

2014

ANNUAL REPORT ON ASYLUM AND MIGRATION POLICY IN BELGIUM



Co-funded by the European Union

July 2015

European Migration Network

National Contact Point Belgium

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

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

More information about the EMN is available on: www.emnbelgium.be

The BE NCP can be contacted by e-mail

(Benedikt.Vulsteke@ibz.fgov.be; Peter.Vancostenoble@ibz.fgov.be; Ina.Vandenberghe@ibz.fgov.be, Alexandra.Laine@ibz.fgov.be, Martine.Hendrickx@ibz.fgov.be, Elisa.Vandervalk@ibz.fgov.be),

by phone +32 (0)2 500 23 91 or

by letter (Belgian Contact Point EMN, Rue de Louvain / Leuvenseweg 1, 1000 Brussels).

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



TABLE OF CONTENTS

EXECUTIVE SUMMARY	4
1. INTRODUCTION	8
Structure of asylum and migration policy	9
2. OVERVIEW OF ASYLUM AND MIGRATION POLICY DEVELOPMENTS	12
2.1 General political developments	12
2.2 Main policy changes and debates in the field of migration and asylum	13
3. LEGAL MIGRATION AND MOBILITY	18
3.1 Economic migration	18
3.2 Family reunification	21
3.3 Students and researchers	25
3.4 Other aspects of legal migration	25
3.5 Integration, naturalisation and citizenship	31
3.6 Managing migration, including visa policy and Schengen Governance	39
4. INTERNATIONAL PROTECTION (ASYLUM)	41
4.1 International protection procedures	41
4.2 Reception of applicants for international protection	44
4.3 Integration of asylum applicants and persons with international protection status	46
5. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS	48
5.1 Unaccompanied minors	48
5.2 Other vulnerable groups	49

6. COUNTERING TRAFFICKING IN HUMAN BEINGS	51
6.1 Specific context	51
6.2 Significant institutional, policy and legislative developments	52
7. MIGRATION AND DEVELOPMENT	55
7.1 Policy Coherence for Development	55
7.2 Migrants' remittances	57
7.3 Working with diasporas	57
7.4 Migration and development projects	58
8. IRREGULAR MIGRATION INCLUDING SMUGGLING	60
8.1 Measures to reduce irregular migration and fight against smuggling	60
8.2 Living conditions of illegally-staying third-country nationals	63
8.3 Coordination and cooperation amongst key actors	64
8.4 Monitoring activities of smugglers and victims of smuggling	64
9. RETURN	67
9.1 Significant policy and legislative developments	67
9.2 Measures to promote voluntary return	69
9.3 Measures to improve the conditions of return	71
9.4 Return actions and projects	73
ANNEXES	86
Annex A: Methodology and Definitions	86
Annex B: Implementation of EU legislation	90
Annex C: National Statistics	94
Annex D: Bibliography/References/Sources	99
Annex E: Studies of the Belgian Contact Point to the EMN (2009 – 2015)	106

EXECUTIVE SUMMARY

Political developments

Federal and regional elections were held in Belgium in May 2014. The new federal government of Charles Michel (MR) was sworn in in October 2014. Theo Francken (N-VA) was appointed as the new State Secretary for Asylum Policy and Migration, in charge of Administrative Simplification. The federal government stated that it would continue to implement a coherent, efficient and qualitative asylum and immigration policy, while meeting its international commitments.

In the framework of the Law on the sixth State reform – which entered into force on 1 July 2014 – a large set of competences, including on economic migration, was transferred from the federal level to the Communities and the Regions. However, as long as the actual transfer of the budget and the officials has not taken place, transitional arrangements apply.

Legal migration and integration

Regarding the conditions of legal migration, the Program Law of 19 December 2014 introduced mandatory fees (60, 160 or 215 EUR) to be paid by people applying for certain residence permits, in order to cover the administrative costs related to the processing of their application. Furthermore, the Belgian authorities continued to conduct information, prevention and dissuasion campaigns about the challenges of irregular migration and the conditions of legal migration in third countries of origin. Information activities were also carried out in Belgium.

New legislation was adopted in 2014 regarding family reunification. The Law of 19 March 2014 introduced a right of residence – under certain conditions - for the parent of a minor EU-citizen and for certain other family members of an EU-citizen. The fight against misuse of the right to family reunification was also continued with the Royal Decree of 28 February 2014, which introduced the obligation for registrars in municipalities to mention, in the National Register, information relating to possible marriages and legal cohabitations of convenience. The Law of 19 March 2014 also made the status of long term resident open to refugees and beneficiaries of subsidiary protection.

Regarding migration management, all Belgian consulates were equipped with biometric visa checks for short term visas. Belgian authorities also continued to follow the VIS roll-out scheme in 2014.

With regard to integration, at the federal level, the Federal Impulse Fund for Migrant Policy (FIM) subsidized projects seeking to promote the social integration of people of foreign origin, prevent discrimination and promote intercultural dialogue. Following the sixth State reform, the resources of this fund were transferred to the Communities on the 1st January 2015. In Flanders, the merger

of different institutions and organisations active in the integration sector under the External Autonomous Civic Integration Agency was continued and actions were taken to better align options for learning Dutch to the needs in terms of quality and quantity. In Brussels, following the approval of the reception and integration pathway for newcomers in 2013, an implementing decree was adopted in April 2014. Wallonia approved an integration pathway for newcomers in March 2014 and a coordination committee was set up to define and harmonize the aspects of its implementation.

International protection, unaccompanied minors and other vulnerable groups

In 2014, the number of asylum applications increased and the recognition rate for beneficiaries of international protection reached an all-time high (with an average of 40%) which is linked to the high number of applicants from conflict-ridden countries. Furthermore, Belgium welcomed 100 refugees in the framework of its resettlement commitments for 2014 and engaged to substantially increase the number of resettlement places for 2015.

Belgium continued to play a very active part in most EASO activities, meetings and workshops and frequently provided staff for Asylum Support Teams in the framework of special support plans and/ or emergency plans.

The list of safe countries of origin was updated, containing the same seven countries as in 2013. However, following two separate decisions of the Belgian Council of State, the Commissioner General for Refugees and Stateless Persons (CGRS) started treating all applicants from Albania within the normal asylum procedure. Furthermore, following a judgement by the Constitutional Court, full judicial reviews against negative decisions of the CGRS on subsequent asylum applications and applications from safe countries of origin are now possible before the Council for Aliens Law Litigation.

Regarding reception, the Federal Agency for the Reception of Asylum Seekers (Fedasil) focused on quality, individual needs of asylum seekers and respecting the standards as determined in the Reception Conditions Directive. The agency continued to decrease its reception capacity and to create "buffer places". Fedasil also started to revise the standards of reception conditions for asylum applicants and to evaluate the Reception Act of January 2007. Furthermore, the Royal Decree of 15 May 2014 determined the conditions for the application of internal measures and sanctions to guarantee or restore the order, security and tranquility in reception centers.

Legislation was also adopted regarding Unaccompanied minors (UAMs). The Law of 12 May 2014 made it possible for the Guardianship service to appoint a guardian for European UAMs who are in a vulnerable situation or who are victims of trafficking. It is also worth mentioning that the protocol of cooperation of 28 January 2013 between the Immigration Office, the Guardianship Service and Fedasil, regarding the registration of UAMs not seeking asylum was annulled by the Council of State. Furthermore, a pilot project targeting UAMs of a certain age with no residence

perspective in Belgium was set up by the reception centres of Bovigny and Arendonk, in order to help them prepare for their future.

With regard to other vulnerable groups, the CGRS conducted several activities to define the “child’s best interest” in the asylum procedure in order to develop service guidelines providing a uniform and unambiguous explanation of the processing of asylum applications filed by children.

Countering trafficking in human beings (THB)

Since September 2014, Belgium has established its system of National Rapporteur or Equivalent mechanism, which is composed of the Interdepartmental Coordination Unit (as coordination mechanism and state rapporteur) and the Federal Migration Center (as independent rapporteur). Both bodies presented their report to the Anti-trafficking Coordinator in December 2014.

In accordance with the National Action Plan 2012-2014 on the fight against THB, the composition of the Interdepartmental coordination unit and its Bureau was modified (e.g. the specialized reception centers for victims of THB were formally integrated). Information and training activities in the field of trafficking and smuggling in human beings were continued. For example, a training workshop for Fedasil and its reception partners was organized to help them better identify and refer victims.

Migration and development

In 2014, Belgium established a new regulatory framework and new structures to ensure Policy Coherence for Development (PCD), which included an interdepartmental Commission composed of representatives of 16 public services at federal, regional and community level aiming, inter alia, at exchanging information, raising awareness among institutions and developing recommendations for relevant ministers. Belgian authorities also maintained existing informal coordination mechanisms (such as COORAM) allowing stakeholders to meet on an ad-hoc basis.

Furthermore, Belgium participated in several migration and development projects in 2014. For example, the Belgian Development Cooperation involved diasporas in the development of their countries of origin through different initiatives, such as support to private investment initiatives from Moroccans residing in Belgium for the development of Morocco.

Irregular migration and return

In 2014, several actions were undertaken to reduce irregular migration, including the continuation of the ABC⁽¹⁾-feasibility study at Zaventem National Airport, the implementation of the VIS via biometric checks at arrival and departure level at all external borders and the purchase of new passport readers.

1 Automated Border Control

Several initiatives were also set up to enhance the effectiveness of border controls, such as the development of the pool of trainers in the field of border checks or the development of a national IT-information platform providing information to border guards. The phenomenon of false transits on the Eurostar Brussels-London was reduced in 2014 through the continuation of several measures, including the testing of a system of dedicated carriages for intra-Schengen travelers. Furthermore, the Belgian Federal Police participated in several Frontex operations in 2014 and several initiatives were set up to combat and prevent irregular migration caused by visa liberalization, including joint return operations, and bilateral meetings with embassy staff and delegations from different countries.

In 2014, an ad-hoc Working Group on false documents, composed of experts from different institutions, was created in order to identify trends and risks with regards to misuse of visa and document fraud. Furthermore, from 2014 until 2016, Belgium will contribute to the EU Action Plan "Smuggling in Human Beings/Illegal Immigration" that will, inter alia, help exchange information and take action in specific regions and routes.

Regarding return, Fedasil initiated an in-depth evaluation of the so-called "return path". The Reception Agency also produced different new communication tools in order to promote voluntary return and organized information sessions for front-line workers and for embassy staff. A country of return information tool was set up to help social assistants better address or respond to basic return related questions. Measures were taken to facilitate the reintegration of vulnerable persons in their countries of origin, including unaccompanied minors. Furthermore, the reintegration activities of the (local) reintegration partners were evaluated and an online survey tool for returnees was set up.

Finally, Belgium participated in different initiatives concerning return (such as the Common Support Initiative or the European Reintegration Network) and organized or participated in 7 joint return flights in 2014.

1. INTRODUCTION

This is the 11th 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 2014 to 31 December 2014**. The objective is to inform policymakers as well as a wider audience on the most significant political and legislative (including EU) developments, as well as public debates in the area of migration and asylum including relevant statistics.

A **wide range of sources** were used to draft this report, including published and adopted national legislation, government statements and reports, case law, publications from agencies and non-governmental organizations and press releases⁽²⁾. 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**⁽³⁾ for the production of the EMN Annual Policy Report 2014. It contains nine chapters and five annexes. After an **introduction** which provides basic information on the legal framework and the asylum and migration policy in Belgium, **chapter 2** gives an overview of policy developments and debates in 2014, 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 (including smuggling) and return. The **Annexes** provide information on the terms and definitions used, the implementation of EU legislation, national statistics, a bibliography, as well as a list of the studies published by the Belgian Contact Point to the EMN between 2009 and 2015.

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.

2 More details on sources in the bibliography (Annex D).

3 EMN Specifications for Annual Policy Report 2014 are presented in MIGRAPOL Doc 328 (Part 2), 6 January 2015.

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 information⁽⁴⁾. 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 defence, justice, finance, social security and the bulk of public health and home affairs. Migration and asylum policies are federal competences, except for economic migration (Regions) and integration policies (Communities and Regions). The language-based communities are responsible for culture and issues directly related to individuals and their language, such as aid to people, health and education, integration of foreigners and emancipation of ethno-cultural minorities⁽⁵⁾, whereas the territory-oriented regions are responsible for “territorial” issues, such as farming, water policy, housing, public works, energy, transport, environment, land planning and town planning, rural development, nature conservation, economy & labour market management, the supervision of the provinces, municipalities and associations of local authorities and economic migration.

The current federal state is the result of different state reforms. After the longest government negotiations in Belgian history, a new institutional agreement was found in December 2011. The political agreement of December 2011 is entitled “A more efficient federal state and more autonomous entities”, and is being translated into legislation. This sixth State reform⁽⁶⁾ concerns different areas, including economic and student migration, and will take place in several stages (see chapter 2).

Organisation of migration and asylum related issues in Belgium

In general, immigration and asylum related issues fall under the competence of the federal government. Integration is mainly the competence of the Communities and in Wallonia this is transferred to the region. Labour migration – which used to be a mixed competence of the federal state (legislation) and the regions (implementation of legislation): has been further regionalised in the framework of the sixth State reform (see Chapter 2).

Since immigration and asylum are mainly federal competences, political responsibility lies at

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

5 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).

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

the level of the federal government. Federal elections took place in May 2014, leading to a new federal government led by Prime Minister Charles Michel (MR)⁽⁷⁾. The current State Secretary⁽⁸⁾ for Asylum Policy and Migration, in charge of Administrative Simplification is Mr. Theo Francken (N-VA), who was sworn in in October 2014. He is attached to the Minister of Security and the Interior, Mr. Jan Jambon (N-VA).

The Immigration Office⁽⁹⁾ 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 2007⁽¹⁰⁾, 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 Asylum Policy and Migration, in charge of Administrative Simplification. 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 Federal Migration Centre and the Interfederal Centre for Equal Opportunities (the former Centre for Equal Opportunities and Opposition to Racism), the Federal Public Service (FPS) Foreign Affairs, the FPS Justice, the FPS Labour and the regional/community ministries in charge of Integration and of Employment.

The central law regarding migration and asylum issues in Belgium is the Law of 15 December 1980 on entry, stay, settlement and removal of foreign nationals⁽¹¹⁾ (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.

7 The federal government is a coalition of 3 Dutch-speaking parties (N-VA, Open VLD and CD&V) and one French-speaking party (MR).

8 In Belgium, 'State Secretary' is the title given to deputy ministers.

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

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

11 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 General political developments

Federal elections

Federal elections were held in May 2014. **A new federal government**, led by Prime Minister Charles Michel (MR), was sworn in by the King of Belgium **on 11 October 2014**. This coalition government is composed of four parties: the Reformist Movement (MR), the New Flemish Alliance (N-VA), the Flemish Christian Democrats (CD&V) and the Open Flemish Liberals and Democrats (Open Vld).

Theo Francken (N-VA) was appointed State Secretary for Asylum Policy and Migration, in charge of Administrative Simplification. He replaced Maggie de Block (Open Vld), who was Secretary of State for Migration and Asylum Policy, Social Integration and the Fight against Poverty in the Di Rupo administration from December 2011 till October 2014.

The **main policy points of the government in the field of migration and asylum** are set out in the Coalition Agreement of 9 October 2014⁽¹²⁾, as well as in the General Policy Note presented by the State Secretary for Asylum Policy and Migration on 28 November 2014⁽¹³⁾. The federal government stated that it would continue to implement a coherent, efficient and qualitative asylum and immigration policy, while meeting its international commitments. An emphasis will be put on qualitative reception, simple and swift procedures, and a firm and humane return policy. The government will also continue to combat abuses of the system, notably through increased cooperation and information exchange between all relevant departments. To increase transparency, quality and efficiency, the government will conduct a thorough evaluation of asylum and migration policies⁽¹⁴⁾.

Regional elections

Elections were also held at the regional level in May 2014. Migration and asylum related topics were discussed in the framework of these regional elections. Several NGOs published recommendations on asylum and migration, focusing, inter alia, on better access to language courses and integration programs for newcomers; accessible housing for all; as well as better access to trainings and work (including equivalence of diplomas)⁽¹⁵⁾.

12 Coalition Agreement, 9 October 2014.

13 General Policy Note, State Secretary for Asylum Policy and Migration in charge of Administrative Simplification, Doc 54 0588/026, 28 November 2014.

14 Coalition Agreement, 9 October 2014, pp. 151-152.

15 See inter alia : Mémorandum 2014, Elections régionales : Asile & Migration, Caritas, 2014; or Mémorandum du Ciré : Elections régionales et communautaires 2014, Ciré, 2014.

The sixth State reform

The Law on the sixth State reform⁽¹⁶⁾, which transfers a large set of competences from the federal level to the Communities and the Regions, was approved in January 2014 and entered into force on 1 July 2014.

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

The Regions and Communities are effectively responsible for these matters as of 1 July 2014. However, the actual transfer of the budget and the officials from the Federal State towards the Regions and Communities will only take place in 2015. During this **transition period**, transitional arrangements apply: the federal staff members who were previously in charge of the transferred powers continue to exercise them on behalf of the competent Region or Community. As long as the Regions and Communities do not have their own legislation in force, the federal legislation is still being applied.

2.2 Main policy changes and debates in the field of migration and asylum

The year 2014 brought some policy and legislative developments in the field of migration and asylum in Belgium. Several issues were also prominent in debates at the political level and/or within wider society. A short overview of the main policy and legislative changes, as well as the main public debates, is presented below.

Asylum: efficient asylum procedure, fight against abuses, and structural resettlement program

In a context of decline of the number of asylum seekers in 2013 and the first half of 2014, the main aim of the State Secretary for Migration and Asylum Policy, Maggie De Block's, was to consolidate obtained results in the field of asylum⁽¹⁷⁾. This included continued efforts to improve the **efficiency**

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

17 General Policy Note (Asylum and Migration Part), Secretary of State for Migration and Asylum Policy, Social Integration and the Fight against Poverty, Doc 53 3096/016, 7 November 2013, p. 4.

and the quality of the asylum procedure by working towards further eliminating the backlog of asylum applications and further integrating the asylum chain. Both the State Secretary for Migration and Asylum Policy, Maggie De Block, and her successor affirmed their commitment to a **harmonized common European asylum system** and the effective transposition of the European directives in this matter⁽¹⁸⁾.

The list of safe countries of origin – introduced in 2012 - came under public scrutiny in 2014. On 16 January 2014, the Constitutional Court - following an appeal by several migrant and human rights associations⁽¹⁹⁾ - partly annulled the Law of 15 March 2012, considering that it does not guarantee an effective remedy in certain situations for citizens from safe countries of origin⁽²⁰⁾. Following this judgment, a **Law was adopted on 10 April 2014**⁽²¹⁾ introducing several changes, including the possibility of a full judicial review appeal by the Council for Alien Law Litigation on applications from safe countries of origin and on subsequent applications.

Belgium's structural resettlement program was also a prominent topic in 2014. More particularly, the question of Syrian refugees and Belgium's efforts in this regard were largely present in the public debate, including in the media. Belgium made resettlement places available for 100 refugees in 2014, including 75 refugees from Syria. Several NGOs argued that this was a limited effort considering the scale of the crisis, and called on the Belgian government to do more to protect Syrian refugees (e.g. 13 associations published a joint note on "opening the borders to Syrians in exile"⁽²²⁾). The government announced that the number of refugees to be resettled in Belgium would be increased in 2015⁽²³⁾.

Reception: revision of the reception model, the reduction of reception capacity and special protection for UAMs

The revision and optimization of the reception model, started after the end of the reception crisis, was continued in 2014. Belgian authorities put a focus on ensuring **quality as well as flexible and optimal management of the reception network**⁽²⁴⁾. In this context, the Belgian Reception Agency started the revision of the quality **standards of reception conditions** for asylum applicants.

In light of the shortened asylum procedure and the low occupancy rate, the **reduction of**

18 General Policy Note (Asylum and Migration Part), Secretary of State for Migration and Asylum Policy, Social Integration and the Fight against Poverty, Doc 53 3096/016, 7 November 2013, p. 4 and General Policy Note, State Secretary for Asylum Policy and Migration in charge of Administrative Simplification, Doc 54 0588/026, 28 November 2014, p.6-7.

19 The appeal was launched by ADDE, Ciré, Ligue des Droits de l'Homme, Liga voor Mensenrechten and Vluchtelingenwerk Vlaanderen.
20 Judgement n°1/2014 of the Constitutional Court, 16 January 2014.

21 Law of 10 April 2014 on diverse provisions regarding the procedure before the Council for Alien Law Litigation and the Council of State, Belgian Official Gazette, 21 May 2014.

22 "Ouvrons les frontières aux Syriens en exil", 11.11.11, CNCD-11.11.11, ACW, Amnesty International, Broederlijk Delen, Caritas International, CBAR, CIRÉ, Médecins du Monde, MOC, Oxfam Solidarité, Pax Christi Vlaanderen, Vluchtelingenwerk Vlaanderen, March 2014.

23 General Policy Note, State Secretary for Asylum Policy and Migration in charge of Administrative Simplification, Doc 54 0588/026, 28 November 2014, p. 11.

24 General Policy Note (Reception Part), Secretary of State for Migration and Asylum Policy, Social Integration and the Fight against Poverty, Doc 53 3096/017, 7 November 2013, p. 3.

reception capacity for asylum seekers was continued. To ensure the flexibility of the network, a certain number of reception places were converted into “buffer places”. This reduction will be continued in 2015, as announced by the government⁽²⁵⁾. The State Secretary for Asylum Policy and Migration, Theo Francken, also announced that collective reception would be prioritized over individual reception. The latter will primarily be available to vulnerable groups⁽²⁶⁾.

Another prominent topic in 2014 was the protection of specific groups of vulnerable migrants. More particularly, a focus was put on **Unaccompanied Minors (UAMs)**. For example, since September 2014, two federal reception centers have set up a pilot project for UAMs between 16 years and 17 years and 9 months old who have no residence perspective in Belgium, providing them with vocational training. The prospect of reinforced protection of UAMs was held out by the State Secretary for Asylum Policy and Migration, including a uniform registration system; and in the beginning of 2015 a new law was approved giving UAMs the possibility to apply for the special residence permit for UAMs even if other procedures are pending.

Migration: return “voluntary if possible, forced if necessary”, fight against abuses, and implementation of EU legislation

As in previous years, return - based on the principle of **“voluntarily if possible, forced if necessary”** - remained a priority in 2014. The return policy was the subject of discussion in the House of Representatives, with several questions raised, including on statistics regarding forced and voluntary return over the last years, on the costs of expulsions and on certain specific cases, such as the return of Afghans whose asylum applications had been rejected⁽²⁷⁾. The question of the failed asylum seekers from Afghanistan, as well as other prominent cases, was also largely covered by the media.

