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annual report

condensed version

fedasil

FEDERAL AGENCY FOR THE
RECEPTION OF ASYLUM SEEKERS

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The English version of this report is a condensed version.
Ce rapport annuel est disponible en français.
Dit jaarverslag is beschikbaar in het Nederlands.

Published by: **Fanny François**, Director-General a.i. | Chief Editor: **Mieke Candaele** | Coordinator and Editor: **Benoît Mansy**, with the assistance of **Lotte Deckers**, **Abdel-Ilah El Abbassi**, **Tine Provoost**, **Carine Vanoverschelde** and **Kristien Vellemans** | Translation: **Oneliner** | Charts: situation at the end of December 2009 (unless otherwise stated) | Graphic design: **Signélazer** | Photos: **Eric de Mildt** | Printing: **Geers Offset** (printed on recycled paper).

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Brussels, May 2010.



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FEDERAL AGENCY FOR THE
RECEPTION OF ASYLUM SEEKERS



2009 was definitely a crisis year. What emerges from this 8th Annual Report is that the saturation of our asylum seeker reception network, observed in 2008, has continued throughout 2009, and that the situation has even worsened.

Belgium is currently unable to meet its international commitment to give shelter to all those who arrive in the country seeking protection. At the time of writing this report, over 3,000 people are left without housing within Fedasil and its partners' reception network. The various emergency measures that have been implemented have failed to curb this negative trend. Such measures include increasing the reception capacity, emergency reception and reception in hotels, legislative modifications to reduce the number of new arrivals in the network and to increase the number of departures, and various guidelines. In addition, there has been a marked increase in the number of asylum applications in Europe, particularly in Belgium, which has witnessed a 40% increase in new arrivals. This situation has led to challenging working conditions for reception professionals working for Fedasil or one of its partners.

Fedasil is making the most of its current resources. The Federal Government has approved several budget increases, which have enabled us to expand our reception capacity. This policy, although effective in dealing with short-term requirements (i.e. ensuring that the number of people on the streets does not increase), has not provided a long-term solution to the shortage. On the contrary, without the implementation of structural measures the reception crisis will continue well into 2010 and 2011.

In addition to the limited reception capacity, there is also a growing backlog of asylum applications waiting to be processed. Due to a lack of coordination, these two situations have led to a self-perpetuating downward spiral which has resulted in the organisations concerned being unable to provide a quick and adequate response.

Reception and asylum procedure are inextricably linked. Consequently, Fedasil is in favour of a comprehensive and consistent asylum policy which coordinates and streamlines the actions of all stakeholders. This is not only relevant to reception and the asylum procedure, but also to the return policy, the transition between material help and financial support, the issue of unaccompanied minors, integration and access to the labour market.

Each and every asylum seeker and his/her family have the right to live with dignity throughout the asylum procedure. Fedasil wants to work on effective solutions to uphold this right. Because it is part of our mission.

The Fedasil Executive Committee.



Mission

Fedasil, the federal agency for the reception of asylum seekers, is responsible for providing material help to asylum seekers in Belgium, together with other categories of foreigners that are also entitled to reception, including unaccompanied foreign minors (whether or not they are asylum seekers), foreigners whose asylum application has been rejected but for whom material help has been extended, and minors whose parents are illegal immigrants and whom a CPAS has found to be in need. Fedasil organises quality-based reception and guidance, both directly and together with its partners. The agency also monitors and provides guidance to unaccompanied foreign minors.

Fedasil contributes to the design, preparation and implementation of the reception policy. It also coordinates voluntary return programmes. Fedasil is the authority responsible for the European Refugee Fund (ERF) in Belgium. Finally, Fedasil sees also to the proper integration of the reception centres within the local community.

Fedasil is a member of ENARO, the European Network of Asylum Reception Organisations. Delegations from the ENARO member states meet on a regular basis to exchange information and best practices (www.enaro.eu).

