115/EC), the period during which orders to leave the country have in principle to be complied with, was prolonged from 5 days to currently 30 days and the possibility of combining it with an entry ban was introduced (in principle for 3 years, but in cases of fraud and threat to public order also possible for 5 or 8 years).

Since December 2011, a policy was put in place to better follow-up return decisions, for example through enhanced cooperation with local authorities. Furthermore, several concrete measures were initiated or extended to increase the number of voluntary departures: in 2012, around 5.650 migrants returned on a voluntary basis compared to 3.870 in 2011. For failed asylum seekers a “return track” was put in place, which is a framework for individual counselling on return, whereby priority is given to voluntary return. After a negative appeal decision, asylum seekers are now transferred to special (open) return places for the last part of their individual return track.

9.2 Significant policy and legislative developments, as well as specific debates

The promotion of voluntary return and political debate on the effectiveness of open return places

The number of voluntary returns decreased from 5.650 in 2012 to 4.707 in 2013. On the contrary the number of forced returns – including Dublin and bilateral transfers - increased from 3.847 to 4.193 in 2013. Nevertheless, the political focus remained on voluntary return (voluntary return if possible, forced return if necessary).

In January 2013 a **new open return centre in Holsbeek** was purchased. It became operational in the beginning of May 2013 with a maximum

capacity of 100 (candidate-) returnees, this in addition to the 300 “open return places” created in 2012 inside four reception facilities. In these open return places, rejected asylum seekers are assisted and prepared to voluntary return.

During the year 2013, there were regular debates and discussions about the return policy at national level. On the one hand, some stakeholders criticized the return policy. For example the NGO Vluchtelingenwerk Vlaanderen criticized the return policy and argued that the open return places are ineffective and the return policy is coming down to threatening with detention instead of really counselling and assisting on voluntary return¹⁵⁹. On the other hand, some Members of Parliament claimed that the return policy is not restrictive enough, that too little is done to remove irregularly staying persons and that the imbalance between inflow and outflow is too big¹⁶⁰. Especially the effectiveness of the open return places were questioned from different angles, since the number of persons returning voluntarily via this way was limited and there were many disappearances.

There were also some modifications to tackle abuses in the context of voluntary return. People from Kosovo arriving after 1 January 2013 in Belgium, are now only eligible for the basic program of the Assisted Voluntary Return (AVR) program (just like nationals from visa-waived countries)¹⁶¹. From 1 April onwards, also Kosovars having arrived before 2013 are not eligible anymore for return- or reintegration grants¹⁶². Regarding assisted voluntary return of non-asylum seekers from Brazil, the decision was taken by Fedasil to produce a social report for each person applying for assisted voluntary return, as it is assumed there is misuse within this target group. Fedasil developed a tool which is used as the basis for this social report. It consists of a questionnaire designed to find out more

¹⁵⁹ “[Vluchtelingenwerk Vlaanderen: Terugkeerbeleid De Block Faalt](#)”, De Morgen.be, 18 April 2013.

¹⁶⁰ “[Terugkeerbeleid voor illegalen is flop](#)”, vandaag.be, 22 October 2013.

¹⁶¹ Newsletter Fedasil on voluntary return, n° 17, 29 January 2013.

¹⁶² [Nieuwsbrief Vreemdelingenrecht en IPR 29-01-2013 \(nr. 1 - 2013\)](#).

about the financial means available to the candidate returnee (in order to assess if (s)he possesses sufficient financial means to pay his/her return him/herself) and if (s)he effectively has the intention to return or not.

Forced return if necessary

In her last Policy Paper, the State Secretary mentioned that in 2014 even more attention will be paid to the forced removal of persons representing a threat to public order or who committed fraud. In this regard a Circular¹⁶³ was signed to enhance the removal of convicted criminals.¹⁶⁴ The Immigration Office has, since several years, invested a lot in pre-identification with the support of a specialized unit.

As mentioned in previous policy reports, in June 2011, a new service 'SEFOR' (=SEnsitization, FOLlow-up & Return) inside the Immigration Office was put into operation. SEFOR is responsible for the follow-up of all files concerning an order to leave the territory.¹⁶⁵ Since May 2013 the SEFOR monitors more closely the independent return of irregular migrants. This happens by the hand-over of the "order to leave the territory" to the border post or by registration by the Federal Police at the moment of departure. In case the TCN does not return at a Belgian but an external Border Crossing Point (f.i. return by car to one of the Balkan countries), people may deliver proof of their departure at the Belgian embassy or may send a copy of the passport (with exit stamp) to the Immigration Office. The reasoning behind this is the desire to avoid or withdraw a re-entry ban.