Regarding the promotion of **voluntary return**, clear and extensive awareness raising and communication were considered as important elements. An emphasis was also put on ensuring close cooperation between relevant actors and on optimizing the “return path” following its in-depth evaluation by Fedasil. Regarding **forced return**, a particular focus was put on irregular migrants who represent a **threat to public order or security**. In his Policy Note of 28 November 2014, the State Secretary for Asylum Policy and Migration, stressed that, in the context of decreasing numbers of returns in 2014, his intention was to reverse this trend by adopting a more efficient approach and making optimal use of EU-funds and Frontex flights⁽²⁸⁾.

25 Press Release “Le Conseil des Ministres a approuvé le plan de réduction des places d'accueil pour les candidats-réfugiés”, 11 December 2014.

26 *General Policy Note*, State Secretary for Asylum Policy and Migration in charge of Administrative Simplification, Doc 54 0588/026, 28 November 2014, pp. 14-15.

27 See inter alia: *Question n°631* from Filip De Man to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 17 February 2014; *Question n° 22564* from Peter Logghe to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 2 April 2014; *Question n° 653* from Karin Temmerman to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 7 April 2014.

28 *General Policy Note*, State Secretary for Asylum Policy and Migration in charge of Administrative Simplification, Doc 54 0588/026, 28 November 2014, p. 35.

The **fight against abuses of the system** - a topic largely present in public debates⁽²⁹⁾ and the media - remained a priority of the Belgian authorities over the course of 2014. A particular focus was put on certain types of abuses, such as abuses of the right to family reunification or abusive uses of the Belgian social security system. Increasing the exchange of information between relevant actors was considered as an important element. The Royal Decree of 28 February 2014⁽³⁰⁾ introduced requirements on the exchange of information between municipalities regarding suspicions or attempts of relationships of convenience.

Several **information, prevention and dissuasions campaigns in third countries of origin** were continued or started in 2014 in order to provide people with information on the challenges of irregular migration to Europe and/or on the conditions of legal migration. In his Policy Note from 28 November 2014, the State Secretary for Asylum Policy and Migration, Theo Francken, noted that such campaigns will be pursued with an emphasis on preventing the arrival of applicants for whom the likelihood to be granted protection in Belgium is low⁽³¹⁾.

Another prominent topic in the media and public debate was the introduction - by the **Program Law of 19 December 2014 - of a fee to be paid by foreigners applying for certain residence permits**⁽³²⁾. This new measure was called into question by several migrant and human rights associations, who argued that these fees, inter alia, were disproportionate and could have discriminatory effects⁽³³⁾.

The conclusion of **readmission agreements** at European or Benelux level, or administrative cooperation agreements at the national level, continued to be important elements of the return policy in 2014. The State Secretary for Asylum Policy and Migration, Theo Francken, underlined the importance of these agreements in his Policy Note from 28 November 2014, and urged for them to be evaluated⁽³⁴⁾.

The **application of EU Directives and Regulations** was also continued in 2014. The **Law of 19 March 2014**⁽³⁵⁾ partially transposed a certain number of Directives, thereby introducing various changes, including on the status of long term resident, and on family reunification for a parent

29 See inter alia: Question n°21628 from Peter Logghe to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 21 January 2014; Question n° 21712 from Valérie Warzée-Caverenne to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 18 February 2014.

30 Royal Decree of 28 February 2014 modifying the Royal Decree of 16 July 1992 determining the information mentioned in the population registers and in the register of foreigners and prescribing the registration in the waiting register of foreigners having no identification number in the national register and willing to enter into marriage or make a declaration of legal cohabitation, Belgian Official Gazette, 24 March 2014.

31 General Policy Note, State Secretary for Asylum Policy and Migration in charge of Administrative Simplification, Doc 54 0588/026, 28 November 2014, p. 11-12.

32 The specific amounts and practical arrangements were defined in the Royal Decree of 16 February 2015 modifying the Royal Decree of 8 October 1980 on entry, residence, settlement and removal of foreign nationals, Belgian Official Gazette, 20 February 2015.

33 See inter alia: "Analyse: Loi Programme du 19 décembre 2014, l'étranger redevable", ADDE; "Analyse Regeerakkoord : waar is de blik op de wereld?", Vluchtelingenwerk Vlaanderen, 30 October 2014.

34 General Policy Note, State Secretary for Asylum Policy and Migration in charge of Administrative Simplification, Doc 54 0588/026, 28 November 2014, p. 40.

35 Law of 19 March 2014 modifying the Law of 15 December 1980 regarding the entry, residence, settlement and removal of foreign nationals, Belgian Official Gazette, 5 May 2014.

with its minor EU-child and for other family members of a EU-citizen. The transposition of the **Single Permit Directive** (2011/98/EC) is delayed since it is closely linked to the ongoing sixth State reform.

Fight against Trafficking in Human Beings (THB) and smuggling: national action plan, awareness raising and institutional changes

The fight against THB and smuggling remained a priority for the Belgian government⁽³⁶⁾. During 2014, the Belgian authorities continued to implement **the 2012-2014 action plan** regarding the fight against trafficking and smuggling in human beings. The drafting of the new action plan for 2015-2019 started in 2014.

Awareness raising and information campaigns targeting potential victims, relevant actors and the general public were continued⁽³⁷⁾. This included workshops for staff members of the reception network, in order to help them better identify and refer THB victims.

The Royal Decree of 21 July 2014⁽³⁸⁾ led to different changes regarding the **composition** of the Interdepartmental Coordination Platform for the Fight against Trafficking and Smuggling in human beings (ICP) and its Bureau, as well as the definition of a formal framework to exercise the mission of the **National Rapporteur**⁽³⁹⁾.

36 General Policy Note (Asylum and Migration Part), Secretary of State for Migration and Asylum Policy, Social Integration and the Fight against Poverty, Doc 53 3096/016, 7 November 2013, p. 14.

37 See inter alia: Press release for the launch of a national campaign against the sexual exploitation of children, in the framework of the Football World cup in Brazil, Interdisciplinary Working Group on Stopping Child Prostitution, June 2014.

38 Royal Decree of 21 July 2014 modifying the Royal Decree of 16 May 2004 relating to the fight against trafficking and smuggling in human beings, Belgian Official Gazette, 1 September 2014.

39 Brochure "The fight against trafficking and smuggling in human beings – Policy and Approach", November 2014, p. 26.

3. LEGAL MIGRATION AND MOBILITY

3.1 Economic migration

Transfer of competences on economic migration policy towards the Regions

Economic migration – including both the policy on employment of foreign nationals and foreign professional activities – is subject to an institutional reform. The Law on the sixth state reform⁽⁴⁰⁾ was approved at the beginning of 2014 and entered into force on 1 July 2014. **The Regions** (Brussels-Capital, Flanders and Wallonia – as well as the German speaking Community) **are now officially competent for the legislation, the application, the control and the maintenance of work permits and professional cards.** In practice, a transitional period was still running in 2014 (from 1 July 2014 until the beginning of 2015 or 31 December 2015 at the latest).

This **regionalization** aims at providing the Regions with the necessary powers to have an economic migration policy fully adjusted to the needs of their labour market and economy.

Before 1 July 2014, the federal government was competent for regulating and executing the policy on **self-employed economic migrants** (via the delivery of professional cards). The federal state also had competence over the legislative framework on the **employment of foreign nationals**, while the Regions were in charge of the execution, among others the granting of work permits for economic migrants.

The regulatory competence in terms of the work permits A and B (work permit for economic migrants) and the professional card shifted to the Regions⁽⁴¹⁾, 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.

As long as the Regions do not have their own legislation in force, the (old) federal legislation is still being applied. Moreover, in practice, the Federal State also continued to do the follow-up of its former competences in 2014, in name of the Regions. A special task force agreed in the first quarter of 2014 on a Protocol with **transitional arrangements** during the period between the legal transfer of competences (1 July 2014) and the actual transfer of the budget and the officials from the Federal State towards the Regions (during the first semester of 2015).

It is too early to know **how the different Regions will draw up their own policy** on economic migration. As one can expect, the focus lies at the moment on the concrete and practical

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

41 Before the Regions were already in charge of the execution of the policy on work permits, among others: granting permits.

implications of the transfer more than on the development of policy changes. Therefore, it is too early to elaborate on the way and the extent to which the policy on economic migration will change at the regional level after this institutional reform.

However, some general indications are given in the government agreements/policy declarations of the Walloon and Flemish Regions, which make **referrals to the development of a new legislative framework in the future**. It is notable among others that:

- **the Walloon Region⁽⁴²⁾** :
 - is planning to introduce an obligation for work permit B holders to learn the language of the Community where they reside as a condition for renewal of the work permit
 - intends to organize the access to the labour market of foreign nationals 'to make it possible for them to be economically active and to prevent to become at charge of their families or the State' and
 - stresses the need 'to define clear criteria for the issuance of professional cards and the publication of a list of sectors that face economic needs'⁽⁴³⁾.

- **the Flemish Region⁽⁴⁴⁾** :
 - intends to introduce a policy 'for employees and self-employed adapted to the needs of the Flemish labour market' and
 - foresees 'a flexible inflow of highly qualified and qualified workers through a flexible list of bottleneck professions'.

Ongoing process to transpose EU Directives related to economic migration

The late transposition of the **Single Permit Directive** (which had to be transposed by 25 December 2013) - as well as the transposition of the other **Directives (on Intra-Corporate Transferees and Seasonal Workers)** related to economic migration - is closely connected to the ongoing institutional reform of the policy on economic migration. The objective is to transpose these Directives simultaneously. Therefore, arrangements are being taken by each of the competent entities and between the competent entities (the Federal State, the Regions and the German-speaking Community).

The procedure that will be put in place in the framework of the transposition of the Single Permit Directive will also apply for **Blue Card** applications in Belgium.

42 Policy declaration of the Walloon Region for the period 2014-2019, p.17. Available on: <http://gouvernement.wallonie.be/sites/default/files/nodes/story/6371-dpr2014-2019.pdf>

43 See also Belgian Contact Point of the European Migration Network, *Admitting third-country nationals for business purposes in Belgium*, January 2015.

44 Flemish government agreement for the period 2014-2019, p.36. Available in Dutch on <http://www.vlaanderen.be/nl/publicaties/detail/het-regeerakkoord-van-de-vlaamse-regering-2014-2019>

Other future projects

The new federal government intends to plead at European level for a **EU framework that makes full use of the potential of economic migration**. Considering the regionalization of this policy, this can only be done (after agreement and) together with the Regions⁽⁴⁵⁾.

Moreover, the federal government will also start a dialogue with the Regions to look into the 'extent to which **circular migration can** further be supported', since 'foreigners can acquire important professional experience in Belgium – experience which is useful upon their return in their home country'⁽⁴⁶⁾.

The following elements should also be noted:

- **Highly qualified workers:**

There are no significant new developments to mention – except for the important transfer of competences towards the Regions (and the German-speaking Community) that is described above.

As mentioned above, the intention is that in the future the procedure that will be put in place in the framework of the transposition of the Single Permit Directive will also apply to Blue Card applications.

As said, the Flemish Region also foresees to introduce 'a flexible inflow of highly qualified and qualified workers through a flexible list of bottleneck professions'.

In 2014, highly qualified workers continued to use the national work permit (type B) system much more frequently than the Blue Card system. Between 1 January 2014 and 31 October 2014, the Immigration Office delivered only 9 Blue Cards (and prolonged 5 others)⁽⁴⁷⁾.

- **Intra-Corporate Transferees (ICTs):**

There are no significant new developments to mention – except for the important transfer of competences towards the Regions (and the German-speaking Community) that is described above.

At the moment, there is no specific category for ICT foreseen in Belgium (they need to follow standard immigration channels). The ICT Directive is not yet transposed into national legislation. This will need to be done by the Regions. The idea is to transpose the ICT Directive into national legislation together with the Single Permit Directive and the Directive on Seasonal Workers (see also above).

- **Seasonal Workers:**

There are no significant new developments to mention – except for the important transfer of

45 Belgian Federal government agreement, 9 October 2014, p.160. Available in French (and Dutch) on: <http://www.premier.be/fr/accord-de-gouvernement>

46 Belgian Federal government agreement, 9 October 2014, p.161. Available in French (and Dutch) on: <http://www.premier.be/fr/accord-de-gouvernement>

47 Information received from the Immigration Office via the Federal Public Service Employment, Labour and Social Dialogue on 19 November 2014.

competences towards the Regions (and the German-speaking Community) that is described above.

The Seasonal Workers Directive is not yet transposed into national legislation. This will need to be done by the Regions. The idea is to transpose the Directive on Seasonal Workers into national legislation together with the Single Permit Directive and the ICT Directive (see above).

- **Migrants entrepreneurs:**

There are no significant new developments to mention – except for the important transfer of competences towards the Regions (and the German-speaking Community) that is described above.

The regionalisation entered into force on 1 of July 2014 and the actual transfer of the policy concerning migrant entrepreneurs and professional cards is foreseen for 1 January 2015 (end of the transition period - see above).

3.2 Family reunification

The aftermath of the Constitutional Court ruling from 26 September 2013

In his policy note⁽⁴⁸⁾ on asylum and immigration dated from 28 November 2014, the State Secretary for Asylum Policy and Migration reaffirmed the philosophy behind the Law of 8 July 2011, which substantially tightened up the conditions for family reunification⁽⁴⁹⁾. However, it was anticipated that the legislation would be **fine-tuned in accordance with European law**. In this respect, a legal initiative was announced regarding a few provisions that were annulled by the Constitutional Court in September 2013⁽⁵⁰⁾.

Legal changes for (TCN) family members of an EU citizen

The Law of 19 March 2014⁽⁵¹⁾ introduced a right of residence for the parent of a minor EU-citizen and for certain other family members of an EU-citizen.

The family reunification of a **parent with his/her minor EU-child** is possible if the child is (an economically non-active) EU-citizen dependent on the parent, and if the parent has custody over the child, and has a health insurance and sufficient (and regular) means of subsistence. The Belgian legislator modified this provision to bring the Law at this point in conformity with the jurisprudence of the EU Court of Justice⁽⁵²⁾.

48 Belgian Chamber of Representatives, *Policy note on Asylum and Immigration*, 28 November 2014. Available in Dutch and French on: <http://www.dekamer.be/FLWB/PDF/54/0588/54K0588026.pdf>

49 More information: National Contact Point of the European Migration Network, *2011 and 2012 Annual Report on Asylum and Migration Policy in Belgium*, Brussels.

50 More information: National Contact Point of the European Migration Network, *2013 Annual Report on Asylum and Migration Policy in Belgium*, Brussels, p. 20-21.

51 Law of 19 March 2014 modifying the Law of 15 December 1980 regarding the entry, residence, settlement and removal of foreign nationals. Available on: http://www.ejustice.just.fgov.be/cgi/article_body.pl?language=nl&caller=summary&pub_date=2014-05-05&numac=2014000295

52 Court of Justice of the European Union, *Zhu and Chen v. Secretary of State for the Home Department*, 19 October 2004; C-200/02 and *Adzo Domenyo Alokpa and others v. Ministre du Travail, de l'Emploi et de l'Immigration*, 10 October 2013, C-86/12.

Moreover, this Law introduced, under specific conditions⁽⁵³⁾, a right of residence **for certain ‘other’ family members of EU-citizens**, in accordance with Directive 2004/38:

- The partner with whom the EU citizen has a duly attested durable relationship (and who is not eligible for family reunification as a ‘legally registered partner’ of the EU-citizen).
- A family member who is in the country from which he has come, dependant or member of the household of the EU citizen and who is not eligible for family reunification as a spouse or equivalent, a registered partner, (step-) (grand)child or (step-) (grand)parent of the EU-citizen.
- A family member who strictly requires the personal care of the EU-citizen because of serious health reasons and who is not eligible for family reunification as a spouse or equivalent, a registered partner, (step-) (grand)child or (step-) (grand)parent of the EU-citizen.

Future plans on family reunification

The federal government agreement⁽⁵⁴⁾ of October 2014 and the policy note⁽⁵⁵⁾ on asylum and immigration dated from 28 November 2014 included some future policy plans on family reunification.

The government announced plans to **lengthen the period of control** (to check whether the conditions for family reunification are fulfilled, with the possibility to withdraw the residence permit of third-country nationals’ family members). This period will be extended from 3 to 5 years after granting a temporary residence permit, in accordance with the period in force for family members of Belgian and EU-citizens⁽⁵⁶⁾.

Also the government stated its intention to ensure a **rapid issue of short term visa** and an **effective monitoring on return**. In this context, guarantors who take charge will be included in a database and the necessary measures will be taken to make their commitments binding, including regarding medical expenses.

Fight against misuse of the right to family reunification

Marriages and legal cohabitations of convenience

As from 3 April 2014⁽⁵⁷⁾, registrars in municipalities have the **duty to mention, in the Waiting**

53 Source and more information: Kruispunt Migratie-Integratie, *Wijziging verblijfswet voor EU-burger en familie, langdurig ingezetene, en varia* [Change of the Immigration Act for EU-citizens and family members, long-term residents and others.] Available in Dutch on: <http://www.kruispuntmi.be/nieuws/wijziging-verblijfswet-voor-eu-burger-en-familie-langdurig-ingezetene-en-varia#lid>

54 Belgian Federal government agreement, 9 October 2014, p.155. Available on: <http://www.premier.be/fr/accord-de-gouvernement>

55 Belgian Chamber of Representatives, *Policy note on Asylum and Immigration*, 28 November 2014. Available in Dutch and French on: <http://www.dekamer.be/FLWB/PDF/54/0588/54K0588026.pdf>

56 Since 11 July 2013 (entry into force of the *Law of 28 June 2013*), the residence right can be withdrawn from family members of EU or Belgian citizens (articles 40bis/40ter) within a period of 5 years (instead of 3) following the granting of such right.

57 The obligation was introduced by the *Royal Decree of 28 February 2014* modifying the *Royal Decree of 16 July 1992* determining the information mentioned in the population registers and in the register of foreigners and prescribing the registration in the waiting register of foreigners having no identification number in the national register and willing to enter into marriage or make a declaration of legal cohabitation, *Belgian Official Gazette*, 24 March 2014.

Register, information⁽⁵⁸⁾ relating to possible marriages and legal cohabitations of convenience, particularly decisions to **refuse or defer the celebration of marriage/legal cohabitation**. In this way, the information is found in the National Register and available to public authorities⁽⁵⁹⁾ which are concerned by the phenomenon of relationships of convenience. During the course of 2014, efforts have been devoted to clarifying the information to be registered and helping municipalities implement this duty. Some technical problems had also to be faced. Further proposals⁽⁶⁰⁾ have been submitted and developments are expected to improve information sharing, including the development of databases, to better fight marriages and legal cohabitations of convenience⁽⁶¹⁾.

In the future, particular attention will be devoted to the continuation of the fight against marriages and cohabitations of convenience, both in Belgium and abroad as stated in the policy note on asylum and immigration dated from 28 November 2014. The State Secretary announced that the government will take measures in relation to the **registration**. Furthermore it will extend the requirement of **certificate of non-impediment to marriage** to any Belgian national getting married abroad⁽⁶²⁾.

At EU level, Belgian authorities continued in 2014 to actively participate in the development of the **EU Handbook on addressing the issue of alleged marriages of convenience between EU citizens and non-EU nationals** in the context of EU law on free movement of EU citizens⁽⁶³⁾. Belgian stakeholders pleaded for an operational handbook⁽⁶⁴⁾ and provided information on national experiences and best practices, inter alia relating to prevention and multidisciplinary cooperation. The Handbook⁽⁶⁵⁾, which was released on 26 September 2014, was then distributed to relevant services.

58 Such information includes in the case of marriages: (1) the acknowledgement of receipt of the declaration of marriage when the marriage can confer a benefit in terms of residence status linked to the marital status, (2) the refusal to establish an act of declaration of marriage motivated by doubts on the authenticity or validity of documents, which can give rise to a suspicion of marriage of convenience, (3) an adjourning of the celebration of marriage motivated by a serious presumption of marriage of convenience and (4) the refusal to celebrate the marriage motivated by Article 146bis of the civil code. Such information include in the case of legal cohabitations: (1) the adjourning of recording the declaration of legal cohabitation and (2) the refusal to record the declaration of legal cohabitation.

59 Authorities concerned include the municipalities, the prosecution offices and some departments of the Immigration Office.

60 A Draft law has been submitted by Ms Nahima Lanjri & co on 3 October 2014 in the House of Representatives, with a view to setting up a database including more information and extending the time limit for storage of the information establishing a database with a view to fight marriages of convenience.

61 Source: Immigration Office, Investigation Department, Marriages of convenience Unit.

62 Policy Note "Asylum and Migration", DOC 54 0588/026, State Secretary for Asylum Policy and Migration, 28 November 2014, pp. 20-21

63 Handbook on addressing the issue of alleged marriages of convenience between EU citizens and non-EU nationals in the context of EU law on free movement of EU citizens, SWD(2014) 284 final, European Commission, 26 September 2014.

64 This operational approach has been adopted in the Handbook, especially in section 4 entitled "Operational measures within national remit", pp. 32-47

65 Handbook on addressing the issue of alleged marriages of convenience between EU citizens and non-EU nationals in the context of EU law on free movement of EU citizens, Commission staff working document, SWD(2014) 284 final, Brussels, 26 September 2014. More information: http://ec.europa.eu/justice/newsroom/citizen/news/140725_en.htm

False declarations of parenthood

In 2014, false declarations of parenthood continued to draw attention and to **raise questions, inter alia in the House of Representatives**⁽⁶⁶⁾, particularly regarding the scale and monitoring of the phenomenon, possible actions as well as sanctions and consequences on the residence rights of those involved in false declarations of parenthood. While very few statistics could be provided and the scope of the phenomenon remained not well determined, it was recalled that a **working group** composed of representatives from the Immigration Office, the Federal Public Service Justice, prosecution offices and registrars, has been tasked to examine how to fight this phenomenon and to identify necessary legislative changes in this matter⁽⁶⁷⁾.

In 2014, there has not been legislative development regarding the possibility for the registrar to refuse to register a declaration of parenthood. However, **practices have evolved** in this field. Some registrars **refused to register** a declaration of parenthood (**a priori**), a practice that, due to the lack of legal basis, gave rise to cases brought to the Court of First Instance⁽⁶⁸⁾. Some registrars register the declaration but **transfer it to prosecution services (a posteriori)**. In this context, key stakeholders brought different issues to the table: What is the capacity for action of registrars? What is the capacity for action of the Prosecutor's Office, besides its power to provide legal advice on the precise scope of the law on matters concerning public order? While stakeholders seem to agree on the fact that registrars have so far no capacity to refuse to register a declaration of paternity (beyond verification of compliance with legal conditions imposed), they disagree with respect to the capacity for action of the Prosecutor's Office⁽⁶⁹⁾.

In his policy note on asylum and immigration dated from 28 November 2014, the State Secretary for Asylum Policy and Migration underlined that a battle will be fought against recognitions of convenience, taking into account the need to respect the family life and everyone's private life⁽⁷⁰⁾. A note⁽⁷¹⁾ of the Immigration Office focusing on false declarations of parenthood and proposals to struggle against the phenomenon was sent to the State Secretary.