At the end of 2009, 1,103 people were employed by Fedasil (or the equivalent of 966 full-time employees). 176 full-time employees are based at the headquarters in Brussels, and the other 790 professionals are scattered among the 18 federal reception centres.

Budget

In 2009, Fedasil's total revenue rose to EUR 253.5 million (including a Federal Government grant of EUR 246.9 million).

Total expenditure rose to EUR 282.9 million, which can be divided into the following categories:

- Personnel expenses (EUR 44.9 million).
- Operating expenses (EUR 46.4 million).
- Investments (EUR 2.5 million).
- Third-party expenses (EUR 184 million) to finance the reception of asylum seekers in other facilities and the voluntary return programme.
- European Refugee Fund (EUR 5.1 million).

In 2009, the agency recorded a budget deficit of EUR 29.3 million, which was funded by budget reserves from previous years.



The saturation of the reception network observed in 2008 has continued and even worsened throughout 2009. The past year was marked by a real reception crisis and a considerable increase in asylum applications (an increase of 40 % over the year).

Due to the lack of available places, some of those who would normally be entitled to reception have been denied this service. Various measures have been taken in order to try to stop the crisis.

These measures can be divided into three categories:

- restricting the inflow into the network;
- enlarging the reception capacity;
- increasing the number of departures.

At the end of 2009, 18,164 people were housed within the regular reception network, in emergency reception structures or in hotels, which increased the occupancy rate to a considerable 105.8%!

Arrivals

In 2009, 17,186 **asylum applications** were registered in Belgium (a total of 22,785 people including spouses and children), representing an increase of 40 % compared to 2008. As in 2008, the rise at the beginning of 2009 was caused mainly by an increase of multiple applications. 25 % of asylum seekers had previously submitted an asylum application in Belgium. From September 2009, the number of

first-time asylum applications also rose considerably. The main countries of origin for asylum seekers in Belgium are Afghanistan, Russia, Kosovo and Iraq. For further information go to www.cgra.be.

The European Union as a whole registered 246,210 asylum applications, representing an increase of 7 % compared to 2008. The main reception countries are France, the UK and Germany. Belgium is in 6th position (out of 27). In proportion to their total population, Malta, Cyprus and Sweden received the highest number of asylum seekers in 2009. Belgium was in 5th position with a ratio of 16 asylum applications per 10,000 inhabitants.

In 2009, Fedasil's **Dispatching** (based in Brussels) assigned 23,250 people to a reception structure, representing an increase of nearly 50 % in comparison with 2008. Where the immediate allocation to a permanent reception structure was not possible due to a lack of free places, the Dispatching temporarily assigned those to emergency or transit reception structures, or to a hotel. More than 16,000 people were affected (a considerable 70 % of the 2009 allocations). These people were then later transferred to regular reception structures, according to availability.

In 2009, the Dispatching also had no choice but to **turn down** more than 2,700 people. This problem was particularly acute in October. Although those concerned in theory were entitled to a place in the network, they were instead assigned to a CPAS where they could ask for financial support.

Some people however attempted to obtain a reception place by taking legal action. Consequently, the agency was ordered to provide accommodation to several such people or face paying fines.

At the end of 2009, the Belgian Federal Parliament approved several amendments to the Asylum Seekers Reception Act. To limit the arrivals into the reception network changes were introduced regarding to the **multiple asylum applications**. The Act states that those submitting their third or subsequent asylum application will automatically lose the right to a reception place. There is, however, an exception for vulnerable people, who still receive a place. If a third or subsequent asylum application is submitted by the Aliens Office to the Office of the Commissioner-General for Refugees and Stateless Persons, the right to material help is reinstated, and the person in question is reallocated to a reception structure.

Reception network

Fedasil's reception network comprises various partners, and includes collective and individual reception structures. The contribution per operator is as follows: 44 % of the places are managed by the CPAS (local reception initiatives), 23 % are directly managed by Fedasil (open federal centres), 15 % by the French-speaking Red Cross, 9 % by the Flemish-speaking Red Cross and 9 % by NGO partners (Ciré and Vluchtelingenwerk Vlaanderen). There is also the reception centre in Erezée (47 places), which is organised by the Mutualités socialistes [mutual insurance], the transit reception facility at Petit-Château (112 beds) and the 1,209 people who are currently housed in hotels. At the end of 2009, a total of 18,164 people were given shelter, representing a record occupancy rate of 105.8 %.