Readmission agreements, Memorandum of Understanding and administrative agreements

In 2013 Belgium signed an Implementing Protocol to the EU Readmission Agreements with Serbia, Bosnia and Herzegovina, Moldova and with Georgia.

¹⁶³ Circular1815, 18 March 2013.

¹⁶⁴ "Forced return if necessary" in Policy Paper from the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 7 November 2013, pp. 19-21.

¹⁶⁵ Via the website www.sefor.be, SEFOR provides concerned and/or interested TCN's and other social assistant services with information, in 23 languages, on the consequences of an 'order to leave the territory' and the possibilities for voluntary return. SEFOR intends also to coordinate and interlink voluntary and forced return more efficiently. For that purpose, SEFOR works closely with local authorities and has also installed liaison officers in the bigger cities.

At bilateral level, a Memorandum of Understanding (MoU) regarding practical cooperation on identification related issues was signed with China in April 2013. Belgium also continued negotiations with Morocco, Ivory Coast, Jordan, Cameroon, Mongolia, Gambia and Tunisia to conclude administrative agreements. This with the objective to address problems and challenges posed by the identification and return procedures with these countries.

The State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty paid a visit to Algeria at the beginning of 2013 to discuss inter alia the cooperation regarding identification and return.

Special Flights

The large majority of forced returns occurred via commercial flights. However, in 2013, Belgium organized 8 secured flights to remove illegal immigrants to DR Congo, Guinea, Kosovo, Senegal and Albania. Other European countries participated in 2 of these 8 flights. In total, in 2013, 126 persons were returned via a secured flight.

9.3 Links with EU developments

Entry-ban and Return Directive

The Law of 19 January 2012 introduced the entry ban that can accompany a removal decision. In 2013, a **new Royal Decree** (of 17 August 2013) was adopted, mainly changing several annexes (administrative documents) from the Royal Decree of 8 October 1981.

EMN Activities, Publications and Impact

On 10 June 2013, the European Commission launched an ad hoc query on first experiences with the use of the Visa Information System (VIS) for return purposes.

The EU Commission was in the process of preparing a Communication on EU Return policy which had to be adopted by the end of 2013 and was willing, in that context, to learn

about first practical experiences of MS with the use of VIS data for return purposes.

As a reminder, one of the objectives of the VIS Regulation 767/2008 is to assist in the identification of any person who may not, or may no longer, fulfil the conditions for entry to, stay or residence on the territory of the Member States.

The Commission invited Member States to not only share experiences with the practical use of VIS data for return or readmission purposes in practice but also to provide first statistics or quantitative estimations on how this impacted return/readmission procedures (both in terms of length of return procedures and success rates of return).

15 Member States, including Belgium, responded to the above-mentioned ad hoc query and provided the European Commission with relevant information.

EURINT and joint return operations

The **EURINT II project**: Belgium is participating in an EU community action funded project, which has as goal to improve co-operation with countries of origin on identification and return. It is the successor of the first Eurint (European Integrated Return Management) initiative that started in January 2011. In 2013, 11 Member States, Norway and Frontex were participating. The main objective of this second project is the dynamic grouping of forced return experts for the exchange of information, advice, training, development of best practices and strengthening of operational cooperation. A best practices exchange seminar for practitioners will be organized in Brussels in the first trimester of 2014. As from September 2013, a Belgian immigration officer has been seconded to the Dutch Repatriation and Departure Service to help coordinate the project.

Belgium organised **2 Joint Return Operations** in cooperation with Frontex (to DR Congo), with the participation of Germany, France and Ireland. Belgium participated in 4 flights (3 to Albania (Tirana) and 1 to Pakistan (Karachi)), organised by

other Member States and in collaboration with Frontex.