On 1 January 2015, a provision introduced by the Law of 15 December 2013⁽⁷²⁾ entered into force, according to which direct descendants of first degree, whether the link is established in the birth certificate, by judicial decision, by recognition or by adoption, must be mentioned in the National Register. Municipalities have one year to implement this and complement the missing information. The Immigration Office envisages requesting access to such information with a view to gaining a better insight into the number of recognized children.

66 See inter alia: Question from Mr Peter Logghe to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight Against Poverty, by the Minister of Justice, on "frauds relating to paternities of convenience", House of Representatives, 21 January 2014, pp. 15-16 - Question from Mr Peter Logghe to the Minister of Justice on "'the problem of recognition of children of convenience and 'the fight against paternities of convenience'", House of Representatives, 11 February 2014, pp. 12-14

67 Concrete measures are expected at the end of 2015 and will be reported on in next year's annual policy report.

68 See for example Hearing of 21 February 2014, Court of First Instance, Third Chamber, Liège.

69 Report of N. Vandenbogaert (Immigration Office) from the seminar organized by the Association for Foreigners' Rights, "Private International Law – 10 years' experience with the Family Code", 25 September 2014.

70 Policy Note "Asylum and Migration", DOC 54 0588/026, State Secretary for Asylum Policy and Migration, 28 November 2014, pp. 20-21.

71 The note dated from 2 August 2012 has already been sent to the Cabinet of the former State Secretary.

72 Law of 15 December 2013 containing various provisions concerning administrative simplification, Belgian Official Gazette, 31 December 2013.

3.3 Students and researchers

Following the political agreement of 2013 on the sixth State reform, student migration is also **subject to an institutional reform** (together with economic migration): in this case the competence is transferred from the Federal State to the Communities (the Flemish, the French and the German-speaking community).

However, the Law on the sixth State reform⁽⁷³⁾, which was approved at the beginning of 2014, does not include an article involving a transfer of competence on student migration. In the commentary annexed to the Law, it is argued that, since educational policy already was a competence of the Communities, no legal transfer of competence is needed.

By analogy with the policy on economic migration, **the issuance of residence permits to students remains a federal competence**. However, through this (political) transfer of the competence, the Communities can now develop their own policy on the issuance of so-called 'student permits'. Since this student permit will be needed to obtain a residence permit, the **Communities have a decisive role** in the policy on student migration. This way, the policy should be better suited to the reality of the different Communities.

The so-called 'student permit' does not yet exist in any of the Communities and it is **too early to report on how the different Communities will draw up their own policy** on student migration.

3.4 Other aspects of legal migration

Pre-departure measures

In 2014, Belgian authorities continued to feel the need to respond to the objective of prevention of unsafe migration from third countries of origin and transit. In this regard, information campaigns and other activities were used to provide information on the routes to and conditions of legal migration for third-country nationals.

In 2014, new⁽⁷⁴⁾ information, prevention and dissuasion **campaigns were organized in Senegal⁽⁷⁵⁾ and in Cameroun⁽⁷⁶⁾**. In **Armenia**, Belgium contributed to the prevention campaign⁽⁷⁷⁾ organized under the EU Targeted Initiative project. The latter campaign aims at informing people about potential risks and challenges of illegal migration to Europe, as well as educating them about legal migration regulations.

73 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>

74 It is worth noting that campaigns initiated in 2013 in Russia and Guinea extended over 2014. These campaigns were inter alia announced in the *Annual Policy Report 2013* of the Belgian Contact Point of the EMN, p. 44.

75 This campaign in Senegal will extend over 2015.

76 This campaign in Cameroun was terminated in 2014.

77 Read additional information on <http://eucentre.am/migration-compass-warning-against-the-risks-of-illegal-migration/>

In his policy note on asylum and immigration dated from 28 November 2014, the State Secretary for Asylum Policy and Migration noted that **such campaigns will be pursued**. In this context, a specific approach is followed to prevent the arrival of applicants for whom the likelihood of being granted protection in Belgium is low. Such campaigns will be organized **in cooperation with local NGOs** in order to effectively convey the message to the target group, including young people⁽⁷⁸⁾.

At the beginning of 2015, **new information campaigns** will be implemented **in Albania, in Morocco and in Nigeria**. In Albania, the campaign will inter alia target journalists to help them convey accurate information regarding migration. In Nigeria, the campaign will focus on potential victims of human trafficking⁽⁷⁹⁾.

Information and awareness raising in Belgium

On 18 December 2014, on the occasion of the International Migrants Day⁽⁸⁰⁾, the Federal Migration Centre, in cooperation with the Institute for Advanced Studies in Mass Communications (IHECS), organized **educational and entertaining activities to inform and raise awareness on the nature and scale of migration** in Belgium. An interactive stand, multimedia projections, folders, participatory piece, were proposed to encourage the public to reflect on migration. The event was supported online (<http://journeedesmigrants.be/fr/>). Herman Van Rompuy, former President of the European Council, sponsored the initiative⁽⁸¹⁾.

Besides the above mentioned initiative, the Immigration Office continued in 2014 to undertake activities to **inform migrants, to whom an order to leave the territory is notified, on their rights and duties** (active information sharing by the municipalities, website, leaflets in 22 languages, update of information, campaign around the re-entry ban).

As regards future plans, Belgian authorities plan to organize in 2015 a prevention campaign addressed to potential **Brazilian victims of economic exploitation in Belgium**. This is a continuation of projects undertaken by the Immigration Office, in close cooperation with the IOM in 2009-2010, with the aim to prevent the economic exploitation of Brazilian nationals in Belgium⁽⁸²⁾. Belgian authorities will also start in 2015 an integrated information campaign towards the **Albanian illegal community in Belgium promoting voluntary return**.

78 Policy Note "Asylum and Migration", DOC 54 0588/026, State Secretary for Asylum Policy and Migration, 28 November 2014, p. 11

79 Source : Immigration Office, Immigration Liaison Officers.

80 The 18 December International Migrants Day was proclaimed on 4 December 2000 by the General Assembly. For additional information see this [resolution](#) adopted by the General Assembly.

81 Read additional information on <http://www.diversite.be/>

82 Read additional information on these projects in the Government Report relating to the fight against trafficking in human beings in 2009-2010, p. 10

Future transparent Immigration Code

In the coalition agreement dated from 9 October 2014 and the subsequent policy note on asylum and migration dated from 28 November 2014, Belgian authorities underlined the need for transparent legislation and unambiguous procedures. Considering that the Immigration Act was elaborated in 1980 and that it was complemented and amended on numerous occasions afterwards, it was felt necessary to coordinate the existing immigration legislation in an **Immigration Code**. This with a view to **guaranteeing readability, transparency and the greatest possible clarity** in the law and procedures in place⁽⁸³⁾. A working group shall be set up in 2015 and an Immigration Code shall be developed by the end of the legislature. This should inter alia⁽⁸⁴⁾ ensure a better understanding of conditions in place by all.

Fees for processing some residence permit applications

The Program Law of 19 December 2014 inserted in the Immigration Act a provision requiring the payment of a fee covering the administrative costs of the Immigration Office for the processing of certain residence applications.

The Royal Decree of 16 February 2015⁽⁸⁵⁾, modifying the Royal Decree of 8 October 1980 relating to the access to the territory, stay, establishment and return of the foreigners, determines the **amount of the fees** as well as **practical arrangements for collecting them**.

Starting on 2 March 2015, people intending to submit an application for certain types of residence permits will have to pay a fee of 215, 160 or 60 euros beforehand. Payment of this fee is a condition for the admissibility of applications for certain type D visas and for certain residence permits in Belgium.

What fees for which residence permit applications⁽⁸⁶⁾?

The fee has to be paid by each person who is 18 years of age or older (and per application as mentioned below).

The contribution is mandatory for applications for an “authorization or admission to stay” which are submitted under certain articles of the Immigration Act. There are exceptions for certain categories.

The amount of the fee depends on the type of application. These differences are not justified by

83 Note that the ambition of coordinating applicable laws pertaining to immigration was included in the coalition agreement dated from 1 December 2011 but it has not been achieved.

84 The Immigration Code also aims to clearly mark out areas of responsibilities/tasks of the different stakeholders, enhance the quality and effectiveness of decisions taken, rationalize the number of residence permits and orders to leave the territory and homogenise procedures and time limits for appeals.

85 Published in the Official Gazette of 20 February 2015

86 Information obtained from the website of “Kruispunt Migratie-Integratie”(http://www.kruispuntmi.be/thema/vreemdelingenrecht-internationaal-privaatrecht).

a difference in the administrative costs of the Immigration Office, but they are by supranational legislation which would prohibit payment of a higher fee, and by the particular nature of certain categories of foreigners and of applications.

The **amounts** are:

215 euros for a residence application on the basis of:

- Art. 9bis of the Immigration Act ('regularization based on humanitarian grounds')
- Art. 9 of the Immigration Act (for example labour migration from a country without a bilateral agreement, and humanitarian visas), with some exceptions (for example: free for the beneficiaries of the Association Agreement between the EU and Turkey)
- Art. 61/11 of the Immigration Act (participation in a research project as a researcher, in the framework of a hosting agreement with a recognized research institute)
- Art. 19 § 2 of the Immigration Act (authorization to return to Belgium after a period of absence longer than a year), with some exceptions:
 - Free for the beneficiaries of the Association Agreement between the EU and Turkey
 - Free for recognized refugees and their family members
- Art. 61/27 of the Immigration Act (highly skilled third country national with a European Blue Card)

160 euros for a residence application on the basis of:

- Art. 58 of the Immigration Act (students)⁽⁸⁷⁾
- Art. 10 or 10bis of the Immigration Act (mostly family reunification with a third country national who has a residence permit), with some exceptions, such as:
 - Free in case of family reunification with a recognized refugee or with a beneficiary of subsidiary protection
 - Free for the beneficiaries of the Association Agreement between the EU and Turkey
- Art. 40ter of the Immigration Act (family reunification with a Belgian national), with some exceptions (for example, free in case of family reunification with a Belgian national provided he/she and the family member have exercised their right to free movement)

60 euros:

- For example, long-term residents

A fee also has to be paid in case of a **change of status for one of these reasons**.

⁸⁷ At the end of April, the State Secretary announced that international scholarship students will be exempted from paying the fee.

Those who already have a temporary or short stay permit in Belgium and who submit one of the above mentioned residence permit applications (from short to long stay or from one reason to issue the permit to another reason in Belgium), also have to pay a fee.

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

- No contribution needs to be paid to cover the administrative costs of **other residence permit applications**, such as:
 - Type C visa (short stay)
 - Asylum application, or admission to stay after being granted refugee status or authorization to stay after being granted subsidiary protection
 - Application for a regularization on medical grounds
 - The right to return during one year
 - Residence permit of a victim of trafficking or smuggling in human beings
 - Residence permit of a EU-citizen or EEA-citizen or Swiss national exercising their right to free movement within the EU, and their family members

- **No contribution to be paid for extensions or renewals of a same residence status:**
 - A contribution is not required for extensions or renewals of temporary authorizations to stay or admissions to stay
 - There are no contributions to be paid for applications for authorizations to stay (C card) or for the status of long-term resident in Belgium (D card) or for a permanent residence permit (E+ or F+ card).

What is the exemption for Turkish nationals and their families?

Beneficiaries of the Association Agreement of 12 September 1963 between the EU and Turkey are:

- Turkish workers and self-employed workers (service providers) and
- their family members.

The exemptions from the contribution are only valid for certain residence permit applications (as mentioned above).

How to pay the fee?

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

The status of long term residents

The **Law of 19 March 2014**⁽⁸⁸⁾ (modifying the Immigration Act) entailed a number of modifications related to the status of long-term resident with the purpose of better transposing EU Directives and reflecting jurisprudence.

The status is now open to **refugees and beneficiaries of subsidiary protection**, in accordance with Directive 2011/51/EU amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection. For the calculation of the necessary period of residence of 5 years, there are however special rules. In principle only half of the asylum procedure can be calculated (except when it exceeded 18 months). A special notification is made on the residence cards of these long term residents, indicating that they cannot be returned to a country for which they received international protection.

The Royal Decree of 13 February 2015 on this issue was published in the Belgian Official Gazette on 26 February 2015⁽⁸⁹⁾.

The status is now also **open to foreigners who do not yet have a residence permit of unlimited duration**. However a number of categories of foreigners with a permit of limited duration are still excluded from the status (those with student residence permit; au pairs, seasonal workers, posted workers; persons with a diplomatic, consular or special identity card; ...).

Other modifications include⁽⁹⁰⁾:

- the fact that a legal and uninterrupted stay of 5 years is necessary to receive the status (including certain periods of temporary residence rights); and
- the fact that the Immigration Office needs to do a test of proportionality in certain cases when taking a negative decision on the basis of national security or public order.

Au pairs

Regarding **au pairs**, there are no significant developments to mention for 2014 except for the regionalisation in the framework of the sixth State reform, that is described above. The competent authority for migration of au pairs still needs to be clarified further.

88 Law of 19 March 2014 modifying the Law of 15 December 1980 regarding the entry, residence, settlement and removal of foreign nationals, available in French and Dutch on: http://www.ejustice.just.fgov.be/cgi/article_body.pl?language=fr&pub_date=2014-05-05&numac=2014000295&caller=summary

89 Royal Decree of 13 February 2015, modifying the Royal Decree of 8 October 1981 on entry, residence, settlement and removal of foreign nationals, Belgian Official Gazette, 26 February 2015.

90 Kruispunt Migratie-Integratie, Wijziging verblijfswet voor EU-burger en familie, langdurig ingezetene, en varia [Change of the Immigration Act for EU-citizens and family members, long-term residents and others.] Available in Dutch on: <http://www.kruispuntmi.be/nieuws/wijziging-verblijfswet-voor-eu-burger-en-familie-langdurig-ingezetene-en-varia#lid>

However, the federal government⁽⁹¹⁾ is planning to take initiative, together with the Regions, to **tackle abuses of the au pair status**. Also in the Region of Flanders, there is a clear intention to take measures relating to the status of au pairs, which is considered as posing high risk of misuse⁽⁹²⁾.

3.5 Integration, naturalisation and citizenship

Integration

Specific context

In Belgium, the integration policy falls within the competences of the 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.

Federal level

A long-term instrument⁽⁹³⁾, 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 monitoring⁽⁹⁴⁾ 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 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. The next update is foreseen for September 2015.

The **Federal Impulse Fund for Migrant Policy (FIM)**⁽⁹⁵⁾ annually subsidizes innovative projects (with a limited time span) which seek to promote the social integration of people of foreign origin, prevent discrimination and promote intercultural dialogue, with particular attention to newcomers and women. Integration must be perceived within the FIM as being a process of participation in society, with special attention to the following dimensions: promoting equality and diversity in all sectors of social and cultural life; enhancing participation in social, cultural

91 Belgian Federal government agreement, 9 October 2014, p.156. Available on: <http://www.premier.be/fr/accord-de-gouvernement>

92 Information received from the Flemish Administration Labour and Social Economy, 11 December 2014.

93 The instrument has been developed by the Federal Department of Employment, Labour and Social Dialogue together with the former 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>

94 Federal 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.diversiteit.be/>

95 More information available on: <http://www.diversiteit.be/impulsfonds>. And on the projects selected in 2014 on: <http://integratiebeleid.be/subsidies-en-projectoproepen/federaal-impulsfonds-voor-het-migrantenbeleid>

and political life and creating possibilities for promoting individual choices and independence; furthering mutual exchanges and knowledge-sharing between the various communities as well as intercultural dialogue; supporting the local dynamics for the furtherance of social cohesion; a heterogeneous public at the level of social and cultural background, age and gender; boosting the emancipation of women and girls and combating racism and discrimination.

The **priorities** are among others: improving the teaching position, promoting access to education and language promotion; improving the training opportunities and the labour market position; promoting access to and the chances of success in the labour market and in entrepreneurship; promoting living together in diversity.

In addition, **special attention** has been paid in the 2014 call for projects to:

- Projects concerning de-radicalization, identity and exclusion that strengthen the position of youngsters and young adults in society and increase their social involvement.
- Community projects that, by using an integrated approach, promote social cohesion and the quality of life.
- Projects promoting social participation and self-reliance of unaccompanied minors ensuring a sustainable future perspective here or in the country of origin.

75% of the available funds of the FIM are reserved for projects in the five largest cities in the country and their agglomerations (Antwerp, Brussels, Charleroi, Ghent and Liege). The remaining 25% is allocated for projects in the other priority Action Zones.

Following the sixth State reform the resources of the Federal Impulse Fund for Migrant Policy, will be **transferred to the Communities** from the 1st of January 2015.

Flanders

The **Flemish Migration and Integration Monitor**⁽⁹⁶⁾ is a biennial report that bundles administrative and other statistical data on migration and integration of foreigners and persons of foreign origin in Flanders in a Belgian and European context. The second edition of the monitor will be published in November 2015.

There is also a **local Civic Integration and Integration Monitor**⁽⁹⁷⁾ in Flanders. This monitor combines data at municipal level about the size of the group foreigners and persons of foreign origin and their social position in a number of different areas - employment, education, housing, welfare, poverty and social participation - in order to support local authorities with reliable figures in the planning and development of their policies on the matter. The local monitor is updated on an annual basis with the most recent available data.

96 The Flemish Migration and Integration Monitor is a joint project of the Research Institute for Work and Society (HIVA - KU Leuven), the Study Department of the Flemish Government and the Agency for Local and Provincial Government. The first edition was published in November 2013 and is available on: <https://www.vlaanderen.be/nl/publicaties/detail/vlaamse-migratie-en-integratiemonitor-2013>

97 <http://aps.vlaanderen.be/lokaal/integratiemonitor.html>.

The (civic) integration sector in Flanders is subject to a structural reform since 2013 (laid down in the Integration Decree of 7 June 2013⁽⁹⁸⁾ who 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 civic integration sector. For this reason an External Autonomous Agency⁽⁹⁹⁾ for Integration and Civic Integration was created in November 2013. The policy implementation is left to this new agency. By way of derogation, the Flemish Government can decide to leave the policy implementation to a local administration - which the Government did for Antwerp and Ghent. These two cities will get the task to run the Flemish integration and civic integration policy on their own territory. To this end a Decree of the Flemish Government was approved on 21 March 2014⁽¹⁰⁰⁾.

The existing institutions and organisations in the sector (the centre of expertise Kruispunt Migratie-Integratie, the welcome offices, the integration centres and the social services providing translation and interpretation) were merged and integrated in the External Autonomous Agency for Integration and Civic Integration.

Learning and using Dutch as well as socio-economic and social-cultural participation (in educational, youth, sports, welfare and care sectors) are two of the **spearheads** of the Flemish **horizontal integration policy plan**. For the input of expertise and accompaniment in the field, the different sectors can call on the services of the External Autonomous Agency for Integration and Civic Integration.

On 28 February 2014 the Flemish Government approved the article of the Civic Integration Decree of 7 June 2013 which **raises the level of the language course “Dutch as a second language”**⁽¹⁰¹⁾ which is a part of the civic integration program⁽¹⁰²⁾, from level A1 to level A2⁽¹⁰³⁾. This decision entered into force on 1 September 2014.

Flanders will better align options for learning Dutch as a second language to the needs, in terms of **quality and quantity**, of the persons concerned (both for whom it is compulsory as well as for people who voluntarily choose to learn Dutch).

There is more need for combined learning routes and courses during holidays and at weekends and during evenings, depending on the needs and skills of the course participants, and with adequate geographical distribution to allow persons integrating to participate as quickly as possible in social and economic activities⁽¹⁰⁴⁾.

98 http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=2013060741.

99 More information on the Agency on: <http://www.inburgering.be/node/10>.

100 http://integratiebeleid.be/sites/default/files/BVR%20artikel%2025_ondertekend_20140321.pdf.

101 http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=2014022822

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

103 Level according to the common European framework of reference for languages.

104 Information given by the Agentschap voor Binnenlands Bestuur, afdeling Inburgering, mail dd. 22.12.2014 on the basis of the Policy Note “Integration & Civic Integration 2014-2019”, Vice minister-president of the Flemish Government and Flemish Minister for Public Governance, Civic Integration, Housing, Equal Opportunities and Poverty Reduction. For more information: www.inburgering.be and https://docs.vlaamsparlement.be/docs/stukken/2014-2015/g137-1_origineel.pdf

People also learn a language by **participating in society**. Flanders will stimulate **“active” learning** for Dutch: in the workplace, during vocational training courses and when participating in associations because learning and using Dutch should not end after the integration process. This requires efforts from everyone involved.

New technologies must make it possible to combine work and civic integration. In the context of an active economic migration policy, Flanders will develop a range of civic integration services for **labour migrants** together with the social partners. Attention will be devoted to inclusion where necessary throughout the integration process in which it is possible to make room for eradicating the digital gap especially among weaker target groups (the illiterate, those with poor literacy, the elderly, etc.).

The Flemish Government will establish a legal framework in consultation with the social partners to **facilitate work placements (apprenticeships) and language trainings** for persons integrating.

Flanders will also tackle the lack of Dutch language skills at **an early stage** and will take measures in this sense, including the encouragement of parent participation, language development before the age of three and maximum participation in nursery education.

With financial means of **the European Integration Fund (EIF)** a project was prolonged till January 2014 to **make professional education more accessible to non-native Dutch speakers**.

EIF also financed the project **“Digital Platform for learning Dutch”**. The development of the platform started on the first of November 2013 and will be operational in June 2015. The ambition of this project is to create an challenging and varied digital environment for all non-native speakers who want to learn and exercise Dutch in Flanders.

The EIF in Flanders also co-financed an action research on 16 to 18 years old newcomers⁽¹⁰⁵⁾. This research aims to develop an integrated approach for an education and training pathway tailored to the needs of 16 to 18 years old newcomers from third countries.

Brussels

In Brussels both the ‘Flemish Community Commission’ and the ‘French Community Commission’ are competent for integration policies.

From the 1st of January 2015, the existing (Flemish) Welcome Office in Brussels named BON is part of the External Autonomous Agency for Integration and Civic Integration (see above, part on Flanders)⁽¹⁰⁶⁾.

105 De Clerck, H., Piqueray, E., De Bruyne, L., Philips, I. & Truyts, I., Actie-onderzoek 16- tot 18-jarige nieuwkomers uit derdelanden. Geïntegreerd eindrapport, 2014.

106 <http://bon.be/en/about-bon>

On account of the French Community Commission, a decree on the reception and integration pathways for newcomers in the Brussels Capital Region was approved on 18 July 2013 (published on 18 September 2013 in the Belgian Official Gazette^{(107),(108)}).

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. The primary component of the integration pathway consists of a welcome session, social evaluation and linguistic assessment. The secondary component of the integration pathway consists of an individualized project translated into an 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. The participation in the integration programme is optional⁽¹⁰⁹⁾. In 2014, **one implementing decree was adopted**, on the 24 of April 2014⁽¹¹⁰⁾. The start-up of the first welcoming office for newcomers ("bureau d'accueil des primo-arrivants") is foreseen in 2015.