The response to the reception crisis primarily aims at an **extension** of the reception network. The Federal Government has supported the extension by providing supplementary budget and infrastructures to increase the reception capacity. Within a year, more than 100 sites were identified, with varying levels of suitability. The operators (Fedasil, its partners and the government) have faced difficulties when trying to open new structures, due to problems with acceptance by local communities, as well as infrastructure and budgetary issues. Given that opening new centres (often) requires long negotiations, the majority of places were opened in individual

structures (via the CPAS or NGO partners). Other options to extend the reception network in 2010 are still being considered. The reception capacity of existing federal centres will also be enlarged by installing prefabricated living units.

The reception network has increased its number of places from 15,862 at the end of 2008 to 17,168 at the end of 2009 (emergency reception and centres for minors not included). This represents a net increase of 1,306 places over the year.

As in 2008, various **emergency reception** structures have been put in place to provide as many beds as possible. Fedasil received considerable support from the 'Samu social' (reception structure for the homeless based in Brussels), which housed 200 asylum seekers between May and October 2009. From May 2009 onwards, asylum seekers were also given shelter in low-cost **hotels**. In November 2009, Fedasil set an operational limit of 1,200 people in order to manage the hotel-based reception. On the one hand, reception places in hotels might seem attractive to asylum seekers. However, these places have the disadvantage of not offering the same guidance as a normal reception structure (social, legal, medical etc.). Asylum seekers are therefore only sheltered in hotels until a place in the regular network is available. The asylum procedure is 'frozen' during the asylum seeker's hotel stay, and begins only when he/she is allocated to a place within the regular reception network. Fedasil set up a 'Hotels Unit' to coordinate the places, to follow up the invoices and the transfers and to distribute the meal vouchers (6 euros per person per day).

Departures

In 2009, Fedasil issued two important guidelines to the reception structures in an attempt to take certain types of residents out of the network. These two measures relate to the **code 207** for asylum seekers (an administrative code determining which reception structure is responsible for which asylum seeker).

The first guideline (issued in May 2009) enabled 2,400 people to leave the reception network. Those concerned were asylum seekers still housed in the reception network who had registered their application when the old asylum procedure was still in place (prior to June 2007). These asylum seekers are now entitled to financial support from a CPAS, which is allocated to them according to an allocation plan for the various Belgian municipalities. The deadline for asylum seekers in this category to leave the reception structure was set at two months.

Fedasil's second guideline (issued in September 2009) was a voluntary cancellation of the code 207: this measure states that anyone who opts out of the code 207 must leave the

reception network, but is then free to choose the municipality which he/she wants to move to, and to request financial support. Eligible residents must meet several conditions before they can leave the reception network, including having spent at least 4 months in a reception structure, and being in possession of a signed tenancy agreement in their name. In 2009 (or the beginning of 2010) more than 1,900 people left the network in this way.

These two measures have led to a total of 4,300 people leaving the network. In addition, 500 other people also left the network at the beginning of 2009 following a guideline issued at the end of 2008 (cancellation of code 207).

At the end of 2009, the Belgian Federal Parliament also approved several **legislative modifications** to enable Fedasil to free the reception network through the application of various measures relating to arrivals and departures. These modifications came into effect on 10 January 2010, and among other things they clarify the circumstances in which an extension of material help can be granted (family unit, force majeure occurrences, voluntary return and medical grounds), as well as the asylum seekers' entitlement to financial support in exceptional circumstances with the approval of the Council of Ministers.

Minors

More than a third of those housed in the reception network are minors. These minors are either accompanied by family members, or they have arrived without a parent or legal guardian. The latter (unaccompanied foreign minors known as 'Mena') follow a specific reception program and get special guidance.