Sharing best practices on voluntary return

The **Common Support Initiative**, which is a government-to-government cooperation initiative between EU Member States coordinated by Fedasil, was initiated in 2013. This network aims to increase the sharing of information between administrations responsible for voluntary return, strengthen the effective management of return and reintegration programmes in countries of origin and operational cooperation between the countries in this field. The main purpose is to provide EU Member States with the necessary instruments to enhance co-operation in the development of voluntary return policies. Main activities include collecting, consolidating and analysing key information on AVR programs and policies, developing and implementing common instruments for project development, monitoring and evaluation, as well as organizing workshops (at strategic and operational levels) on issues linked to the management of voluntary return.

The **ERI project**, in which Fedasil and the Immigration Office participate, has been started in mid-2012 for an 18 month period. It targets the joint organisation and management by five Member States (the Netherlands, Belgium, Germany, Sweden and France) of support for reintegration in seven return countries: the Russian Federation, Azerbaijan, Afghanistan, Pakistan, Iraq, Nigeria and Morocco.

ANNEXES:

A.1 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 10th 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 2013 to 31 December 2013**. More particularly, the Belgian Annual Report 2013 has three main aims:

- To identify and facilitate information exchange on significant legal, political and administrative developments in 2013 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
- To comment on relevant public debates in the field of asylum and migration

This report was produced according to **common study specifications**¹⁶⁶ for the production of the EMN Annual Policy Report 2013. 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 December 2013 an **Annex** to the herewith presented Policy Report 2013.

In order to provide an objective overview of developments in 2013, the Belgian Contact Point of the EMN used a **wide range of sources**¹⁶⁷, 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)
- Federal Agency for the Reception of Asylum Seekers
- Centre for Equal Opportunities and the Fight against Racism
- Development Cooperation Department (FPS Foreign Affairs)
- C5 Unit-Migration, Asylum & the Fight against Trafficking in Human Beings (FPS Foreign Affairs)

The Belgian Annual Report 2013, together with national contributions from other EMN National Contact Points, will serve to develop **country-specific factsheets as well as theme-based EMN Informs**¹⁶⁸.

¹⁶⁶ EMN Specifications for Annual Policy Report 2012 are presented in MIGRAPOL Doc 274 dated from 22 October 2012.

¹⁶⁷ More details on sources in the bibliography (annex 3).

¹⁶⁸ EMN Informs will be made available on www.emnbelgium.be

A.2 Terms and definitions

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 Terms

List of abbreviations

AHQ	Ad Hoc Query
AVRR	Assisted Voluntary Return and Reintegration
BOG	Belgian Official Gazette
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
CPEP	Common Planning and Evaluation Project
DG SIE	Directorate-General Statistics and Economic Information
EASO	European Asylum Support Office
EAC	European Asylum Curriculum
EC	European Commission
ECDPM	European Centre for Development Policy Management
ECHR	European Convention on Human Rights
EEA	European Economic Area
EIF	European Integration Fund
EMN	European Migration Network
ERI	European Reintegration Instrument
ESF	European Social Fund
EURINT	European Initiative on Integrated Return Management
FEDASIL	Federal Agency for the Reception of Asylum Seekers
FPS	Federal Public Service

FREEMO	Free Movement (expert meeting, Council of the European Union)
FYRM	Former Yugoslav Republic of Macedonia
GAMM	Global Approach on Migration and Mobility
GFMD	Global Forum on Migration and Development
HLWG	High Level Working Group, Council of the European Union
ICPMD	International Centre for Migration Policy Development
IOM	International Organization for Migration
JO	Joint Operation
MIDA	Migration for Development in Africa
MoU	Memorandum of Understanding
MS	Member State
NGO	Non-Governmental Organization
PCD	Policy Coherence for Development
OOC	Observation and Orientation Centre
SCHEVAL	Schengen Evaluation
SEFOR	Sensitization, Follow up and Return
SIS	Schengen Information System
TCN	Third-country national
THB	Trafficking in Human Beings
UKBF	United Kingdom Border Force
UAM	Unaccompanied minor
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.
Inburgering	Flemish term for the first steps of the (civic) integration process of newcomers.
Open centre	Reception centre for asylum seekers.

A.3 Bibliography

National legislation

[Circular \(Ministerial\) n° 1815](#) on detained foreigners, FPS Justice, 7 March 2013

[Circular of 26 September 2008](#) on implementing multidisciplinary cooperation in respect of victims of THB and/or certain aggravated forms of smuggling of migrants

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