Wallonia

The Decree on the integration pathway for newcomers in the Walloon Region was approved on 27 March 2014⁽¹¹¹⁾ (the implementation resolution was adopted on 15 May 2014⁽¹¹²⁾).

The new 'welcome path for newcomers' aims to guide newcomers during the first steps in their host society, to help them to obtain the basic knowledge on the functioning of the society and the social relations in Belgium. It also has the objective to get to know their level of French, to facilitate their enrolment for a training course and to assess their professional skills to facilitate their integration in the labor market.

The pathway is **composed of two phases** : the reception (introduction) module (compulsory phase) and the hosting agreement (non-compulsory phase)⁽¹¹³⁾.

When a newcomer registers at his municipality, he is informed of the reception program and

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

108 The Decree was analysed by the NGO Coordination et Initiatives pour Réfugiés et Étrangers (Ciré) « Analyse du décret relatif au parcours d'accueil pour primo-arrivants en Région de Bruxelles-Capitale », septembre 2013.

109 Information given by the Social Cohesion Service of the Commission Communautaire Française (COCOF) by mail dd. 19/12/2014.

110 http://www.etaamb.be/fr/arrete-de-la-commission-communautaire-francaise_n2014031554.html

111 <https://wallex.wallonie.be/index.php?doc=27778&rev=29155-19331>

112 <https://wallex.wallonie.be/index.php?mod=voirdoc&script=wallex2&PAGEDYN=indexBelgiqueLex.html&MBID=2014204434>

113 Information obtained from the 'Direction Générale Opérationnelle des Pouvoirs Locaux, de l'Action sociale et de la Santé, Département de l'Action sociale Direction de l'Intégration des Personnes d'Origine étrangère et de l'Égalité des Chances', mail dd. 18.12.2014. For more information: <http://spw.wallonie.be> and the Policy declaration of the Walloon Region for the period 2014-2019, p.51-52. Available on: <http://gouvernement.wallonie.be/sites/default/files/nodes/story/6371-dpr2014-2019.pdf>.

orientated towards a welcome office. These offices, which provide the reception module, are organized by the **Regional Integration Centers** (8 in total). The **introduction module** consists of information on the rights and obligations of every person residing in Belgium, a social evaluation (a conversation to assess the achievements and needs of the newcomer) and administrative support. The reception module is personalized for newcomers and free of charge. It is **compulsory for newcomers**.

The newcomer must present himself at the Regional Integration Center within a period of three months from the date of his first registration in the municipality. An administrative fine can be imposed if the newcomer does not respect the obligation to participate in the reception module.

After this module the newcomer is proposed to conclude a **hosting agreement with the integration center on a voluntary basis**. This agreement guarantees an individualized and free of charge follow-up and offers a French language course, a training for active citizenship (the functioning of the society, social relations, information on the operation of state institutions to be able to fully participate in the social, cultural and a community life) and a vocational orientation that matches the social evaluation held during the first module.

Through this second phase, accredited **Local Integration Initiatives for foreigners and people of foreign origin** (ILI) support the participation in the social and community life and help exercising the rights and obligation of foreigners and people of foreign origin.

In 2014 the missions of the ILI have been tightened around 4 axes:

1. French language education
2. Training for active citizenship
3. Social and vocational integration
4. Legal assistance in Immigration Law

In 2015, a social **service providing translation and interpretation** will be accredited to successfully carry out the planned actions in the framework of the integration pathway. This service will have the mission to **facilitate the communication between the person of foreign origin and all the public services or associations** working in the non-profit sector.

Based on the Decree of 27 March 2014, a **coordination committee** was set up to define and harmonize useful aspects for the implementation of the newcomers path. A specific workgroup was created to evaluate the integration policy for foreign persons and to generate indicators. This workgroup is set out to establish an information system gathering all the necessary indicators to monitor and evaluate the policies. The objective is to have a tool as soon as possible, but to get hold of some data and to handle some of the technical details will need some time.

Furthermore, the Regional Centers for Integration are also in charge of defining indicators and gathering statistics.

The General Direction of Social Welfare and Health (DGO5)⁽¹¹⁴⁾ is also working on an **activity report** with the input of organisations which are implicated. This report will be fine-tuned and will focus more on the appropriated indicators for evaluation.

The Decree of 27 March 2014 requires that a regional action plan encouraging the integration of foreigners or persons of foreign origin will be adopted by the Government every 5 years.

Citizenship and Naturalisation

Citizenship and naturalisation are regulated by the Belgian Nationality Code⁽¹¹⁵⁾. As a consequence of the new Code, which entered into force on the 1st of January 2013, the number of acquisitions of the Belgian nationality dropped since 2012. Across all procedures, 45,433 foreigners have acquired Belgian nationality in 2012 and 40,933 in 2013. In 2014, they were no more than 25,816⁽¹¹⁶⁾.

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

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

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

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

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

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

- **Long track:** if a person wants to acquire the Belgian nationality after ten years of legal residence, he/she can only acquire the Belgian nationality if he/she can prove, by all

114 More information available on: <http://socialsante.wallonie.be/?q=action-sociale/integration-personne-origine-etrangere>

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

116 Source and more information: Federal Migration Centre, 2014 Annual Report on Migration [to be published in September 2015].

legal means, his/her participation “to the economic and/or socio-cultural life of the host community” (in addition to the two requirements mentioned above).

The procedures to obtain the Belgian nationality and naturalisation are subject to a levy of €150.

Non-discrimination

In March 2014 the former Centre for Equal Opportunities and Opposition to Racism has been converted and transformed into two institutions⁽¹¹⁷⁾: The Interfederal Centre for Equal Opportunities on the one hand and the Federal Migration Centre on the other hand⁽¹¹⁸⁾.

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 for Equal Opportunities have been expanded to include competence for the regions and the communities, in addition to its authority at the federal level. This is an important step in the fight against discrimination and racism because it **enables every resident to approach one and the same institution for any request on 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 is pooled, citizens will also be certain to receive the best possible treatment.

In Flanders an **Integration pact** will be concluded with local authorities, the social partners, the media, education partners and associations of people with a migrant background in which each partner assumes responsibility for combating direct and indirect discrimination and racism and promoting respect for people with a different religious belief or sexual orientation. The pact also demands commitments from educational institutions, social organisations, the media, local authorities and employers to provide unpaid traineeships and (volunteer) jobs for persons integrating.

117 More information available on: <http://www.diversitybelgium.be/one-centre-two>

118 The legal competences of the former Centre for Equal Opportunities and Opposition to Racism (an independent public service created by law) were 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 Administration was not yet fully appointed at the end of 2014 (done by the federal and regional Parliaments and not any more by the Federal Government, which has importance in the light of the Paris Principles).
- The second is to ensure respect for fundamental rights of foreigners, to give the authorities information shedding light on 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.

3.6 Managing migration, including visa policy and Schengen Governance

Visa Information System (VIS) and biometric visas

All Belgian consulates are equipped with and carry out **biometric visa checks** for short-term visas (Schengen), but not all are linked to the VIS yet. With regards to the VIS, Belgian authorities follow its roll-out scheme, with particular attention to its recent operations in the 16th region. In 2014 the VIS has been deployed in North and Central America (15.05.2014) and the Western Balkan (25.09.2014). In these regions 4.391 biometric short term visas were issued, out of a total of 4.524 visas issued (97%).

Before the VIS becomes operational in a certain region, the FPS Foreign Affairs organizes a regional conference in a central post of the region for consuls, visa agents and local staff of that region at which the legal, theoretical and technical aspects of the VIS are explained. Besides, staff of the FPS Foreign Affairs as well as an officer of the Immigration Office and the Federal Police, participate as training officers. In 2014 such regional conferences were organized in Los Angeles and Istanbul⁽¹¹⁹⁾.

Future plans regarding the national visa database

Belgium has developed a **national visa database AFIS** (Automatic Fingerprint Identification System). It contributes to the identification of TCNs, sometimes also of asylum seekers, and is operational since July 2013. Currently it only contains information regarding short-term visas but it is the purpose to extend it in a later phase to long-term visa applicants as well. Identification of TCNs is important for (1) the possible return process (in case of over-staying for example) and (2) to detect possible abuses or fraud (i.e. identification of undocumented asylum seekers). The creation of AFIS has to be seen from this angle⁽¹²⁰⁾.

Update of reference amounts for the crossing of the external borders

According to article 34.1.c of the Schengen Borders Code, Belgium notified to the Commission an update of the reference amount for border crossing (annex 25 of the Borders Handbook, copied also in annex 18 of the Visa Handbook). As of 1 January 2015 the amount of EUR 38 has been replaced by EUR 45 for TCNs staying with a private individual (family, friend,...), and the amount of EUR 50 has been replaced by EUR 95 for TCNs staying in a hotel. This is the new administrative practice regarding the required (minimum) means of subsistence⁽¹²¹⁾.

119 Source: FPS Foreign Affairs

120 Source: Immigration Office

121 Update of reference amounts for the crossing of the external borders, 2014/C 447/15, Official Journal of the European Union, 13 December 2014.

Enhanced border management at the external borders

See Chapter 8, subchapter 8.1 of this report.

FRONTEX

See Chapter 8, subchapter 8.1 of this report.

Combatting and preventing irregular migration caused by visa liberalisation

See Chapter 8, subchapter 8.1 of this report.

4.1 International protection procedures

Specific context

After a decrease of the number of asylum applications over the last years, Belgium has seen an increase of 8% for 2014 (17,213 cases/22,850 persons). The top 3 countries of origin were Syria (2705), Afghanistan (2330) and Russia (1850). In line with EU trends, the number of Syrian applicants continues to rise.

In 2014, the **recognition rate for beneficiaries of international protection has risen considerably**, with an average of 40% for the decisions taken in 2014. In 2014, 8,005 were granted an international protection status. Of those, 6,470 persons (or 80%) received refugee status according to the Geneva Refugee Convention and 1,585 persons (or 20%) received subsidiary protection status. The high number of applicants from conflict-ridden countries has impacted considerably on the rise in recognition rate.

The share of subsequent applications in the total number of applications remains high.

Significant policy and legislative developments

New State Secretary for Asylum Policy and Migration

The coalition agreement of the new federal government (installed in October 2014) and the policy note of 28 November 2014 of the State Secretary for Asylum Policy and Migration state that the **right to asylum is a key international obligation of Belgium and remains the cornerstone of the asylum policy**⁽¹²²⁾.

Resettlement policy

In December 2011, the Belgian government decided to develop a structural resettlement programme. The size of the quota is decided by the government (State Secretary for Asylum Policy and Migration) and for 2014 was set at 100. Priority was given to vulnerable women and LGBTBI. The allocation of the quota is based on UNHCR's projected global resettlement needs, EU priorities and national considerations. The group consisted of 75 Syrians who fled to Turkey, to escape acts of war. For the selection, a CGRS delegation went to Ankara, Turkey on 31 August 2014 to interview the persons submitted by the UNHCR. The rest of the quota will be allocated to Congolese refugees who are residing in refugee camps in Burundi, but they will only be selected

122 Coalition Agreement, 9 October 2014. [General Policy Note](#), State Secretary for Asylum Policy and Migration in charge of Administrative Simplification, Doc 54 0588/026, 28 November 2014.

at the beginning of 2015. The first group of refugees as part of the Belgian resettlement program 2014 arrived in Belgium in November 2014. Resettled refugees are granted refugee status immediately after arrival in Belgium. There is no difference between the refugee status criteria for asylum seekers and those for resettled refugees.

The government agreement of the new federal government of October 2014 specified that commitments towards resettlement will be maintained within a European framework and in consultation with local authorities. For 2015, the Belgian government decided on 18 November 2014 to double the pledged number for resettlement from 150 to 300 refugees. Out of these 300 refugees, Belgium will resettle 225 Syrian refugees. The other 75 refugees will come from the region of the Great Lakes. In April 2015, the government decided to increase the number of resettlement places to 550 refugees.

Implementation of CEAS and support to EASO

The federal government expressed the ambition to transpose the European Asylum Procedures Directive 2013/32/EU (APD) in national legislation within the prescribed deadline. Although the current Belgian asylum procedure is already in compliance with most provisions of the recast of the APD, some challenges remain.

Belgium is one of the most active players and participates in most activities, meetings and workshops of the European Asylum Support Office (EASO). In 2014, Belgium frequently provided staff for Asylum Support Teams in the framework of special support plans and/or emergency support plans for Bulgaria, Italy, Cyprus and Greece.

The Belgian asylum authorities were actively involved in the development, teaching and update of several EASO Training Modules⁽¹²³⁾. The CGRS was also heavily involved in the COI-related activities of EASO and the Belgian asylum authorities also contributed to the development of an early warning mechanism by means of timely delivery of all the requested statistical data. Besides, the Belgian asylum and reception authorities also participated in the Quality Matrix thematic meeting on the identification of persons with special needs.

Safe Countries of origin list updated

In November 2011, Belgium introduced the possibility to designate safe countries of origin, and the Royal Decree implementing this concept came into force on 1 June 2012. Under this procedure, the Minister for Asylum and Migration, and the Minister for Foreign Affairs submit, after an advice of the CGRS, a list of safe countries to the government for consideration. The list must be reviewed at least once a year. On 4 April 2014, the following seven countries were approved on the list of safe countries of origin: Albania, Bosnia-Herzegovina, FYROM, Kosovo, Serbia, Montenegro and India⁽¹²⁴⁾.

123 Interviewing Children, CEAS, Inclusion, Exclusion, Evidence Assessment and Interview Techniques and Reception.

124 Press Release: Lijst veilige landen van herkomst: asielaanvragen dalen met 57%, 4 April 2014.

Changes regarding protection policy

Furthermore Belgium has decided to re-apply art. 15(c) of the asylum qualification directive to certain areas of Iraq and to grant refugee status to most Syrian applicants, rather than subsidiary protection status.

Capacity building and external dimension

In 2014, the CGRS continued to be involved in bilateral cooperation and capacity-building efforts with the Burundian asylum authority (ONPRA). Since 2010, ONPRA has been receiving support on organizational management capacities and assistance on the status determination process.

In 2014, Belgium was also involved in the EASO activities concerning the external dimension. The CGRS sent out three experts to Morocco (i.a. for a thematic seminar on accelerated procedures at airports) in the framework of the ENPI project with Morocco, Tunisia and Jordan.

Specific debates and criticism

Too much focus on return and abuse?

The new government published its coalition agreement on 9 October 2014. Regarding asylum and migration, NGOs criticized the fact that the focus is too much on return, abuse of asylum- and migration procedures and border security; while so many refugees are in need of protection. The Flemish NGO Vluchtelingenwerk Vlaanderen stated that the coalition agreement reflects distrust for refugees and asylum seekers and that it narrows the function of the State Secretary for Asylum Policy and Migration to that of border guard⁽¹²⁵⁾.

The criticism was countered by referring to the government agreement which also stated that the right to apply for asylum is a crucial international engagement to provide protection to those who are prosecuted all over the world; and that therefore a continuous improvement of the efficiency and quality of the asylum procedure is essential. Furthermore, the protection rate for asylum seekers was higher in 2014 than ever before.

Is there enough being done for refugees from Syria?

According to a number of NGOs, too little was done in 2014 for Syrian refugees by the Belgian government. The Belgian NGOs Vluchtelingenwerk Vlaanderen, CIRE and Caritas requested to provide safe access for Syrian refugees to Europe by, among others, facilitating access to humanitarian visas⁽¹²⁶⁾. It was also argued that the resettlement of 75 Syrians to Belgium in 2014 is a limited effort given the scale of the crisis.

125 Keytsman Els, Michel I vernauwt functie van staatssecretaris asiel en migratie tot grensbewaker, in *Knack online*, 31 October 2014.

126 Syriërs houden vandaag stille betoging: 'Geef ons een plek in het regeerakkoord', Vluchtelingenwerk Vlaanderen, 3 July 2014.

The criticism was countered by the government with the argument that for 2015 the number of places for resettlement rose significantly from 150 to 550 refugees. Out of these 550 refugees, Belgium will resettle 475 Syrian refugees. Furthermore, in 2014, there were about 2,000 Syrian asylum applicants in Belgium who were in most cases granted a protection status.

Important Case law

- Following the **Tarakhel** judgment, the Immigration Office requests individual guarantees from Italy for the Dublin transfer of families with minor children. These guarantees relate to the accommodation, the physical reception conditions and the unity of the family⁽¹²⁷⁾.
- In two separate decisions of 23 October 2014, the Belgian Council of State partially annulled the Royal Decrees of 2012 and 2013 which included **Albania on the list of safe countries of origin**⁽¹²⁸⁾. The decisions are motivated in consideration of the high number of Albanians who were granted international protection prior to the introduction of the list of safe countries of origin in 2012. As a consequence the CGRS treats all asylum applications from Albania within the normal asylum procedure (Although the Royal Decree of 2014 putting Albania on the list has not been annulled).
- The Council for Aliens Law Litigation (CALL) is an administrative Court competent for handling appeals against all kinds of administrative decisions in the field of migration, among others against the first instance negative decisions of the CGRS. The appeal procedure against CGRS decisions "not to take into consideration asylum applications from safe countries of origin" has been judged not to be an effective remedy in certain situations by the Constitutional Court judgment on the appeal procedure⁽¹²⁹⁾. As a consequence, a change of law entered into force on 1 June 2014, allowing for **full judicial review against inadmissibility decisions** on subsequent applications and applications from safe countries of origin.

4.2 Reception of applicants for international protection

Specific context

In 2012, the reception crisis came to an end. Since 2013, the Federal Reception Agency (Fedasil) has been able to focus more on quality, individual needs of asylum seekers and respecting the standards as determined in the Reception Conditions Directive. In 2014, Fedasil further decreased its reception capacity and created a buffer capacity. On 11 December 2014, the plan of the Secretary of State for Asylum and Migration to close an additional 1,212 reception places in 2015 was approved by the Council of Ministers⁽¹³⁰⁾. In 2015, Fedasil and its partners will have a reception capacity of 16,636 structural places.

127 Judgment of the ECHR in the case of Tarakhel v. Switzerland, 4 November 2014.

128 Judgment of the Council of State, 23 October 2014.

129 Judgement n°1/2014 of the Constitutional Court, 16 January 2014.

130 2057 opvangplaatsen minder, Fedasil, 11 December 2014.

Significant policy and legislative developments

Reception of vulnerable groups

At the Dispatching of Fedasil, the specific needs of the asylum seeker (family situation, age, health condition) are taken into consideration before allocating a reception facility. The Reception Act defines as vulnerable persons: minors, unaccompanied minors, single parents with children, pregnant women, persons with a disability, victims of human trafficking, violence or torture and elderly persons. There are some specialised facilities, or specific places in regular centres, for unaccompanied minors, for single women (with children)⁽¹³¹⁾, for victims of trafficking, for persons having specific medical needs and for persons with psychological problems. In 2014, there were sufficient specific reception places to accommodate these vulnerable applicants.

The policy note of the State Secretary for asylum and migration mentions a new reception model where the 2-phases (first collective and afterwards individual reception) is abandoned. Preference will be given to reception in collective facilities. Individual reception will be predominantly preserved for applicants of international protection with specific profiles and vulnerable groups with special reception needs. Individual reception allows best for meeting the needs of vulnerable groups. A pilot project will start in 2015.

The identification of the special needs will be done during a first (maximum 30 days) observation and evaluation phase. At the moment the conventions with Fedasil's different reception partners are being revised. From January 2015 onwards, these conventions will mention how many and which vulnerable groups the reception partner must be able to accommodate.

For each of the vulnerable groups a "reception path" will be elaborated taking into account the specific special reception needs.

For people who are ill, this exercise has been done by a medical labelling of rooms in the reception network. It concerns not only the characteristics of the room (for example ground floor, accessible for people with reduced mobility), but also the surrounding of the reception facility (for example nearby a hospital).

In this context, Fedasil will conduct a study on the identification and the taking into consideration of the needs of vulnerable asylum seekers in 2015.

Complaint mechanism, standards of reception conditions and evaluation of the Reception Act

On 25 July 2014, the Royal Decree of 15 May 2014 concerning the **procedures for measures for maintaining order, sanctions and the handling of complaints** of the beneficiaries of reception was published. The Decree determines which procedural rules are applicable and the different authorized authorities.

¹³¹ The latest facility opened in December 2013 in the federal reception in the town of Sint-Truiden. A facility for 36 single women (with children) with separate sanitary facilities and weekly activities for the women.

The Belgian Reception Agency started in 2014 to **revise the standards of the reception conditions** for asylum applicants. In October, the quality standards were defined for infrastructure, safety and material. **Test audits** were done in two federal reception centres. The results were positive, but certain points need attention. In 2015, the quality standards for the social and legal assistance and for the material aid will be revised. Audits will be held in different reception facilities. Since these audits are very time-consuming, the Agency is working out a realistic planning for 2015.

In 2014, the Legal Department of the Reception Agency started with an **evaluation of the Reception Act** of 12 January 2007, the **harmonizing of the conventions with the different reception partners** and with the **elaboration of a follow-up tool for the coherence of the internal instructions with the legislation**.

Specific debate and criticism

The government agreement stated that, since the duration of the asylum procedure is significantly reduced, asylum seekers will preferably be hosted in collective reception facilities. NGOs argue that individual reception in local reception initiatives is cheaper and is better for the integration of asylum seekers⁽¹³²⁾.

The criticism was countered by stressing that the duration of the asylum procedure is significantly reduced and individual reception will still be available for certain vulnerable groups (people with physical disabilities, pregnant women, UAMs) and asylum seekers whose chance to be granted a protection status is high. Moreover, all persons who are entitled to reception are currently accommodated and a buffer capacity is preserved.

4.3 Integration of asylum applicants and persons with international protection status

For the reception of beneficiaries of international protection or subsidiary protection as well as asylum seekers who have obtained a residence permit for medical or humanitarian reasons, a pilot project will start in April 2015. A number of Local Reception Initiatives (individual reception) will be reserved to enable and to **facilitate the transition from material aid in the collective reception centres to financial aid in the general society**. This period of transition is foreseen for 3 months, but can be prolonged if the person concerned could not leave the reception facility (for example due to a lack of adapted housing). The accompaniment in these reception initiatives is focused on the integration of the residents to ensure that they have the ability to function autonomously in the Belgian society.

132 Regeerakkoord wantrouwt asielzoeker, Vluchtelingenwerk Vlaanderen, 9 October 2014.

The amendment of the Law of 22 May 2014 concerning the rights of volunteers, into force since 2 July 2014⁽¹³³⁾, made **voluntary work** finally accessible to asylum seekers in Belgium. Voluntary work allows asylum seekers to actively participate in society, to use their time (waiting for the outcome of the asylum application) meaningfully, to use their skills and capacities, to learn and practice the language, to get to know people outside of the reception facility, to empower themselves and to contribute to the positive image of asylum seekers.