The saturation of the reception network has not spared this vulnerable group, putting pressure on the reception procedure for minors. These young people, whether or not they are asylum seekers, follow a specific reception program which is divided in several phases. In the first phase minors are given shelter in one of the two observation and orientation centres managed by Fedasil (100 places in total). They stay in the centre for a short period (between 15 and 30 days.) The aim of this first phase in the observation and orientation centre is to draw up an initial social, medical and psychological profile of the unaccompanied foreign minor in order to guide him/her in the second reception phase, and to provide him/her with suitable care. There are special reception structures for unaccompanied foreign minors that are also asylum seekers, and for those that are not asylum seekers. In 2009, 1,074 minors were admitted to one of the two observation and orientation centres. The main countries of

origin of these minors are Afghanistan (31 %), Guinea (15 %) and Morocco (9 %). The vast majority of young arrivals were aged 15, 16 or 17, and there were far more boys than girls (86.5 % were boys).

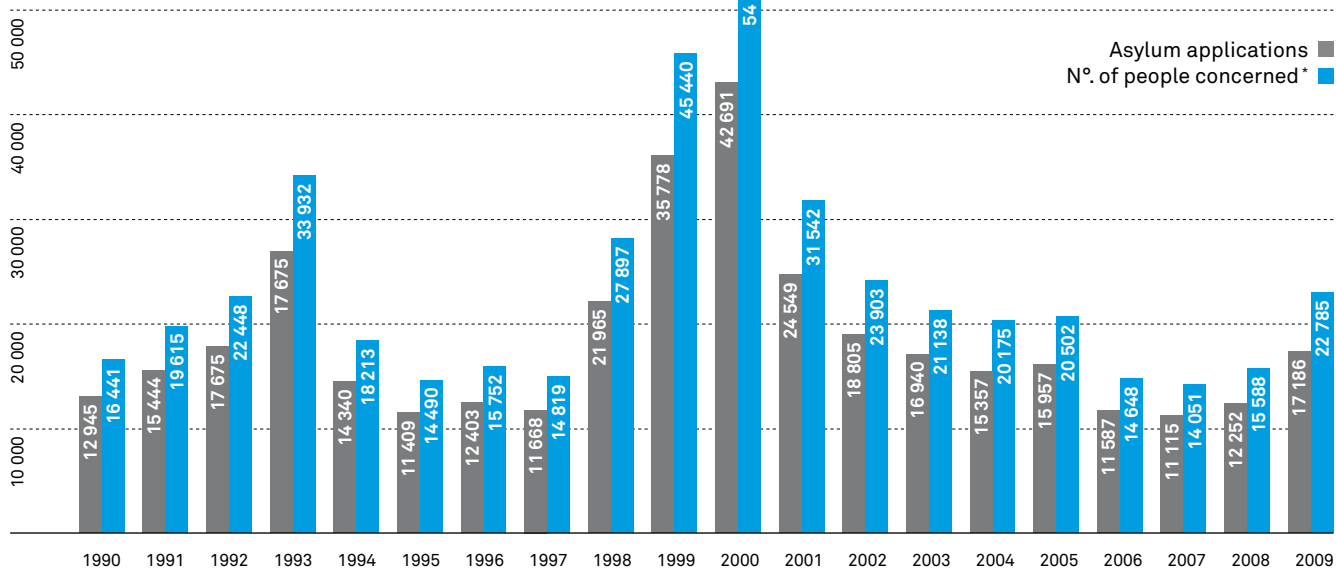
In 2009, the principle of phased reception was severely hampered by the lack of available and suitable places. Both the two observation and orientation centres and the special network reception structures had insufficient capacity to house all of the unaccompanied foreign minors that arrived in the country (100 places and 424 places at the end of 2009 respectively). Consequently, Fedasil was forced to place minors, while awaiting for a place in an observation and orientation centre, in 'adult' places in the federal centres, where they did not receive special guidance. At the end of 2009, approximately 130 young people were in this situation. As Fedasil was unable to offer a place to all of the minors that had recently arrived in the country, from October 2009 Fedasil had no choice but to prioritise minors that were also asylum seekers, followed by the most vulnerable of the minors that were not asylum seekers.