133 Law of 22 May 2014 modifying the law of 3 July 2005 regarding the rights of volunteers to make volunteer work accessible to foreigners, Belgian Official Gazette, 18 June 2014.

5. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

5.1 Unaccompanied minors

As indicated in the national contribution to the EMN Study on Unaccompanied Minors (2014), a bill of 12 May 2014⁽¹³⁴⁾ makes it possible for the Guardianship Service to appoint a guardian for **European Unaccompanied Minors (UAMs)** who are in a vulnerable situation (assessed by the Guardianship Service) or are registered at the Immigration Office as a victim of human trafficking (procedure according to article 61/2,§2 paragraphs 2 of the Immigration Act⁽¹³⁵⁾). This bill came into force on 1 December 2014.

The government agreement and the policy note of the new State Secretary for Asylum Policy and Migration⁽¹³⁶⁾ stated that the **protection of UAMs** should be reinforced and proposed the following actions:

- UAMs will be given the opportunity to apply for the special residence permit for UAMs, even if other procedures are still pending. Previously UAMs could not benefit from the specific procedure for UAMs as described in articles 61/14 to 61/25 of the Belgian Immigration Act if other residence procedures, such as an asylum procedure, had been initiated. This proposition already became a reality with the adoption of the Law of 26 February 2015.
- A uniform registration, improved identification and common database for the various services that work with UAMs (Guardianship Service, Immigration Office, Fedasil).

The **Protocol of Cooperation** of 28 January 2013, between the Immigration Office, the Guardianship Service and Fedasil, concerning the registration of **UAMs not seeking asylum** has been annulled by the Council of State on 18 December 2014⁽¹³⁷⁾. The protocol gave, among others, a broader competence to the police department as laid down by the law.

Since September 2014, the federal reception centres of Bovigny and Arendonk created a **specific pilot project for UAMs between 16 years and 17 years and 9 months old** who have no residence perspective in Belgium, **“My Future”**. They get an intensive preparation for the end of their stay in Belgium through an intensive and practical vocational training, useful for their future. The UAM may alternate learning and working (1 day general education, 1 day vocational training and during 3 days follow a work-focused track) and choose adapted modules. Examples of training modules are: personal care (module housekeeping, health module, module communications, logistics assistant in hospitals and care institutions, health care, child care),

134 http://www.ejustice.just.fgov.be/cgi/article_body.pl?language=nl&caller=summary&pub_date=2014-11-21&numac=2014009398

135 http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=1980121530

136 General Policy Note, State Secretary for Asylum Policy and Migration in charge of Administrative Simplification, Doc 54 0588/026, 28 November 2014, pp.24 -25.

137 <http://www.kruispuntmi.be/rvs-229606-18-12-2014>

decoration (publicity painter, painter, wood, metal), maintenance (maintenance worker buildings, gardener), cycle repair. These trainings are combined with a continuous preparation for adulthood and the corresponding required autonomy (functional and emotional) aiming to empower the participants. The coaches will also cooperate with the network of the minor (contacts in Belgium; family in country of origin; the guardian; etc.) and all relevant actors (authorities, voluntary return, tracing, social workers). "My Future" is a pilot project for the course of one year and participation is on a voluntary basis.

5.2 Other vulnerable groups

Attention for vulnerable groups in the policy note of the secretary of state for asylum and migration

The policy note of 28 November 2014 stated that the government will pay maximum attention to the most vulnerable asylum seekers. Besides the attention to UAMs, mention is made of a reception model for specific target groups and for families with children without residence permits⁽¹³⁸⁾. As for **stateless persons**, it was announced that **those** who do not have an alternative could be granted a residence permit (if there are no violations of the public order).

Best interest of the child

In 2014, staff members of the CGRS did extensive research, organised workshops and participated in conferences to define the **"child's best interests"** in the asylum procedure. This was done in order to develop service guidelines providing a uniform and unambiguous explanation of the processing of asylum applications filed by **(unaccompanied and accompanied) children**. This project was also important in view of the amended Procedures Directive in which special attention is given and quality demands are made to asylum applications lodged by children, who should be considered as vulnerable persons.

In view of Belgium's commitment, as chairman of the Committee of Ministers of the Council of Europe⁽¹³⁹⁾, to effectively promote and safeguard the rights of the child, the Belgian Federal Mediator will, in 2015, discuss with the federal administrations what concrete measures will be put in place to guarantee that the best interest of the child is always taken into account.

Migrant girls and women who are (or risk to be) victims of violence

Some measures in the national action plan PAN/NAP 2010-2014 on the resolution on women, peace and security (UN Security Council Resolution 1325) specifically address asylum and migration issues.

138 General Policy Note, State Secretary for Asylum Policy and Migration in charge of Administrative Simplification, Doc 54 0588/026, 28 November 2014, p.16.

139 <https://wcd.coe.int/ViewDoc.jsp?id=2257629&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB02&BackColorLogged=F5D383>

On 10 June 2013, an updated version of the **NAP 2010-2014**⁽¹⁴⁰⁾ **to combat partner violence and other forms of domestic violence** was approved by the federal government. In 2014 governmental and non-governmental stakeholders continued with information and awareness raising on domestic violence, prevention of forced marriage, training of people who are professionally in charge of girls and women who are victim (or at risk) of these kinds of violence, and protection of victims. The fifth NAP, **NAP 2015-2019**, was drawn up at the end of October 2014. The plan lists the structural and on-going measures resumed after the update of the fourth NAP, new measures and measures related to recommendations and lacunas concerning gender based violence. Approval of this plan is foreseen in 2015.

LGBTI

In 2013, an **Interfederal Action Plan** was drawn up: a first part against Homophobic and Transphobic Violence⁽¹⁴¹⁾ in January and a second part against Homophobic and Transphobic Discrimination in May. The plan describes priorities in the field of homophobic and transphobic violence (knowledge development, improvement of legislation and prevention, awareness-raising, victim support and monitoring and prosecution of perpetrators), and aims at eliminating structural discrimination and fighting stereotypes and broadening norms during 2013 and 2014.

An **expert network** was set up to provide input for the evaluation of the interfederal action plans. In January 2015, they will publish a note concerning the bottlenecks and recommendations for the Homophobic and Transphobic Violence and Discrimination IAP.

140 http://igvm-iefh.belgium.be/nl/publicaties/nationaal_actieplan_ter_bestrijding_van_partnergeweld_en_andere_vormen_van_intra-familiaal_geweld_2010-2014.jsp

141 More information available on: http://igvm-iefh.belgium.be/nl/binaries/Interfederaal%20Actieplan%20Homofob%20Transfob%20Geweld_tcm336-24389.pdf

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)⁽¹⁴²⁾ 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**⁽¹⁴³⁾ 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 Federal Migration Centre (formerly known as the Centre for Equal Opportunities and Opposition to Racism /CEOR)⁽¹⁴⁴⁾ 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 provided by **three centres**⁽¹⁴⁵⁾ **specializing in the reception of victims** of trafficking, which are state-accredited NGOs. While legal aid for child victims is provided by these specialized centres, child victims are accommodated elsewhere, in centres managed by other NGOs⁽¹⁴⁶⁾ which are better suited to that purpose.

142 The fight against the trafficking and smuggling of human beings in Belgium – Action Plan 2012-2014

143 The Interdepartmental coordination unit is, among others in charge of the coordination of the initiatives between the different ministries dealing with trafficking in human beings and to formulate proposals in order to improve the fight against trafficking in human beings. It is the coordination mechanism that sets up for instance, the Action plan on trafficking in human beings and is in charge of its implementation. The government makes every two years a report on the different initiatives taken.

144 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.

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

146 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.

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 co-operation**⁽¹⁴⁷⁾ (hereafter called Circular on multidisciplinary cooperation) in respect of victims of trafficking.

6.2 Significant institutional, policy and legislative developments

National Rapporteur⁽¹⁴⁸⁾ on Trafficking in Human Beings or Equivalent Mechanism

Since 1 September 2014 and by the Royal Decree of 21 July 2014, Belgium has established its system of National Rapporteur or Equivalent mechanism⁽¹⁴⁹⁾ in a specific way: it is composed, on the one hand, of the **Interdepartmental coordination unit, as coordination mechanism and state rapporteur**, and on the other hand, of the **Federal Migration Centre⁽¹⁵⁰⁾ as independent rapporteur⁽¹⁵¹⁾**.

In December 2014, the Belgian authorities reported to the Anti-trafficking coordinator, providing both the annual report that was made by the independent rapporteur, the Federal Migration Centre⁽¹⁵²⁾, and the bi-annual report of the state rapporteur, the Interdepartmental coordination unit⁽¹⁵³⁾.

Both the independent report and the state report are edited, not only to fulfil the requirements of the template established within the network of national rapporteurs, but also according to national reporting obligations established by Belgian Law: the report of the independent national rapporteur offers comprehensive phenomenon analysis and policy analysis and the report of the state rapporteur also treats recent policy developments.

Composition of the Interdepartmental coordination unit and its Bureau

In execution of the Belgian Action Plan 2012-2014 on the fight against THB⁽¹⁵⁴⁾, the Royal Decree

147 Circular of 26 September 2008 on implementing multidisciplinary cooperation in respect of victims of THB and/or certain aggravated forms of smuggling of migrants.

148 The Council of Europe Convention on trafficking in human beings (article 29) makes a clear distinction between the role of the national coordinator (in charge of the coordination of the anti-trafficking policy, art. 29.2) and the role of national rapporteur (monitoring mechanism, art.29.4). The EU directive does not make this distinction.

149 Royal Decree of 21 July 2014 modifying the Royal Decree of 16 May 2004 concerning the fight against human trafficking and human smuggling. Available on: http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&a=N&table_name=wet&cn=2014072117

150 Full name: Centre for Analysis of Migration flow, Protection of fundamental rights of foreign people and the fight against human trafficking.

151 In Belgium, until very recently, the role of independent national rapporteur was exercised *de facto* by the Centre for Equal Opportunities and the Fight against Racism (since 15 March 2014 the Federal Migration Centre); while the coordination was exercised by the Interdepartmental Coordination platform, gathering all relevant federal authorities dealing with this issue and chaired by the Ministry of Justice.

152 Federal Migration Centre (Federal Centre for the analysis of migration flows, the protection of fundamental rights of foreigners and the fight against human trafficking, Human trafficking). Building bridges. 2013 Annual report of the independent rapporteur on human trafficking, 2014. Online available in Dutch and French and (soon) in English on <http://www.diversitybelgium.be/>

153 Federal Public Service Justice, *Governmental report on Combating Human Trafficking: 2011-2012*, 2014. Available in English on: http://www.dsb-spc.be/doc/pdf/RAPPORT_TEH_2011-2012_EN.pdf

154 Kingdom of Belgium, *The fight against trafficking in human beings. Action plan 2012-2014*. Available on: http://www.dsb-spc.be/doc/pdf/TEH_action_plan_EN.pdf

of 21 July 2014⁽¹⁵⁵⁾ formally integrated the specialized **reception centres for victims of THB in the Interdepartmental Coordination Unit**. Before, the specialized reception centres regularly attended certain meetings of the Bureau⁽¹⁵⁶⁾ of the platform, but they were not official members of the platform. The Royal Decree also led to other changes in regard to the composition of the platform and its Bureau⁽¹⁵⁷⁾: among others the integration of representatives of the Regions and Communities to the platform (still need to be designated) and a representative of the Board of General Prosecutors are now part of the platform.

Information and training

An **information tool developed for hospital staff** in 2012, the leaflet “Human trafficking... how to react? Advices for hospital staff”⁽¹⁵⁸⁾, was given a new impetus in 2014: the initiative was launched again in June 2014 and was accompanied among others by an online evaluation questionnaire. The leaflet illustrates the situation of victims and the way in which medical staff can help them (e.g. by referring victims to specialized reception centres, where they can receive psychological, administrative and legal aid).

In October 2014, a **training workshop** was organized for staff of the Federal Agency for the Reception of Asylum Seekers (Fedasil) and its reception partners to provide them with the tools to **better identify and refer THB victims, and more specifically unaccompanied minors who are (potential) THB victims**. The training was intended at first place for staff working on the field with unaccompanied minors. The training workshop was organised by Fedasil together with the Immigration Office and the specialised reception centres for THB victims and the centres for unaccompanied minor victims of THB⁽¹⁵⁹⁾. Other projects are running concerning the training of legal guardians of unaccompanied minors, interactions with the police and with social inspection services.

As mentioned in subchapter 3.4 of the present report, Belgian authorities plan to organize in 2015 a prevention campaign addressed to potential **Brazilian victims of economic exploitation in Belgium**. This is a continuation of projects undertaken by the Immigration Office, in close cooperation with the IOM in 2009-2010, with the aim to prevent the economic exploitation of Brazilian nationals in Belgium⁽¹⁶⁰⁾.

155 Royal Decree of 21 July 2014 modifying the Royal Decree of 16 May 2004 concerning the fight against human trafficking and human smuggling. Available on: http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=2014072117This Decree was published in the Official Gazette on 1 September 2014.

156 As the Interdepartmental Coordination Unit only meets two or three times a year, a “Bureau” made up of the major departments involved in the fight against trafficking and smuggling in human beings, has been set up. The Bureau meets on a monthly basis. It is responsible for the daily functioning of the platform and prepares or carries out its decisions, recommendations and initiatives. The chairmanship of the Bureau is held by the Criminal Policy Service. The Federal Migration Centre is responsible for the secretariat.

157 As the Interdepartmental Coordination Platform only meets two or three times a year, a “Bureau” made up of the major departments involved in the fight against trafficking and smuggling in human beings, has been set up. The Bureau meets on a monthly basis. It is responsible for the daily functioning of the platform and prepares or carries out its decisions, recommendations and initiatives. The chairmanship of the Bureau is held by the Criminal Policy Service. The Federal Migration Centre is responsible for the secretariat.

158 More information: http://www.belgium.be/nl/nieuws/2012/news_mensenhandel_brochure_ziekenhuispersoneel.jsp?referer=tcn:117-198825-64-a3

159 Fedasil website, *Training on Trafficking in Human beings*. Available on <http://fedasil.be/fr/news/accueil-des-demandeurs-dasile/formation-traite-des-etres-humains-0>

160 Read additional information on these projects in the [Government Report relating to the fight against trafficking in human beings in 2009-2010](#), p. 10

Referral mechanism of THB victims between the Benelux-countries

The Benelux-cooperation concerning THB in the framework of the Benelux Common Action Plan “Senningen 2013-2016”⁽¹⁶¹⁾ focused on the issue of the **improvement of the transnational referral mechanism of THB victims between the Benelux-countries**. It was the topic of the second⁽¹⁶²⁾ annual Benelux-meeting concerning THB, intended to exchange experiences on how these three countries tackle the THB phenomenon. The meeting was held on 1 April 2014.

Future developments

The Bureau of the Interdepartmental coordination Unit started in 2014 the drafting of a **new national Action Plan** against trafficking in human beings for the period 2015-2019, which is **to be expected** in the first part of 2015.

The new Belgian **federal government**⁽¹⁶³⁾ of October 2014 reaffirmed the fight against human trafficking and smuggling as a government priority. Belgian authorities will continue with a global and integrated approach and intend to continue to play an active role at international level. More particularly:

- Special attention will be given to **the training of frontline actors** who are professionally in contact with (potential) victims, with a focus on indicators and profiles to be able to better detect and refer victims towards specialised reception centres.
- **Information campaigns** directed to potential victims, involved actors and the large public will be pursued.
- The government will also continue to invest in a better protection of victims through modifications of the **Circular of 26 September 2008**, which describes the multidisciplinary cooperation for the protection of victims and the role of the various stakeholders⁽¹⁶⁴⁾. This will be done taking into account recommendations made by several multidisciplinary evaluation groups.

161 Secretariaat-Generaal Benelux, *Gemeenschappelijk werkprogramma 2013-2016. Groei, innovatie, veiligheid*. Available on: http://www.benelux.int/pdf/pdf_nl/2013_werkprogramma_nl.pdf

162 The first meeting focused on the “administrative control of prostitution and the impact on the approach on the fight against THB”. This meeting, initiated by the Dutch Benelux presidency, was co-chaired by the Netherlands and Belgium and took place in December 2012 in Antwerp.

163 Belgian Federal government agreement, 9 October 2014, p.155. Available on: <http://www.premier.be/fr/accord-de-gouvernement> and Belgian Chamber of Representatives, *Policy note on Asylum and Immigration*, 28 November 2014. Available in Dutch and French on: <http://www.dekamer.be/FLWB/PDF/54/0588/54K0588026.pdf>

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

7.1 Policy Coherence for Development

In 2014 Belgium reinforced its commitment to Policy Coherence for Development (PCD). A new regulatory framework and new structures to ensure PCD were established.

A Royal Decree of 2 April 2014 established an **interdepartmental Commission** composed of 16 representatives of public services at federal, regional and community level. The interdepartmental Commission, which shall be operational as from January 2015, is tasked to:

- exchange information and develop recommendations for the Minister and other Ministers responsible for policy areas exercising direct or indirect influence on developing countries
- raise awareness amongst services and institutions concerned about the impact of the policy decisions on developing countries
- prepare and follow up decisions taken by the Interministerial Conference on PCD
- play a dynamic role in the preparation and follow up of meetings in EU and international entities active in the field of PCD⁽¹⁶⁵⁾.

A Royal Decree of 2 April established an **advisory body** (with representatives of NGO's, the academic field, the Development Cooperation and the Cabinet). The advisory body, which initiated its work in October 2014, is tasked to (i) provide advice to the Minister and respond to his requests relating to federal measures impacting on developing countries, (ii) make proposals feeding into the Interministerial Conference on PCD, (iii) provide advice to the government and other Belgian stakeholders involved in PCD with respect to recommendations of international entities, (iv) take a position, upon request from the government, on impact analyses on PCD⁽¹⁶⁶⁾.

In June 2014, a **cell for PCD** was created within the **Development Cooperation Department** of the Federal Public Service Foreign Affairs, External Trade and Development Cooperation. Migration is (as at the EC-level) one of the 5 priority areas. The specific objective is to avoid that Belgian policies, including immigration and development policies, conflict with each other and to seek complementarities.

Apart from these new developments, Belgian authorities maintained in 2014 existing **informal coordination mechanisms**, such as **COORAM** (Coordination Asylum Migration), allowing stakeholders, including the Cabinet, the Immigration Office, the Office of the Commissioner

¹⁶⁵ Royal Decree of 2 April 2014 relating to the set-up of an interdepartmental commission on coherence of policies for development, Belgian Official Gazette, 22 April 2014.

¹⁶⁶ Royal Decree of 2 April 2014 relating to the set-up of an advisory body on coherence of policies for development, Belgian Official Gazette, 22 April 2014.

General for Refugees and Stateless Persons, the Asylum and Migration Direction in Foreign Affairs, as well as the Belgian Development Cooperation to meet on ad hoc basis. In addition to this, the **diplomatic network abroad** continued to report to the Asylum and Migration Direction of Foreign Affairs on migration-relevant developments in countries of origin.

Moreover the provision of the new law for the Belgian Development Cooperation of March 2013⁽¹⁶⁷⁾ (as amended by the Law of 9 January 2014⁽¹⁶⁸⁾) requiring that draft law/decrees/decisions are submitted for prior screening of their impact on development, was effectively used in 2014. The proposal made by the State Secretary for Asylum Policy and Migration aimed at **introducing fees for introducing applications for residence permits in Belgium, transited on this basis through the Belgian Development Cooperation for advice** on its possible impact on development policies. The Development Cooperation noted inter alia that the proposal does not conflict with policies supporting socio-economic development or capacity building in the developing countries but still underlined overall efforts devoted to reducing recruitment and remittances related costs⁽¹⁶⁹⁾.

On the basis of the foregoing, the new Minister for Development Cooperation reiterated its commitment to PCD in its statement of policy orientation dated from 14 November 2014⁽¹⁷⁰⁾. Also the State Secretary for Asylum Policy and Migration included a specific section on "Asylum, Migration and Development Cooperation" in his policy note from 28 November 2014. In the latter note, the State Secretary underlined that **efforts undertaken** in the area of development cooperation will in the first place be directed **towards geographical areas having an impact on migratory flows** to Belgium, such as the Great Lakes Region and North Africa. He also noted that it will be examined in which way the **Development Cooperation Department** can be **associated in voluntary return and reintegration projects** in countries of origin⁽¹⁷¹⁾.

In 2014, Belgium authorities' commitment to PCD was also demonstrated at international level. In this regard, Belgium made a financial contribution (EUR 30.000) to the **Global Forum for Migration and Development (GFMD)** of May 2014 in Stockholm, where Belgium co-chaired with Bangladesh and Mexico a roundtable on framing Migration for the new Millennium Development goals and the UN Post 2015 development agenda, advocating for migration as enabler for development. Also at international level, Belgium assumed in 2014 its responsibilities as vice President of **IOM Council** in Geneva and will become President of the Council in 2015⁽¹⁷²⁾.

167 Law of 19 March 2013 relating to Development Cooperation, Belgian Official Gazette, 12 April 2013

168 Law of 9 January 2014 modifying the law of 19 March 2014 relating to Development Cooperation, Belgian Official Gazette, 30 January 2014

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

170 Statement of policy orientation "Development Cooperation", DOC 54 0020/017, Deputy prime minister and minister of Development Cooperation, Digital Agenda, Telecom and Postal Services, 14 November 2014, pp. 15-16

171 Policy Note "Asylum and Migration", DOC 54 0588/026, State Secretary for Asylum Policy and Migration, 28 November 2014, p. 8

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

7.2 Migrants' remittances

In 2014, Belgium contributed to IFAD (International Fund for Agricultural Development⁽¹⁷³⁾ funded this year with 8 Million) and to UNCDF (UN Capital Development Fund⁽¹⁷⁴⁾) that launched together with other partners, an **initiative for African Postal Financial Services** covering 10 countries in Africa. This uniquely broad-based partnership seeks to enhance competition in the African remittance market by promoting and enabling post offices in Africa to offer remittances and financial services.

The specific objectives of the initiative are to:

1. reduce the cost of remittances to and within Africa
2. reduce transaction times of remittances
3. broaden the network of rural locations through which remittances can be picked up and
4. deepen the range of financial services provided in rural areas⁽¹⁷⁵⁾. IFAD further supports projects on sending remittances through mobile banking and the reinvestment of remittances in rural areas.

In his statement of policy orientation dated from 14 November 2014, the Deputy Prime Minister and Minister of Development Cooperation underlined that the government will undertake a **thorough analysis as to how remittances could contribute to exert a leverage effect** in order to achieve development goals. He further added that remittances are insufficiently credited to achieve development and have a great potential⁽¹⁷⁶⁾.

7.3 Working with diasporas

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

Transfer of knowledge and other resources

It is worth noting in this regard that Belgium terminated in 2013 its support to the MIDA - Migration for Development in Africa – Program, implemented by IOM, as a consequence of a negative external evaluation demonstrating a **lack of development impact**. The program supported experts from the Burundian, Rwandan and DRC diaspora (in Belgium) to transfer knowledge and resources to their country of origin, through capacity building and e-learning in the areas of health, education and rural development.

173 The International Fund for Agricultural Development (IFAD) is a specialized agency of the United Nations, which was established as an international financial institution in 1977 as one of the major outcomes of the 1974 World Food Conference.

174 The UN Capital Development Fund provides investment capital and technical support to both the public and the private sector. It has the ability to provide capital financing – in the forms of grants, soft loans and credit enhancement – and the technical expertise in preparing portfolios of sustainable and resilient capacity building and infrastructure projects.

175 Find additional information on the initiative on <http://www.ifad.org/remittances/pub/african.pdf>

176 Statement of policy orientation "Development Cooperation", DOC 54 0020/017, Deputy prime minister and minister of Development Cooperation, Digital Agenda, Telecom and Postal Services, 14 November 2014, p. 15

Support to private investment initiatives

The Cooperation Programme (CP) 2014-2017 between Belgium and Morocco plans to support development and investment initiatives from Belgians of Moroccan origin residing in Belgium. In 2014, Belgium entered into phase II of the **MEDMA 2** Pilot Project (2012-2014) for “Mobilization of Moroccans residing in Belgium for the Development of Morocco”. This EUR 1.2 million, two year pilot project seeks to **encourage Moroccans residing in Belgium to invest** in Northern Regions (Tanger, Tétouan), Oriental Regions (Oujda, Berkane, Nador, Jerrada) and the Al Hoceima Province of Morocco. It aims to provide potential investors (15 investment projects selected according to predetermined eligibility criteria) with up-to-date technical, financial and administrative information and insights into how best to access existing national mechanisms to facilitate their investment and **contribute to the socio-economic development** of some of the poorest regions of the country. The support in the field of migration and development is delegated to the International Organization for Migration (IOM). The project is also supported by a network of **public-private transnational exchanges** (municipalities/cities in Belgium, Belgian Development Cooperation, Solvay Business School Entrepreneurs, Ministry of Moroccans residing abroad/MCRME, Hassan II Foundation, Central Guarantee Fund/CCG, municipalities/cities in Morocco).

Capacity building

The Belgian Development Cooperation continued to support two programmes from migrant associations, established by members of the African Diaspora in Belgium active in the health sector in the Democratic Republic of Congo (DRC) both engaged in the second phase of their programmes for a period of three years (2013-2015) with a total funding of EUR 1,270 million each. In 2014, Belgium contributed (1) with EUR 436 Million to the “Benelux Afro-Centre” (BAC) programme strengthening the institutional and management capacity of **the National Council of NGOs in the sector of health (CNOS) in the DRC**, and (2) with EUR 396 Million euro to the “Cap Santé” programme strengthening the organization and management capacity of the **Cabinda health district management team in the DRC**.

Belgium also made a contribution of EUR 7,1 million (for the period 2013-15) to the IOM Development Fund which is mainly used for capacity building projects in the field of migration management⁽¹⁷⁷⁾.

7.4 Migration and development projects

As in previous years, the specific prevention budget, managed by the Immigration Office in consultation with the Director General for Development Cooperation, allowed the funding and/or continuation of specific migration and development projects in 2014.

¹⁷⁷ Source: Cell D2.5, Federal Public Service Foreign Affairs

Democratic Republic of Congo

In the **Democratic Republic of Congo** (DRC), a project⁽¹⁷⁸⁾ focusing on the reception and reintegration of **homeless minors of age** in Kinshasa as well as the reintegration of **unaccompanied foreign minors** voluntarily returning to the DRC was granted EUR 50.000 in 2014.⁽¹⁷⁹⁾

Morocco

Another project implemented since a few years, aimed at supporting the voluntary return and reintegration programme offered in **Morocco** to migrants originating from Sub-Sahara Africa, was granted EUR 200.000 in 2014⁽¹⁸⁰⁾.

Other migration and development projects

Other projects previously initiated, extended over 2014, including (i) the project initiated on 1 October 2013 with a view to supporting **Guineans** who return to Conakry from Africa (mainly from Maghreb and Angola) and assisting them upon return, (ii) the project 2012-2014 implemented by IOM that is aimed at supporting the capacities of the **border posts Zongo and Kamako in DRC** and (iii) the project with the objective to support trainings of civil servants of the national agency for refugees and stateless persons of **Burundi**, given by the Belgian Office of the Commissioner General for Refugees and Stateless Persons.

178 Read more on the support to the « Don Bosco project » in the technical sheet from 1 February 2013 until 31 October 2014 (brochure-don-bosco_tcm128-485298.pdf from infoterugkeer.nl).

179 Source : Immigration Office, Immigration Liaison Officers.

180 The project in Morocco was presented in the annual policy report 2013 of the Belgian Contact Point of the EMN, p. 43.

8. IRREGULAR MIGRATION INCLUDING SMUGGLING

8.1 Measures to reduce irregular migration and fight against smuggling

Enhanced border management at the external borders

In his policy note of 28 November 2014, the new State Secretary pleaded for a strengthening of Frontex and for an increase in the combat against smuggling and trafficking networks. He also announced a legislative change in order to expand the possibilities to issue entry bans to foreign (jihadist) fighters.

In 2014 following processes took place or continued:

- Continuation of the ABC (automated border control) feasibility- and implementation study at Zaventem National Airport
- Implementation of the VIS via biometric checks at arrival and departure level at all external borders
- Additional purchase of (75) passport readers – spread over 3 years - in order to replace the old equipment

The official implementation of EUROSUR, in collaboration with Frontex and in accordance with Regulation 1052/2013, within the Federal Police is also worth mentioning⁽¹⁸¹⁾. EUROSUR is the information-exchange framework designed to improve the management of Europe's external borders.

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

- Further development of the pool of trainers in the field of border checks; development of the first phase of a Border Guard eLearning platform, taking into account the existing national and Frontex Tools
- Further development of a national IT-information platform that allows border guards to have access to updated information to perform more effective border checks
- Emphasising the importance of self-learning through an active participation in the Frontex eLearning initiatives. eLearning and distance-learning (basic- and further training) will be further developed in the upcoming years
- Participation in the Frontex training exchange programme for (2) border guards

¹⁸¹ Source: Belgian Federal Police

The abuse of false transits on the Eurostar Brussels / London – the so called “Lille-Loophole” - was further tackled. In order to do so, a stakeholders’ network was created for exchange of information and best practices, with a particular focus on profiling. In cooperation with the executive board of the Eurostar, several measures were put in place:

- The company Eurostar is testing a new system of a dedicated carriage designated for the sole use of passengers traveling from Brussels to Lille or Calais (intra-Schengen).
- A new agreement was negotiated between the UK and BE (final phase).
- In the Eurostar railway terminal, an Intra-Schengen terminal was created exclusively for the passengers traveling from Brussels to Lille or Calais.

Due to these measures, initiated in 2013 and continued in 2014, the phenomenon of the “Lille Loophole” was drastically reduced.

FRONTEX

In 2014 the Belgian Federal Police participated in the following Frontex operations⁽¹⁸²⁾:

- Flight tracking in Serbia (14/09 - 18/10/2014)
- Pulsar P - JO Alexis in France (28/04 - 27/05/2015)
- Pulsar P - JO Alexis in France (27/05 - 03/07/2015)
- JO Focal Points Air in France (24/08 - 19/09/2015)
- Vega Children in France (15/09 - 20/10/2015)
- Vega Children in France (19/10 - 20/11/2015)
- JO Focal Points Land in Hungary (02/09 - 02/10/2015)
- JO Focal Points Land in Hungary (03/10 - 06/11/2015)
- JO Focal Points Land in Bulgaria (29/04 - 03/06/2015)
- JO Focal Points Land in Bulgaria (03/06 - 03/07/2015)
- JO Focal Points Land in Greece (02/09 - 03/10/2015)
- JO Focal Points Land in Greece (03/10 - 06/11/2015)
- JO Focal Points Land in Bulgaria (08/04 - 05/05/2015)
- JO Poseidon Land in Bulgaria (04/11 - 04/12/2015)
- JO Focal Points Sea in Portugal (02/06 - 04/07/2015)

¹⁸² Source: Belgian Federal Police

- JO Indalo in Spain (30/09 - 01/11/2015)
- JO Minerva in Spain (27/07 - 09/09/2015)
- JO Minerva in Spain (27/07 - 19/08/2015)
- JO Hermes in Italy (02/06 - 04/07/2015)
- JO Hermes in Italy (29/09 - 01/11/2015)
- JO Triton in Italy (27/10 - 28/11/2015)
- JO Hermes Extension in Italy (06/01 - 07/02/2015)
- JO Aeneas Extension in Italy (03/02 - 07/03/2015)
- JO Hermes Extension in Italy (31/03 - 30/04/2015)
- JO Aeneas in Italy (02/06 - 04/07/2015)

Cooperation with third countries in the area of border management

The Immigration Office wishes to continue to finance an existing project aimed at extending and **strengthening border control in the Democratic Republic of Congo**. During the previous project already four border posts were renewed and an ICT module has been developed to register passengers' flows. The Congolese General Directorate for migration wishes to extend to 3 other posts⁽¹⁸³⁾.

Combatting and preventing irregular migration caused by visa liberalisation

Two Joint Return Operations were organised to Albania (04.02 and 05.06). Monthly reporting of the inflow of asylum seekers was achieved to the national authorities of the Western Balkan and Frontex. Five meetings were organised with embassy staff and delegations from the Western Balkan.

In May 2014, the Immigration Office participated in a TAIEX Study visit on return and readmission policy for combating irregular migration in Serbia. Also in May, Belgian immigration officials met the ambassadors from FYROM and Kosovo. On 5 June, officials of the Immigration Office and the FPS Foreign Affairs organized a bilateral meeting with Visa Liberalization Technical Coordinators of Kosovo.

On 26 June 2014 a meeting with the consul from Albania was organized by the Immigration Office in order to prepare a prevention and sensitization campaign in Albania.

Overall, irregular migration, including fake asylum requests, caused by visa liberalisation has drastically decreased since 2011, but Belgian authorities continue to monitor the situation closely⁽¹⁸⁴⁾.

¹⁸³ The project is also referred to under section 3.2 of this report.

¹⁸⁴ Source: Immigration Office

Fight against smuggling

The **joint Circular** (Circular COL 04/2011) adopted by the Minister and the College of Public Prosecutors, that organizes investigations and prosecutions of smuggling related cases in Belgium, is **under evaluation**. Some findings and/or changes may possibly be shared in the future (without prejudice to the confidential nature of the said Circular).

A **new brochure** entitled “The fight against trafficking and smuggling in human beings – Policy and Approach” has been released in **November 2014**. The brochure aims at providing information about the legislation regarding trafficking and smuggling in human beings and the Belgian approach to combat these phenomena. The brochure inter alia picked up some developments that took place in 2014. In this regard, the brochure referred to the Royal Decree of 21 July 2014⁽¹⁸⁵⁾, which entered into force on 1 September 2014 and led inter alia to (i) different changes in regard to the **composition**⁽¹⁸⁶⁾ **of the Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in human beings** (ICP) and its Bureau and (ii) the definition of a formal framework to exercise the **mission of the National Rapporteur**⁽¹⁸⁷⁾.

8.2 Living conditions of illegally-staying third-country nationals

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. Formally, these families are detained in the housing units but in practice they have certain liberties of movement.

Over the years, the Immigration Office has been extending such housing units that are commonly known as return houses⁽¹⁸⁸⁾. In 2014, three new housing units have been brought into use.

Furthermore, a Royal Decree of 17 September 2014 set the possibility for families with minor children to remain in their own residence and defined the conditions and sanctions. An agreement between the family and the Immigration Office has to be signed which determines the conditions. For example, the family has to have sufficient own (financial) means; has to report itself if the mayor or his representative, the police officer or a civil servant of the Immigration Office requires this; has to collaborate in the identification and return process; etc. If the family does not respect the conditions, they can be detained in a closed detention center.

185 Royal Decree of 21 July 2014 modifying the Royal Decree of 16 May 2004 relating to the fight against trafficking and smuggling in human beings, Belgian Official Gazette, 1 September 2014.

186 The specialised reception centres are formally included in the mechanism. Moreover a representative of the Financial Intelligence Processing Unit is appointed in the coordination mechanism. In addition, a representative of the regions and the communities was added to the ICP. Finally it was decided that a representative of the Board of Prosecutors-General should be added as an observant member of the Bureau. For additional information read the brochure “The fight against trafficking and smuggling in human beings – Policy and Approach”, November 2014, p. 9.

187 For additional information read the brochure “The fight against trafficking and smuggling in human beings – Policy and Approach”, November 2014, p. 26.

188 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.

8.3 Coordination and cooperation amongst key actors

In 2014, the structure of the “**Forum for Information Exchange and Consultation with Regard to Irregular Immigration**” (“FIOM/FICIM”), an exchange forum between the Immigration Office, FPS Foreign Affairs, the Federal Police and the Commissioner General for Refugees and Stateless Persons, has been redesigned. One of the modifications involves the creation of ad hoc working groups.

In 2014 an **ad hoc working group on false documents** composed of experts of the Immigration Office, the Federal Police and FPS Foreign Affairs has been created. The goal of this working group is to identify trends and risks with regards to misuse of visa and document fraud (including source documents like civil registry certificates, diplomas...) in the framework of illegal migration. It includes a steering group for Document Verification Officers; Immigration Liaison Officers (Federal Police and Immigration Office), Border Guard Trainers, document advisers and airline liaison officers. It will also seek closer collaboration with other EU Member States, for example to create a pool of common Document Verification Officers or ILOs, and will be co-funded by the Internal Security Fund. Two meetings were organised by this working group in 2014 where operational coordination and planned actions were discussed. It was also agreed to start with a **pilot action on visa fraud in the Democratic Republic of Congo**. In the framework of this pilot action, a mission of experts of the Federal Police was deployed in Kinshasa in November where training was given to visa agents of the embassy, to staff of the Schengen House, to staff of Brussels Airlines and to 40 agents of the Congolese Migration Directorate. Given the positive feedback on this first action, the purpose is to expand and to step up the activities.

8.4 Monitoring activities of smugglers and victims of smuggling

Activities to monitor smuggling

National challenges and resources

In Belgium, statistics on smuggling remain less complete than those on trafficking in human beings. There are some data sources in the sense that different stakeholders involved in the fight against smuggling record data on their individual interventions and their evolution over time. However **data gathering and reporting is not harmonised** and the **overview remains limited**⁽¹⁸⁹⁾.

Immigration enforcement data are used to record the number of apprehended illegal residents on the Belgian territory. The Immigration Office reported that during the first ten months of 2014, 20,941 persons were controlled and out of these, 13,582 were effectively found in an illegal situation. However it is difficult to quantify/estimate the amount of those

¹⁸⁹ Source: Chair of the Bureau of the Inter-departmental Co-ordination Unit for Action against Trafficking in and Smuggling of Human Beings and “Trafficking and Smuggling in Human beings – Building Trust”, Annual Report 2012, previously called Centre for Equal Opportunities and Opposition to Racism, p. 96.

facilitated/smuggled among them⁽¹⁹⁰⁾. Besides immigration enforcement data, the **General National police Database** (GND), in which all crimes committed on the Belgian territory are registered, also contains statistics on human smuggling⁽¹⁹¹⁾. The latter statistics are used to inform concerned partners and they are sent towards the judicial police units which launch investigations focusing on modus operandi, specific nationalities and/or EU countries of transit before arrival in Belgium⁽¹⁹²⁾. Also **judicial data** are used to monitor this issue. The number of convictions of smugglers is recorded but this concerns the end of the process and does not provide information on victims. Prosecution authorities and the College of Public Prosecutors provide data on prosecutions initiated by prosecution offices, but the latter data comprises the total of immigration law violations, without distinction between prosecutions for smuggling of human beings and prosecutions for punishable offences in relation to the facilitation of illegal entry and residence⁽¹⁹³⁾.

Future plans

The ambitions of the Belgian authorities reach beyond the provision of figures per player. This is the reason why they entrusted the **Centre for Information and Analysis on Trafficking in and Smuggling of Human Beings** (hereafter: CIATTEH)⁽¹⁹⁴⁾ with the task of collecting, centralizing, managing, transmitting and analysing anonymous data for the purpose of fighting smuggling and trafficking in human beings.

As the CIATTEH is not yet operational, this ambition has yet to be satisfied: the collection, centralisation and exchange of data on the one hand, and its analysis with the goal of political, strategic and/or operational actions on the other hand⁽¹⁹⁵⁾. However different legal questions have still to be dealt with, possible legislative initiatives implemented and other consensus and work achieved by key stakeholders to break the deadlock⁽¹⁹⁶⁾.

Monitoring and identifying migration routes

National challenges and resources

In 2014, Belgian authorities continued to find it difficult to collect information on migration routes, especially as regards routes taken from third countries to the Schengen Area. Also for

190 Source: Source: Immigration Office, Ilobel unit.

191 It is worth noting that a manual is available with guidelines for better registration of the violation 'human smuggling'. The better the registration, the more qualitative statistics are provided.

192 Source: Federal Judicial Police, Direction for the Fight against serious and organized crime.

193 Source: Chair of the Bureau of the Inter-departmental Co-ordination Unit for Action against Trafficking in and Smuggling of Human Beings

194 The CIATTEH was created by the Royal Decree of 16 May 2004, Chapter 3.

195 For further information see "Trafficking and Smuggling in Human beings – Building Trust", Annual Report 2012, previously called Centre for Equal Opportunities and Opposition to Racism, pp. 96-97 and "Belgian Policy on Trafficking in and Smuggling of Human Beings: Shadows and Lights", Annual Report, previously called Centre for Equal Opportunities and Opposition to Racism, November 2005, pp. 67-69

196 Further information on future plans on the CIATTEH are expected in the upcoming National Action Plan relating to the Fight against Trafficking and Smuggling in Human Beings 2015-2017.

routes within the Schengen Area, it remained **challenging to go beyond trends of internal movements** and to obtain information on detailed routes used. Among the reasons cited are (i) due to its geographical situation, Belgium's land borders are internal borders where controls are abolished. Yet most irregular/smuggled migrants cross internal borders to enter Belgium, (ii) Belgian authorities' attempts to collect information on routes taken are vain on the occasion of interceptions of irregular/smuggled migrants, either because they don't want to disclose that information or they simply don't know which routes were used.

While **national immigration liaison officers** are competent to possibly gather information on migration routes, they aren't able to regularly collect and report this data. They still provide statistics on illegal migration and/or specific smuggling activities within their countries of accreditation towards Belgium or other EU countries. Some information is also gathered **out of the investigations** led by the judicial police units. The latter information is however rather fragmentary. Some relevant information is also shared through coordination mechanisms/**roundtables bringing key national stakeholders together**, including inter alia the Police, the Immigration Office and Foreign Affairs. **Restricted newsletters** "Trafficking in human beings" elaborated by the Police, are also used to highlight recent trends, routes and methods used by traffickers and/or smugglers⁽¹⁹⁷⁾.

Based on available information, Belgian authorities have detected the hotspots of human smuggling and decided at national level to give **priority** to monitoring and actions (in parking areas) along **highways towards the Belgian coast**⁽¹⁹⁸⁾.

Developments resulting from actions at EU level

At EU level, Belgian authorities kept contributing and resorting to tactical products from **Frontex Risk Analysis Network (FRAN Tactical)** in order to get some insight into internal movements within the Schengen Area. However this information does not provide the total picture but rather useful elements based on Dublin related data, bilateral take-back, etc⁽¹⁹⁹⁾.

It should also be noted that from 2014 until 2016, Belgium will contribute to the **EU Action Plan "Smuggling in Human Beings/Illegal Immigration"** that will inter alia help exchange information and take actions in specific regions/routes identified, for example along the E40 highway (**Action E40**). In this framework, the sharing of information between EU Member States involved and the analysis platform "Smuggling in human beings" at **Europol** will be an E40 activity⁽²⁰⁰⁾.

197 Sources: Immigration Office, Ilobel unit and Federal Judicial Police, Direction for the Fight against serious and organized crime.

198 This route is taken to reach the United Kingdom and Scandinavia.

199 Source: Immigration Office, Ilobel unit.

200 Source: Directorate General Judicial Police, Central Service "Trafficking in Human Beings"

9.1 Significant policy and legislative developments

Priorities and planned developments

The new coalition agreement of 9 October 2014 and the policy note of 28 November 2014⁽²⁰¹⁾ of the new State Secretary for Asylum Policy and Migration puts particular emphasis on a **humane but firm return policy**, based on the principle “voluntarily if possible, forced if necessary”. The voluntary and forced return policy will be reinforced and asylum seekers shall be **informed from the start of the procedure** that return is an actual option to be kept in mind. Priority shall be given to the **return of illegally staying persons who are serving a prison sentence**.

To enhance the voluntary return policy, the State Secretary pleaded for a **tight cooperation** between the Immigration Office, Fedasil, the municipalities, the local police zones and IOM. Also a clear and extensive communication is important in this respect (information campaigns for irregular migrants and asylum seekers; return counselling; info-sessions for municipalities and other local actors; registration – as much as possible – of independent returns).

The State Secretary noticed that the forced return figures show – like the voluntary return figures – a decreasing trend over the last years. To reverse this trend, it is aimed to make **optimal use of EU-funds and Frontex joint flights**.

Other priority actions include: more **psycho-social support to escort teams** (Federal Police), which will also be further trained, the avoidance of the **(mis-)use of exceptional, dilatory (legal) procedures** as much as possible and the increase in the **capacity of the detention centers** (but the detention of vulnerable persons will be as much as possible avoided).

Regarding the **return of convicted irregularly staying foreigners**, the following new or existing measures and actions are proposed by the State Secretary:

- Enlargement of projects which aim to exchange data with other Member States
- Projects on identification and tracing of irregularly staying people who cause nuisance
- Pre-identification of criminals and persons who cause nuisance (and this even before the administrative detention)
- Strengthening operational cooperation, in collaboration with the FPS Foreign Affairs, with foreign diplomatic representations

201 Belgian Chamber of Representatives, *Policy note on Asylum and Immigration*, 28 November 2014. Available in Dutch and French on: <http://www.dekamer.be/FLWB/PDF/54/0588/54K0588026.pdf>

- Possible withdrawal – in compliance with legislation and case law - of the residence permit in cases of public order

Regarding the **return of families with children**, the State Secretary firstly observed that the number of disappearances in the so-called open housing units show an increasing trend (latest figure: around half of the families disappear). Consequently these families, if apprehended again another time, should be detained in specific, adapted detention units.

Regarding the **readmission agreements and administrative collaboration agreements**, the policy note urged to undertake a thorough evaluation. At bilateral level, negotiations to conclude an agreement with Senegal, Cameroon, Ivory Coast and Nigeria will be continued.