As part of the continued extension of the reception network, new places for minors will be created in 2010.

The reception network also houses **illegal minors** accompanied by their parents, if a CPAS has determined that the children are in need and that their parents cannot meet this need (Royal Decree of 24 June 2004). At the end of 2009, these families comprised 4 % of those housed (or 627 people). They were given shelter exclusively in Fedasil and Red Cross centres. Due to the saturation of the reception network, from April 2009 Fedasil was forced to turn down new CPAS requests for reception places for families in this situation. A total of 182 refusals were issued between April and December (corresponding to nearly 700 people). The only families that were given shelter during this period were those for which the agency had been given a court order, and this in order to reduce the amount of fines to be paid.

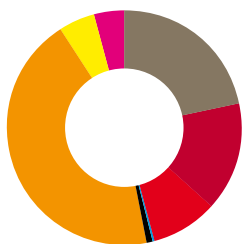
Statistics

Progression of asylum applications in Belgium



* Estimated number of people according to asylum records, taken from Aliens Office data.

Each operator's contribution to the total reception capacity



Collective reception structures (1st stage)

	PLACES	%
Federal centres (Fedasil)	3781	22
French-speaking Community Red Cross Centres	2573	15
Flemish Community Red Cross Centres	1600	9
Erezée (socialist national health services)	47	0,3
Other federal centres *	195	1

Individual reception structures (2nd stage)

Local reception initiatives	7657	44
Vluchtelingenwerk Vlaanderen	810	5
Ciré	700	4

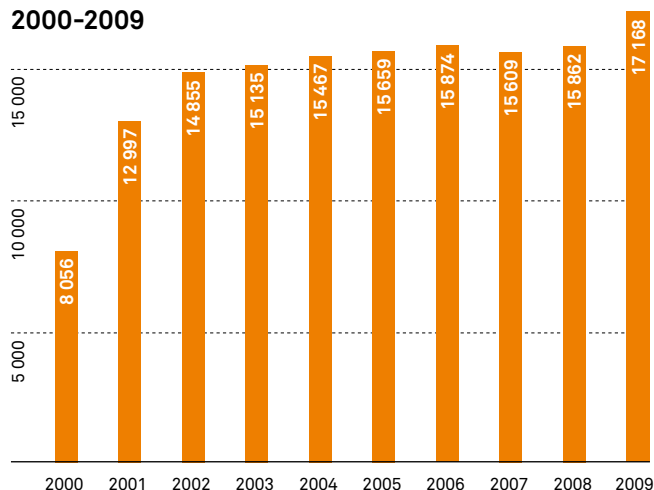
TOTAL

17 363**

* Others: the transit centre and the two observation and orientation centres.

** Transit centre in Petit-Château (112 places) and people given shelter in hotels (903 people) are not included.

Progression of the total reception capacity 2000-2009



Please Note: transit centre and observation and orientation centres are not included. Situation in December of each year.



Fedasil is responsible for coordinating the voluntary return programmes in Belgium. Any person who wishes to return to his/her country of origin (regardless whether he/she is an asylum seeker) can participate in a programme to get support for his/her plans.

Fedasil does not organise voluntary return on its own. Since 1984, there has been an agreement in place between the International Organization for Migration (IOM), which is responsible for organising the logistics of the programme, and the Belgian Government. The **REAB programme** (Return and Emigration of Asylum Seekers Ex Belgium) allows foreigners to return to their country of origin on a voluntary basis. Within the frame of this programme, they are given a plane ticket to their final destination, a relocation allowance of EUR 250 per person (or EUR 125 per child) and a limited contribution for luggage expenses and assistance at the airport (departure, journey and arrival at the final destination).