Regarding the **dilatory (legal) procedures to avoid forced return**, the aim is to merge different judicial appeal procedures into one unique procedure. As mentioned above, families with minor children are, since several years, not detained anymore but stay in an individual housing unit. However, the Immigration Act foresees another alternative: under certain conditions families with minor children may remain in their own residence.

Response to Ebola crisis

Since September the Immigration Office has not executed any forced removals to Guinea, Liberia and Sierra Leone because of the Ebola-crisis, although it assesses its policy on a weekly basis. The Immigration Office stresses that it did not change its return policy as such, only its forced removal policy: citizens of these countries still receive an order to leave the territory and are supposed to leave the country on an independent or voluntary basis⁽²⁰²⁾.

Readmission agreements

At Benelux level, a Benelux implementing protocol is in preparation for the re-admission agreement with Armenia and Cabo Verde. Negotiations on the Benelux implementing protocol still have to be started regarding the re-admission agreements with Azerbaijan and Turkey.

The readmission agreement with Kosovo (signed in May 2011) was ratified by Belgium on 21 February 2014, resulting in the agreement entering into force on 1 April 2014.

At bilateral level, a Memorandum of Understanding has been signed with Gambia and negotiations have been started up with Nigeria (MoU close to be signed) and Cameroon. The Belgian authorities also approached other countries in order to conclude readmission agreements.

As every year, the Immigration Office organized a “consular evening” for staff of the diplomatic foreign missions established in Belgium, in order to maintain and strengthen good professional

²⁰² Source : Newsletter Kruispunt Migratie-Integratie

relations which can be beneficial to the return policy (identification; issuance of laissez passers...). This event took place on 10 December 2014.

9.2 Measures to promote voluntary return

In 2012, the Belgian act regulating the reception of asylum seekers, or the 'Reception Act'⁽²⁰³⁾, introduced the concept of the '**return path**' defined as 'the individual support offered by the Agency with a view to a return'. This return path involves a process of information about the voluntary return option throughout the asylum procedure, which is provided to asylum seekers in reception structures managed by Fedasil and its partners. A directive was drawn up by Fedasil in July 2012 in order to define the practical details of the return path and in particular those, at the end of the asylum procedure, concerning the transfer of rejected asylum seekers to open return places organized within four reception centres.

In 2014, Fedasil initiated an in-depth **evaluation study of the return path**. The evaluation report outlined main findings and recommendations. Overall, the study showed that voluntary return have now become a topic which can be discussed serenely in a reception structure, social workers understand the importance and relevance of tackling the option of a voluntary return within the context of the reception of asylum seekers and rejected asylum seekers leaving the reception structures have been informed on the option of a voluntary return. On the other side, aspects requiring improvement were also highlighted including –amongst others- lack of more targeted information/tailored documentation for the reception network's social workers, the difficulty in tackling the question of return at certain specific moments in the return path, a lack of knowledge or a relatively negative image of Open Return Places (ORP) among the rest of the reception network.

Having passed this pilot phase with an overall positive appreciation and based on the previous assumptions, appropriated actions will be developed in 2015. This involves:

1. Return experts ensure an active follow-up of the residents through organizing 3 consultation meetings during their (limited) stay in the ORP (i.e. 30 days)
2. Optimizing the quality of return-related service assistance
3. Additionally, in order to avoid incorrect perceptions on the ORP, activities will be organized aiming to increase the knowledge on the Open Return Places among the rest of the reception network

On the other side, having a context where the number of asylum requests is decreasing (including reception rights have been limited/restricted to asylum seekers under first asylum requests), **migrants** (in regular or irregular status) **outside the reception chain** become an even more important target to further invest/orient voluntary return work efforts.

203 <http://www.emnbelgium.be/news/law-modifying-asylum-seekers-reception-act-published>

With the regionalization process of Fedasil's operational structure foreseen in 2015 - including a regional presence in the north (regional office in Antwerp), in the south (regional office in Liege) and in the center (Brussels) - the reorganization provides new incentives, challenges and opportunities to decentralize voluntary return work efforts and to better align, coordinate and follow-up voluntary return actions with direct/indirect stakeholders in the field.

An opportunity presents itself to replicate the initiative of the **return desk** in Brussels, a project supported by the previous European Return Fund (ERF) which resulted in an example of best practice: its accessibility and low profile contributed largely to reaching over 30% of all introduced return files in 2014. As such, having a fixed permanent presence (return desk) at regional level will further increase the voluntary return accessibility/mobility (geographical scope) and will trigger increased cooperation with regional return partners and other relevant stakeholders (local reception structures, local administrations, etc.). Moreover, taking into account the reduced number of asylum requests, more efforts can be oriented towards dialogue building/partnership with formal/informal representatives of the migrants community (i.e. consulates, religious places, cultural centers etc.) and local support/humanitarian organizations (hospitals, refuge shelters, safe houses, food banks, lawyers, translation agencies etc.). Developing information strategies towards the 'migrant's' network has a great potential to directly reach the target group.

Fedasil implemented different new **communication tools** in 2014 in order to promote voluntary return and to better reach the target group:

- Information campaign targeting third country nationals from Balkan countries, and especially from Albania
- Harmonisation of the documents used by the return counsellors
- Leaflets with contact information of all the return partners in Belgium, including a specific network of return partners in contact with UAMs, in view of improving the visibility of the different return partners working with Fedasil

But the information on voluntary return was not transmitted only by paper-based communication tools: Fedasil's return counsellors organized information sessions for the front-line workers (in the municipalities, hospitals, legal guardians for UAMs, etc.), and an information event for the embassies represented in Belgium was organized jointly by IOM and Fedasil.

A **country of return information** tool started as well in 2014. The objective is to improve documentation tools for social assistants to address/respond to basic return-related questions. The tool (named Wiki-tool) includes practical and up-to-date information with regard to return-related information, information on procedures to obtain travel documents and reintegration-related information. Moreover, information is available in a format that is easily accessible to the first line workers. In 2015, this tool will be further developed and continuously upgraded (i.e. integrating lessons learned/best practices/accumulated voluntary return experiences, and

identifying all the specific and targeted projects in which Fedasil is involved). The Wiki counselling tool is now providing the network of return counsellors with up-to-date information on return and reintegration activities in a format easily accessible to them.

Furthermore, Fedasil started the reflexion about a specific **website** on voluntary return dedicated to the migrants, which will be materialized in 2015. Besides, the existing website (www.voluntaryreturn.be) is maintained and will be further developed in 2015 with information on target group based strategies (i.e. UAM).

Finally, Fedasil launched a **call for proposals** at the end of 2014, focusing on outreach and communication activities:

- Systematic involvement of local level (municipalities etc.) and migrant communities
- Scientific study about the perception of illegal migrants towards AVR

9.3 Measures to improve the conditions of return

Besides adequate information/communication strategies, the core business of the voluntary return programme is to assist migrants willing to return to their country of origin. Hence, the ability to make a return feasible and to provide timely and accurate return and reintegration related information is crucial to assure a credible programme.

Since May 2012, third country nationals from **visa-free countries**⁽²⁰⁴⁾ are not entitled anymore to reintegration assistance, with the exception of vulnerable groups who can be granted from in-kind assistance related to their vulnerability. In order to help the Balkan's nationals to overcome the challenge of returning to their home country, Fedasil implemented an in-kind assistance, which basically consists of counselling assistance for the returnees and referral to the appropriate services where they can be helped to begin their new start in the country.

Besides, some measures were taken in order to better facilitate the reintegration of **vulnerable persons** in their return countries:

- The maximum amount of reintegration assistance for this target group has been increased.
- Fedasil constituted his own team of medical and social escorts to accompany the persons in need of assistance during the flights. These escorts were recruited into the existing staff of the Fedasil reception centres for asylum seekers.

Fedasil is also developing a specific strategy for the return of UAMs, with one full time equivalent

204 With regard to the visa liberalisation for Moldova nationals, a transitional measure is in place for Moldovans who entered the EU before the 1st of July 2014 and only if they leave the Belgian territory before the 31st of December 2014.

dedicated only to this specific issue. This strategy includes a closer contact with organisations working with UAMs, information sessions in Fedasil's open reception centres, meetings with legal guardians, field visits in Bosnia, DR Congo and Morocco with the service providers responsible for the reintegration of UAMs in their country of origin.

One of Fedasil's objectives is also to **accelerate the return process** in order to better meet the returnees' expectations. To this end, Fedasil cooperates with IOM in the development of an online electronic tool to submit a voluntary return application. This tool is not yet completely defined and this project will continue in 2015.

Further, based on the experiences of the UK regarding their 'voluntary departure' (VolDep) activities⁽²⁰⁵⁾, Fedasil has also planned to set up a 'VolDep' system to organise quick departures without any additional assistance for persons who apply for voluntary return at the central Fedasil return desk. In view of this, Fedasil is considering to engage 1 full time equivalent IOM counsellor who will work backstage at this central return desk in Brussels. In addition, Fedasil has planned to book tickets by itself for countries where IOM does not organise a return flight, for instance to Somalia, etc.

Since 2013, on a yearly basis, reintegration activities of the (local) reintegration partners are evaluated with the objective to assess the organizational and financial working processes/procedures of the reintegration partners and selected service providers, and to control the follow-up processes of selected reintegration cases. Based on the findings of these **evaluation missions**, recommendations are formulated in order to (further) develop/improve the Terms of References (TOR) with the AVRR partners and/or respective service providers.

Thanks to these evaluations, some needs were identified in the field of monitoring and evaluation. And Fedasil worked on an **online survey tool** in order to evaluate the return process and the impact of return and reintegration activities at large. The principle is the following: the returnee himself, or with the help of the service provider, fills in a questionnaire 6 months after his return and evaluates his situation at this moment regarding his social, economic and medical reintegration.

Besides, Steering Committees are organized with the reintegration partners (IOM/Caritas), every three months, in order to monitor the implementation of the various return and reintegration activities and financial budget lines (i.e. financial monitoring: budget control/exhaustion, compliance with regulatory requirements etc.). Moreover, the Steering Committees provide a platform to formally discuss upcoming services/events and to further exchange developments in the field of voluntary return.

205 VolDep is a program financed by the Home Office in UK. The migrant can contact a private company, contracted by the Home Office, who provides the returnee with a flight ticket to return back home within 2 working days. No further assistance is offered.

9.4 Return actions and projects

Belgium takes part in several initiatives concerning return.

Common Support Initiative (CSI)

Origin and rationale

National governments invest considerably in the development of voluntary return schemes and reintegration assistance. New initiatives improve voluntary return practices (e.g. reintegration assistance) but complicate management. Individual EU Member States often face the same challenges relating to inter alia tendering procedures in countries of origin, control and audit procedures for reintegration expenses, assessment of potential service providers, etc. For this reason a **platform of EU Member States' administrations responsible for the implementation of voluntary return and reintegration** was created in September 2013. The origin of this project lies with the Common Planning and Evaluation Platform (CPEP), 2009-2010. The Common Support Initiative is coordinated by Fedasil, responsible for voluntary return in Belgium, who is hosting the CSI coordination team and is supported by national contact points in each partner organisation in order to guarantee a proper level of investment, information sharing and expertise from partner organizations.

Objectives

The Platform aims to establish **strategic consultation and operational co-operation** in the field of voluntary return and reintegration assistance that will accelerate learning procedures between government agencies and lead to better practices and economies of scale. The general objective is to provide participating EU Member states with the necessary instruments to maximise the potential of government-to-government consultation and co-operation in the development of voluntary return policy. It is a **'government-to-government' approach** – consequently without the intervention of external service providers, etc. In addition, the focus is mainly placed on aspects related to strategy and management on voluntary return.

Activity areas

The platform concentrates on three fields of activity:

- **Information management:** by collecting, consolidating, analysing and facilitating the flow of key information on voluntary return programmes, project, operational issues and policies
- **Technical assistance:** by the development and implementation of common instruments for project development, monitoring and evaluation in order to facilitate development and evaluation of common projects
- **Learning community:** by the organisation of regular meetings at strategic and operational (experts) level on issues linked to the management of voluntary return

Activities

The main activities of the Platform are:

- **Information management:**
 - A regularly updated, analytical statistical instrument, covering all voluntary returns (including returns not processed by IOM)
 - A regularly updated ID-file on service providers and project partners. This ID-file will give EU Member States the necessary information to assess and keep track of potential implementing partners, hence minimize risks
 - A regularly updated overview of key information on running projects and/ or programmes (objectives, temporary results, lessons learned, ...)

- **Technical assistance:**
 - An analysis on the different national EU Member states planned actions under AMIF to pro-actively detect opportunities for co-operation
 - A methodology to monitor and evaluate projects (scope: pre-departure and post arrival). This methodology will comply with the different national requirements on project evaluation and will make sure that results of projects will be comparable between EU Member States
 - Linked with ERIN – the development of project concept notes that will be supported by the EU Member States

- **Learning community:**
 - At least 3 thematic meetings, including: a general sub-session focussing on strategic and managements aspects linked with voluntary return and reintegration and a thematic sub-session in which a specific theme linked with voluntary return and reintegration is further elaborated at an operational level

Participating organizations

CSI **participating organizations** include: the German Federal Office for Migration and Refugees, the Dutch Repatriation and Departure Service, the French Agency in charge of Migration and Welcoming Foreign People, the Home Office of the United Kingdom, the Finnish Immigration Service, the Luxembourg Direction for Migration, the Swiss Federal Office for Migration, the Norwegian Directorate of Immigration and the Belgian Federal Agency for the Reception of Asylum Seekers. The objective is to progressively extend the platform from these nine to other interested EU Member States facing similar challenges.

Meetings

The main Common Support Initiative **meetings organized and planned** for 2014 are the following:

- 1st Working Group on “Voluntary Return & Reintegration in a Legal Framework” and “Voluntary Return, Reintegration and Financial Management” – Helsinki, Finland – 11 & 12 March 2014
- 2nd Steering Committee – Ghent, Belgium – 21 & 22 May 2014
- 2nd Thematic meeting on “The construction of eligibility criteria and voluntary return/reintegration packages” – London, UK – 30 September & 1 October 2014

In February 2015 the third Thematic meeting on the ‘IOM organisational and financial structure’ and “Communication and outreach activities in the field of AVR” is planned in Geneva, Switzerland.

Budget

Staff costs and project related costs of the project coordination team are funded through the Return Fund Belgium. The participating EU Member States dedicates 0,1 full-time equivalent expert staff to ensure national input. Travel costs linked to the thematic meetings are directly funded by the participating EU Member State itself.

Long term perspective

The CSI is conceived as a long term initiative and will actively pursue good and operational relations with other Member States. One of the objectives is to broaden the geographical scope during the project implementation with Member States facing similar problems and substantial challenges in the development of an up-to-standard return programme. CSI contributes with its expertise to other initiatives in the field of Assisted Voluntary Return such as ERIN, REG, Intergovernmental Consultations on Migration, Asylum and Refugees (IGC), EASO, etc.

European Reintegration Network (ERIN)

Origin

ERIN is a joint return and reintegration project aimed at organizing sustainable return and reintegration of third country nationals to their country of origin. ERIN is the successor of the **ERI-project** (European Reintegration Instrument). The ERI project had an 18 month implementation period and **started on 1 June 2012**. It was extended until end of February 2014. The ERI-project established an efficient operational model and thanks to this project, 500 persons received reintegration support in their countries of origin (Afghanistan, Azerbaijan, Iraq, Morocco, Nigeria, Pakistan and the Russian Federation).

The **ERIN project** is co-funded by the European Commission under the Community Actions and **started on 1 June 2014** for a period of 24 months. The ERIN reintegration assistance is scheduled to be available in practice from January 2015 onwards. This start date is primarily dependent on the availability of funding at national level and on contractual partners being found in the third states.

Actors

The European partners and respective institutions involved in this project are (this list is not exhaustive and might be extended with other partners during the project): Belgium - the Belgian Immigration Office and the Belgian Federal Agency for the Reception of Asylum Seekers; Finland - the Finnish Immigration Service (MIGRI); France - French Office for Immigration and Integration, (OFII), Germany - the German Federal Office for Migration and Refugees (BAMF); Norway - Norwegian Directorate of Immigration (UDI) and The Netherlands - the Dutch Repatriation and Departure Service (DT&V).

Within the ERIN project, the partners mentioned above will share reintegration services while implementing different national policies in the field of return and reintegration. In addition, the ERIN project has the objective to develop a joint strategy towards the reintegration of returning migrants on a more evidence basis, inclusive the development of projects based on the actual situation in the selected third countries of return. Further ERIN also wishes to start a dialogue with the authorities in the selected third countries.

Key areas

- **Reintegration support** after returning to the country of origin (third country) - share reintegration services while implementing different national policies in the field of return and reintegration
- **Social and job support** for returnees provided by contractual partners in the interests of long-term reintegration in the country of origin
- Establishing a **joint procurement team** to obtain tenders and sign up with partner organisations in the target countries
- **Structural continuation of the procurement team** beyond the project term
- ERIN also wishes **to start a dialogue with the authorities** in the selected third countries

Target countries

Reintegration services for returnees will be available in these countries: Afghanistan, Iran, Iraq/KRG⁽²⁰⁶⁾, Nigeria, Pakistan, Somaliland, South/ Central Somalia, Democratic Republic of Congo, Guinea, Russian Federation, Sri Lanka and Morocco.

²⁰⁶ Kurdistan Region of Iraq

Target groups

Reintegration assistance is available to voluntary returnees and those who have been obliged to return.

Joint Procurement Team (JPT)

The contracting of the service providers organising reintegration activities in the countries of origin as well as the follow-up of contracts are achieved by joint procurement procedure. To this end a Joint Procurement Team was set up, hosted by Fedasil. The JPT is an independent unit within the ERIN project, acting on behalf of the ERIN partner states.

The responsibilities of the JPT include:

- Finding contractual partners (service providers/local partners) in third countries
- Calls for tender and negotiations with partner organisations
- Signing of contracts based on specifications provided by ERIN partner states

The tendering procedure is based on EU tender law (subsidiary Belgian tender law). Other European states may also avail themselves of the JPT's services.

Service providers

Local, non-governmental organisations are sought in the target countries as service providers to actively help support returnees with their new beginning. The focus of reintegration assistance lies on social/psychological monitoring and support to long-term and sustainable business start-ups.

Bids have been submitted for all target countries in response to the ERIN call for tenders (September 2014). On this basis, the JPT is now conducting negotiations with all bidders and drawing up draft contracts for the target countries. The ERIN partner states will then decide on the best bid, contractual partner and service agreement in December 2014. The procedure will be finalised in the beginning of 2015 and the selected service providers will be made public.

Reintegration assistance

Reintegration assistance includes, for example, arrivals service, advice and support with official, medical and charitable institutions, job qualification programmes, help with looking for a job, support in setting up a business. The support will be offered as a non-cash benefit (no financial payment of support funds).

Financing

The European Union bears 90% of the project costs. The remaining costs, as well as the reintegration assistance, are the responsibility of the ERIN partner states.

MAGNET II (extension of MAGNET) (IOM)

In 2014, MAGNET II, a job placement project for Voluntary Returnees from Belgium, Finland, France, Germany, the Netherlands and the United Kingdom returning to the Kurdistan Region of Iraq, has been launched. The kick-off meeting of the MAGNET II project was held in Paris on 13 June 2014, gathering officials and IOM focal points from Iraq and the participating EU Member States. The project will last 24 months – from 1 April 2014 to 31 March 2016.

MAGNET II **supports AVR beneficiaries who often encounter difficulties in finding employment** on their own, having spent extended periods of time abroad, and at the same time, local businesses in the booming Iraq (KR-I) economy are in need of staff.

MAGNET II further builds on the MAGNET project pilot phase successfully implemented by IOM from January 2012 to June 2013. MAGNET II gives the opportunity to expand and enhance the approach, by making improvements based on the experience and lessons learnt during the pilot phase and strengthening the links with local authorities and private sector representatives in Iraq (KR-I).

Actors and financing

The project is managed by IOM Paris office, in close cooperation with IOM Iraq and other IOM offices in the participating countries. MAGNET II is funded by the EU Return Fund and co-funded by the French Ministry of Interior (Immigration Directorate), the British Home Office, the Belgian Federal Agency for the Reception of Asylum Seekers (Fedasil), the Finnish Immigration Service (Migri), the Dutch Repatriation and Departure Service (Ministry of Security and Justice).

The project implementation is further supported by the Kurdistan Regional Government (Bureau of Migration and Displacement, and Ministry of Labour and Social Affairs).

Activities

The following activities will be carried out under MAGNET II to assist Iraqi voluntary returnees in finding a job in the Kurdistan Region, thus fostering their sustainable socio-economic reintegration:

- 1. Provision of information** on reintegration services and respective service providers present in Kurdistan Region of Iraq (KR-I), prior to departure and upon arrival.

Information on key economic sectors, the labour market, training opportunities, microcredit institutions, etc. will be gathered in a booklet and disseminated to the voluntary returnees. Furthermore, voluntary returnees can contact IOM offices in Austria, Belgium, the Netherlands, France and Iraq (KR-I) directly to receive targeted information and support. Videoconferences can be organized to facilitate information exchange between voluntary returnees and IOM staff in Iraq (KR-I) and/or other project participants.

2. Setting-up of a job matching database.

An online job-matching database has been developed and is currently being tested. It will allow Iraqi voluntary returnees to register in the database and fill in their professional profiles. Companies will be able to post open vacancies. The database will contribute to a more structured recruitment mechanism.

3. Reinforcement of the network of employers as partners in Iraq.

IOM in cooperation with the local government will actively engage in partnerships with the local private sector and will strengthen its network with employers in order to identify vacancies and encourage prospective employers to hire voluntary returnees. Three job fairs will be organized in order to facilitate a direct contact between job seekers and potential employers.

4. Job counselling, job referrals and placement.

IOM will play an active role in the job placement of voluntary returnees by conducting a skill/profiling assessment, reviewing qualifications, work experience and expectations, and assisting in the creation of CVs that will be uploaded in the job matching database.

Targeted Initiatives in the framework of the European Mobility Partnerships

Targeted Initiatives for Armenia (TIA)

The **project manager** is the French Office for Immigration and Integration, (OFII). The Belgian Federal Agency for the Reception of Asylum Seekers (Fedasil) acts as a partner of the OFII in this project offering its experience and expertise on return and reintegration to Armenia (including the return and reintegration of persons with a medical condition). The project was implemented in January 2013 for a duration of 3 years.

The **general objective** of this project is to strengthen Armenia's migration management capacities with special focus on reintegration activities by increasing the capacities of competent authorities and civil society in Armenia to actively support dignified sustainable return and reintegration, to address the challenges posed by irregular migration, to facilitate opportunities for legal migration and to strengthen the positive impact of migration on Armenia's social development.