In 2009, 2,659 people participated in the REAB programme to voluntarily return to their country. This number has remained more or less stable in comparison to the previous year. The main destination countries were Brazil, Ukraine, Mongolia, Slovakia and Russia. 30% of those participating in the programme were (former) asylum seekers, while the remaining 70% had never submitted an asylum application. There is a marked difference in destination countries between these two categories. The main destination countries for (former) asylum seekers were Slovakia, Russia and Kosovo. For those people that had never submitted an asylum application, the main destination countries were Brazil, Ukraine and Mongolia.

Of all the people who returned with the REAB programme, only 701 applied for additional support from the **Reintegration Programme** (a fall in applications of 30% in comparison with 2008). This programme, which was initiated in 2006, supports reintegration projects which are tailored to the individual. These are small-scale individual projects which help people who have returned to their countries to get their lives back on track. Participants also receive a reintegration allowance of EUR 700 per person. Rather than being paid in cash, the allowance is transferred to a partner organisation that works with the recipient to find accommodation, set up a small business, register for a training course, pay tuition fees etc. An additional budget of EUR 700 per person is available for vulnerable groups such as pregnant women, minors, elderly, people suffering from serious diseases and others.

As is the case for the REAB programme, Fedasil does not manage the projects on its own. Instead it works together with two service providers: IOM and Caritas. These organisations have partners in the countries of origin specialised in setting up small-scale projects.

The **European Return Fund** helps various European Union Member States to develop their return policies. The Fund was set up for the period 2008-2013 and covers both the forced and voluntary return of asylum seekers, rejected asylum seekers and illegal migrants.

In 2009, Fedasil launched a first call for projects relating to voluntary return in cooperation with the Aliens Office (the competent authority for the European Return Fund in Belgium). Seven projects were selected at the end of 2009, and will be implemented (and assessed) in 2010.



Resettlement means the selection and transfer of refugees from a country where they have sought protection to a third country. This project provides an alternative solution for refugees who do not get sufficient protection or do not have a prospect of integration in their first reception country.

At the end of 2008, the European Union decided to launch a project with the purpose of permanently resettling 10,000 Iraqi refugees from Syria and Jordan in Europe. In February 2009, Belgium agreed to receive fifty of these refugees as part of a pilot project. When selecting the refugees, the government decided to focus on the specific group referred to as 'women at risk', which covered isolated Iraqi women with or without children, who were in a particularly vulnerable situation living as refugees in Syria and Jordan. Approximately ten places were also reserved for Palestinian refugees of Iraqi origin.

In May 2009, a delegation from the Office of the Commissioner-General for Refugees and Stateless Persons and Fedasil visited Syria and Jordan to meet the first group of refugees in person. Representatives of the Office of the Commissioner-General for Refugees and Stateless Persons focused on the need to protect the refugees in the context of the Belgium's asylum procedure. Fedasil representatives prepared the group's social profile so that proper shelter could be given in Belgium. A total of 47 people were resettled in Belgium.

The refugees arrived in Belgium in September 2009. They were entitled to material help straightaway and were housed in a Fedasil asylum seeker reception centre. This first reception phase was completed within approximately three weeks. During this period the refugees got information about the workings of the reception centre and about their future in Belgium. They also completed a course on how to integrate as a citizen into Belgian society, and attended language classes. The integration lessons were primarily practical and included organised visits to police stations, libraries, banks etc. Consequently, the initial stay in the reception centre also constituted a period of preparation for the transition to independent housing, and for the integration of the refugees into Belgian society.

The integration process continued when the refugees left the reception centre to move into individual housing. Several organisations took responsibility for supporting the refugees, with the ultimate goal of enabling them to be self-sufficient so that they can live independently in our society. Fedasil is coordinating the integration of the resettled refugees, and is monitoring them for a period of 18 months.

In March 2010, the stakeholders met for a debriefing session. This resettlement programme was a pilot project for Belgium, it is the Federal Government who decides if similar initiatives will follow. Its decision will probably depend on the resources that will be earmarked by the European Union.



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