The **specific objectives** of the project are:

- Reinforcing capacities of responsible authorities as regards management of return and reintegration of Armenian migrants returning home
- Support social and economic reintegration of Armenian nationals who return voluntarily or involuntarily from EU Member States and other geographic areas
- Support capacities of Armenian authorities and Diaspora associations to better maximise the links between migration and development, including circular migration
- Design and spreading of information campaigns for Armenian communities abroad, relevant Armenian organizations and Armenian general public on the possibilities of legal migration including labour and circular migration, and the risks of irregular migration. Belgium (Immigration Office) leads the implementation of this specific objective. A public information campaign on the risks associated with irregular migration was carried out in 2014. In April and September 2014, the Immigration Office sent an expert to Yerevan in the framework of this campaign, in order to, inter alia, participate in TV-recordings and interviews, and trainings for journalists.

Fedasil played an active role in the following activities:

- Joint Assessment Report and mission concerning the reintegration possibilities on socio-economical and medical level. On the basis of this report, recommendations were presented to the Armenian authorities concerning the development of a customized reintegration programme.
- Joint Assessment Report concerning the Armenian diaspora in Belgium and France to examine the possibilities for cooperation with (local) authorities, diaspora organisations and migrants in the field of reintegration.
- A fact-based contribution to the assessment report concerning the reintegration of persons with acute medical needs (such as renal dialysis) in Armenia.
- Strengthen the communication with Armenian consular representatives in Europe through participating in the organisation of a workshop for Armenian consuls in Yerevan related to voluntary return and integration on the 1th of December 2014.

In March 2014 a **Referral Centre** has been established in Yerevan. This Centre acts as a “one-stop-shop” where Armenian returnees from Europe and Russia can access support for their reintegration in their home country. The Centre has a ‘hotline’ phone number and is located in the buildings of the Armenian State Migration Service. The aim of the “one-stop shopping” is twofold: (1) to provide individual reintegration support for persons who return to Armenia from Europe and Russia on a voluntary or compulsory basis and (2) to improve the coordination and cooperation between the governmental and non-governmental administrations in Armenia in the field of return of migrants.

Targeted Initiatives for Morocco (TIM)

A Mobility Partnership was signed on 7 June 2013 between the European Commission, the Moroccan Ministry of Foreign Affairs and Cooperation and the Ministries charged with Migration in 9 Member States of the European Union (Belgium, France, Germany, Italy, Portugal, Spain, Sweden, the Netherlands, and the United Kingdom).

This Mobility Partnership fixes a set of political objectives and provides initiatives to be put in place to ensure proper management of the movement of persons and is concretized by a targeted initiative, named the Sharaka project.

The project has a duration of 3 years and has the objective to consolidate the existing results in the field of migration and development, through a comprehensive approach and for the benefit to take more fully into account the national policies and strategies.

The project specifically tends to:

- 1.** Capitalize on actions carried out so far in Morocco in the field of contributions of Moroccan expatriates to the development and to redeploy the most promising
- 2.** Provide the Moroccan authorities with a better understanding of the principle characteristics of Moroccan communities in the world and in Europe and support the conception and the elaboration of programmes aiming to mobilize their human, social and financial capital for the development of Morocco
- 3.** Strengthen the capacity of the Moroccan authorities in the field of labour migration by intensifying their cooperation with their European partners
- 4.** Strengthen the capacity of the Moroccan authorities, both at national and local level, to support the socio-economic reintegration of Moroccan migrants returning to Morocco.

Activities in which Fedasil played an active role: at the end of 2014, the project expert on component 4 approached Fedasil to conduct a study on the different reintegration projects implemented by the EU partners in Morocco. This study will be executed in 2015.

Supporting the establishment of effective readmission management in Armenia, Azerbaijan and Georgia

The overall objective of the action is to contribute to the establishment and development of an effective mechanism for management of readmission in Armenia, Azerbaijan and Georgia. The specific objectives are:

- 1.** To assist in establishing effective case management system on readmission;
- 2.** To provide assistance in establishing temporary reception facilities for third country nationals in Armenia and Azerbaijan in compliance with international standards and human rights;

3. To assist in building effective institutional systems focusing on voluntary return and reintegration of returnees in Armenia and Azerbaijan;
4. To enhance migration management and specially return management policy in Georgia. Different actions have been executed in Georgia and had an added value for the multilateral comprehension of each-others *modi operandi* in migration and readmission management, as well as understanding the difficulties coping with in the framework of readmission.

In the framework of this project, the Immigration Office sent an expert to Tbilisi in April 2014 to attend the second workshop “management of migrant detention centers: alternatives to detention”. In 2014, Belgium was one of the first countries to start using the Electronic Readmission Management System. In the framework of this project, Georgia has introduced a readmission management system that functions through a secured web-based portal. In October 2014, a delegation from Azerbaijan conducted a study visit in Belgium. This visit included presentations on the implementation of the Return Directive, identification and readmission, as well as a visit to a closed center.

“Special needs project”

“The special needs project”, which aims at **humanising the return of persons with special needs** (e.g. disabled persons) was continued in 2014.

The aim of the project is to provide financial support for the organization of ‘custom-made’ care and assistance of vulnerable persons with regard to their forced return.

The target group of the project is vulnerable persons, that is to say:

- Non accompanied Minors (+ Aged-out minors)
- Persons with specific needs (psychological or physical)
- Pregnant women
- Elderly persons
- Persons who need a ‘custom-made’ follow-up for other reasons

During maximum 1 year it is possible to offer support during the transition period Belgium – Country of origin in cooperation with local partners (NGO’s, local authorities, local reintegration programmes,...).

Before return, support is provided in the closed detention centers:

- Urgent psychiatric admissions of residents
- Purchase of medication or other necessities (such as wheelchair, hearing device, ...)
- Training for staff of detention centres with regard to vulnerable persons

During return, a custom-made escort is provided to the country of origin:

- Assistance of a physician, a specialist, a (psychiatric) nurse, a psychologist, a confidant, a liaison officer
- Up to the airport of arrival (e.g. when pick-up by family) or up to the arrival of the returnee at his / her home, ...

After return, reintegration trajectories and monitoring is organized in certain cases:

- Post-arrival assistance and / or reintegration trajectories custom-made to the needs of vulnerable persons
- Medical follow-up (e.g. residential or ambulatory psychiatric follow-up, follow-up of general medical treatment, appointments with specialists), ...
- Other follow-up is possible, except for cash support

Monitoring after return is possible via the local partner (assist the returnee with his appointments, checks the invoices, contact person in case of problems,...) and the liaison officers of the Belgian Immigration Office.

Videoconferencing Project

The purpose of the Videoconferencing Project is to explore the possibility to set up videoconferencing in the identification procedure of returnees. Via this pilot-project, the beneficial effects on the identification procedure of video conferencing could be fully explored, which are, among others:

- Providing a faster and more efficient way to hold identification interviews that allows a quicker return (or release) of the detained person
- Decreasing the cost of detention centers for an extended period of time
- Decreasing the cost of transportation between detention centers and embassies
- Providing a solution for embassies refusing to visit prisoners in prison
- Reducing the often unpleasant consequences for embassy staff / visitors of organising interviews at the embassy
- Reducing the unpleasant consequences and less agitation for the detainees
- Providing an alternative for identification missions from third countries to EUMS
- Could on the long term evolve to an essential component in day-to-day operations for identification procedures

This pilot-project will enable European Member States to assess the cost-reduction and increase of efficiency of the identification interviews with consular authorities of third countries. Participants to this pilot project are Belgium, Poland and Luxembourg. Associated partners are the Netherlands and the United Kingdom.

Common tenders will be launched to install video conferencing infrastructure for the participating member states in three possible configurations:

- Intra EU-Member States (EU-MS) : Identification interviews from detention centres to the consular representation in the EU-MS or to the headquarters of the immigration service
- Inter EU-MS: Identification interviews from EU-MS to the consular representation of third countries located in another EU-MS
- EU-MS to Country of Origin (CoO): Videoconferencing with regard to the identification procedure of returnees from the EU-MS to the CoO through the national embassy or directly.

The project started on 1 June 2014 and should have run until the end of 2016. However, the project was delayed due to internal administrative procedures. Therefore, the implementation of the project will only start on 1 July 2015. The testing phase (implementation and use of the tools) is scheduled for the second semester of 2015 and 2016.

At the end of the project, an evaluation will be made and a manual drawn up (including the tender) which will be made available to all EU Member States.

Project “Humanisation”

The project “Humanisation”, funded by the European Return Fund, aims at improving the quality of the treatment and the environment of apprehended persons in closed centers in Belgium, through several purchases for said centers. This includes arts and crafts supplies (kitchen equipment, knitting equipment...), playing and sports equipment (fitness equipment, balls...) and elements for leisure activities (books, TVs, game consoles...). These purchases aim at improving the conditions of stay in the centers. The Immigration Office aims at creating a more humane environment in order to make it easier to discuss the issue of return and to reduce (violent) incidents. In 2014, 34.000 EUR were spent on purchases for the closed centers.

Participation in the MEDCOI project

Medical issues are gaining importance both in regular and irregular migration. Claimants often bring forward they cannot return to their country of origin due to health problems that are not addressed properly in their country. Authorities on a national and on local level often struggle with specific needs for information about various medical issues in many different countries of origin because specific information is very difficult to find and even more difficult to assess.

The project MedCOI has been tackling these issues from the very beginning on a European level. In 2014, the project was financed by the European Refugee Fund (on the national budget of United Kingdom). Under AMIF, the fourth phase of the project is funded until the end of 2022 and EASO, in principle, is willing to take over this successful project.

MedCOI has established well-functioning mechanisms to handle individual requests for information about the availability of medical treatment and medication in almost all countries. These processes have been developed by the Dutch Immigration and Naturalisation Service. At a later stage, it became clear that information about accessibility of treatment and medication in countries of origin was equally important to several European countries and is brought up more frequently. The COI Unit of the Belgian Immigration Office – Belgian Desk on Accessibility (BDA)- has been researching accessibility of healthcare within the MedCOI-project since September 2012 and has become an expert in the field as they are a COI-Unit that is specialized in this type of research.

In 2014, 8 staff members of the Belgian Immigration Office were involved in the MEDCOI project.

Joint return flights

Belgium organized and participated in 7 joint return flights, mostly in close collaboration with Frontex. Destinations were Albania, Democratic Republic of Congo, Pakistan and Nigeria⁽²⁰⁷⁾.

207 Source: Immigration Office

Annex A: Methodology and Definitions

Methodology

In accordance with Article 9(1) of Council Decision 2008/381/EC establishing the EMN, each EMN National Contact Point is required to provide every year a report describing the migration and asylum situation in the Member State, which shall include policy developments and statistical data.

This report is the 11th 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 2014 to 31 December 2014**. More particularly, the Belgian Annual Report 2014 has three main aims:

- To identify and facilitate information exchange on significant legal, political and administrative developments in 2014 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**⁽²⁰⁸⁾ for the production of the EMN Annual Policy Report 2014. 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 2014 an **Annex** to the herewith presented Policy Report 2014.

In order to provide an objective overview of developments in 2014, the Belgian Contact Point of the EMN used a **wide range of sources**⁽²⁰⁹⁾, 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.)

208 EMN Specifications for Annual Policy Report 2014 are presented in MIGRAPOL Doc 328 (Part 2), 6 January 2015. .

209 More details on sources in the bibliography (Annex D).

- 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
- Interfederal Centre for Equal Opportunities
- Federal Migration Center
- Development Cooperation Department (FPS Foreign Affairs)
- C5 Unit-Migration, Asylum & the Fight against Trafficking in Human Beings (FPS Foreign Affairs)

The Belgian Annual Report 2014, together with national contributions from other EMN National Contact Points, will serve to develop **country-specific factsheets as well as theme-based EMN Informs⁽²¹⁰⁾**.

Terms

Significant development

For the purpose of this report, a significant development is defined as an event often involving one or more of the following:

- legislative developments
- institutional developments
- major debates in parliament
- government statements
- media and civil society debates
- academic research

Definitions

Terms included in this report are to be understood on the basis of:

²¹⁰ EMN Informs will be made available on www.emnbelgium.be

- national legislation and definitions
- EMN Glossary of Asylum and Migration Terms

List of abbreviations

AFIS	Automated Fingerprint Identification System
ALO	Airline Liaison Officer
AVRR	Assisted Voluntary Return and Reintegration
BAC	Benelux Afro Centre
BAMF	German Federal Office for Migration and Refugees
CALL	Council for Alien Law Litigation
CEAS	Common European Asylum System
CEOOR	Centre for Equal Opportunities and Opposition to Racism
CGRS	Office of the Commissioner General for Refugees and Stateless Persons
COI	Country Of Origin
CP	Cooperation Programme
CPEP	Common Planning and Evaluation Platform
CSI	Common Support Initiative
DRC	Democratic Republic of the Congo
DT&V	Dutch Repatriation and Departure Service
DVO	Document Verification Officer
EASO	European Asylum Support Office
EC	European Commission
ECHR	European Convention on Human Rights
EEA	European Economic Area
EIF	European Integration Fund
EMN	European Migration Network
ENPI	European Neighbourhood and Partnership Instrument
ERI	European Reintegration Instrument
ERIN	European Reintegration Network
FEDASIL	Federal Agency for the Reception of Asylum Seekers
FIM	Federal Impulse Fund for Migrant Policy
FPS	Federal Public Service
FYROM	Former Yugoslav Republic Of Macedonia
GFMD	Global Forum on Migration and Development
GND	General National police Database
IHECS	Institute for Advanced Studies in Mass Communications
ICP	Interdepartmental Coordination Unit for the Fight against Trafficking and Smuggling in human beings
ICPMD	International Centre for Migration Policy Development
ICT	Intra-corporate transferee
IFAD	International Fund for Agricultural Development
ILI	Local Integration Initiatives for foreigners and people of foreign origin

IOM	International Organization for Migration
JO	Joint Operation
JPT	Joint Procurement Team
KRG	Kurdistan Region of Iraq
LGTBI	Lesbian, gay, bisexual, transgender and intersex
MIDA	Migration for Development in Africa
MIGRI	Finnish Immigration Service
MoU	Memorandum of Understanding
MS	Member State
NAP	National Action Plan
NGO	Non-Governmental Organization
PCD	Policy Coherence for Development
OFII	French Office for Immigration and Integration
ONPRA	Burundi National Office for the Protection of Refugees and Stateless Persons
REG	Return and Reintegration Experts Group (of the EMN)
SIS	Schengen Information System
TIA	Targeted Initiative for Armenia
TIM	Targeted Initiative for Morocco
TCN	Third-country national
THB	Trafficking in Human Beings
UAM	Unaccompanied minor
UN	United Nations
UNCDF	United Nations Capital Development Fund
UNHCR	United Nations High Commissioner for Refugees
VIS	Visa Information System

Specific terms

Immigration Act	Law of 15 December 1980 regarding the entry, residence, settlement and removal of foreign nationals
Closed centre	Detention centre for irregular migrants, pending their forced return (administrative detention).
Housing unit	Private housing unit where irregular families with children are accommodated pending their (forced) return. Alternative to detention in closed centres where a collective regime prevails.
Inburgering	Flemish term for the first steps of the (civic) integration process of newcomers.
Open centre	Reception centre for asylum seekers.

Annex B: Implementation of EU legislation

Implementation of EU legislation in 2014

Some modifications to Belgian legislation in the framework of the implementation of EU legislation were brought by **the Law of 19 March 2014** modifying the Law of 15 December 1980 regarding the entry, residence, settlement and removal of foreign nationals⁽²¹¹⁾. The Law entered into force on 15 May 2014.

The Law partially transposed **Directive 2011/51/EU**⁽²¹²⁾ amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection, as well as the following directives: **Directive 2004/38/EC**⁽²¹³⁾ on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States; **Directive 2003/109/EC**⁽²¹⁴⁾ concerning the status of third-country nationals who are long-term residents; **Directive 2009/50/EC**⁽²¹⁵⁾ on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment; **Directive 2001/51/EC**⁽²¹⁶⁾ supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 and **Directive 2003/86/EC**⁽²¹⁷⁾ on the right to family reunification⁽²¹⁸⁾.

The Law of 19 March 2014 included, inter alia, **the following changes**⁽²¹⁹⁾:

- The *status of long term resident* is now open to refugees and beneficiaries of subsidiary protection (with special rules for the calculation of the necessary period of residence of 5 years). The status is now also open to foreigners who do not yet have a residence permit of unlimited duration (with certain exceptions).
- *Family reunification of a parent with its minor EU-child* is possible if the child is (an economically non-active) EU-citizen dependent on the parent, and if the parent has custody over the child, has a health insurance and sufficient means of subsistence. This provision was modified to bring the Law at this point in conformity with the jurisprudence of the EU Court of Justice⁽²²⁰⁾.

211 Law of 19 March 2014 modifying the Law of 15 December 1980 regarding the entry, residence, settlement and removal of foreign nationals.

212 Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection Text with EEA relevance.

213 Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.

214 Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents.

215 Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

216 Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985.

217 Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification.

218 The transposition was completed with the Royal Decree of 13 February 2015, modifying the Royal Decree of 8 October 1981 on entry, residence, settlement and removal of foreign nationals, Belgian Official Gazette, 26 February 2015.

219 For more information, see "Wijziging verblijfswet voor EU-burger en familie, langdurig ingezetene, en varia", Kruispunt Migratie-Integratie, 13 May 2014.

220 Court of Justice of the European Union, Zhu and Chen v. Secretary of State for the Home Department, 19 October 2004; C-200/02 and Adzo Doményo Alokpa and others v. Ministre du Travail, de l'Emploi et de l'Immigration, 10 October 2013, C-86/12.

- *Certain “other family members” of EU-citizens* now also have a right to family reunification, under specific conditions.
- Changes regarding the *residence of EU-citizens and their families* were also introduced. This included modifications regarding entry and proof of EU-citizenship or kinship with an EU citizen; the notion of unreasonable burden on the Belgian social assistance system for EU citizens and their family members; proportionality tests when revoking the residence rights of EU citizens ; or the permanent residence of EU-citizens and their families.
- Finally, the law also included some other smaller changes, including on the *Second Generation Schengen Information System, SIS II* (in accordance with **Regulation n° 1987/2006 of the European Parliament and of the Council of 20 December 2006**⁽²²¹⁾).

Furthermore, the **Law of 10 April 2014**⁽²²²⁾, on diverse provisions regarding the procedure before the Council for Alien Law Litigation and the Council of State, partially transposed **Directive 2013/32/EU**⁽²²³⁾ on common procedures for granting and withdrawing international protection (more precisely, articles 41 and 46 of said Directive). Among other changes, this law introduced the possibility of a full judicial review - with suspensive effect - by the Council for Alien Law Litigation against inadmissibility decisions on subsequent applications and applications from safe countries of origin⁽²²⁴⁾.

Infringement procedures in 2014

Member States are responsible for implementing EU legislation correctly and on time. The Commission may take action if a Member State fails to meet this responsibility, which can lead to the opening of formal infringement proceedings⁽²²⁵⁾.

In 2014, several infringement procedures related to migration were processed against Belgium. First of all, Belgium received a **formal notice** - the first step of an infringement procedure - in March 2014, regarding the lack of sufficient measures taken to implement **Directive 2011/98/EU**⁽²²⁶⁾ (the so called “**Single Permit Directive**”). This Directive – which introduces a single application procedure for single permits for non-EU nationals to reside and work in the territory

221 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).

222 Law of 10 April 2014 on diverse provisions regarding the procedure before the Council for Alien Law Litigation and the Council of State, Belgian Official Gazette, 21 May 2014.

223 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

224 For more information, see “Wijziging RvV-beroep bij asielaanvraag uit veilig land en bij meervoudige asielaanvraag”, Kruispunt Migratie-Integratie, 4 June 2014.

225 http://ec.europa.eu/atwork/applying-eu-law/index_en.htm

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

of an EU Member State - had to be implemented by 25 December 2013⁽²²⁷⁾. The late transposition of the Single Permit Directive (as well as the transposition of the Directives on Intra-Corporate Transferees⁽²²⁸⁾ and Seasonal Workers⁽²²⁹⁾) is closely connected to the ongoing institutional reform of the policy on economic migration which is taking place in the framework of the **sixth State reform**⁽²³⁰⁾. As stated by the State Secretary for Asylum Policy and Migration, Theo Francken, the objective is to transpose these Directives simultaneously. Therefore, arrangements are being taken by each of the competent entities and between the competent entities (the Federal State, the Regions and the German-speaking Community). The procedure that will be put in place in the framework of the transposition of the Single Permit Directive will also apply for Blue Card applications in Belgium⁽²³¹⁾.

Furthermore, Belgium received a **formal notice**⁽²³²⁾ from the European Commission on 20 February 2014 regarding its lack of implementation of certain obligations under **the EU Regulation n°380/2008**. This regulation lays down a uniform format for residence permits for third-country nationals.

Implementation of EU legislation in the public debate

Discussions and debates took place at the political level and within wider society regarding changes in policy, legislation or practices linked to the implementation (or non-implementation) of EU legislation.

The question of the **residence rights of EU-citizens in Belgium** is an example of an issue present in the public debate in 2014. Directive 2004/38/EC⁽²³³⁾ lays down the conditions for the exercise of - and the limitations upon - the right to move and reside freely within the territory of the Member States⁽²³⁴⁾. The public debate focused more particularly on the withdrawal of **residence rights of EU-citizens who represent an unreasonable burden on the Belgian social assistance system**. Some questions were addressed in the **House of Representatives** to the State Secretary on Migration and Asylum Policy, Social Integration and the Fight against

227 As Belgium did not notify the Commission of full transposition of the directive following the formal notice, the Commission addressed a reasoned opinion to Belgium on 29 April 2015. Belgium has 2 months following this reasoned opinion to notify the European Commission of actions taken to transpose the directive (see European Commission, [April Infringements package: main decisions](#), 29 April 2015).

228 Directive 2014/66/UE of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, to be transposed by 29 November 2016.

229 Directive 2014/36/UE of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, to be transposed by 30 September 2016.

230 Question n° 27 from Olivier Chastel to the State Secretary for Asylum Policy and Migration in charge of Administrative Simplification, 2 March 2015.

231 General Policy Note, State Secretary for Asylum Policy and Migration in charge of Administrative Simplification, Doc 54 0588/026, 28 November 2014, p. 31.

232 See http://ec.europa.eu/dgs/home-affairs/what-is-new/eu-law-and-monitoring/infringements_by_country_belgium_en.htm

233 Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.

234 Directive 2004/38/EC was transposed in Belgium by the Law of 25 April 2007. In 2013, Belgium received a reasoned opinion from the European Commission stating that Belgium had not correctly transposed certain provisions of the Directive. The Law of 19 March 2014 – mentioned above – aims at correctly transposing certain provisions of Directive 2004/38/EC, and introduced, inter alia, some changes regarding the residence of EU-citizens and their family members in Belgium.

Poverty, Maggie De Block, including on the number of cases registered over the last years; on the criteria used to determine which EU-citizens represent an “unreasonable burden” on the social assistance system; on the procedure followed to check if unemployed EU-citizens meet these criteria; and whether legislation and practice in Belgium are in line with Directive 2004/38/EC⁽²³⁵⁾.

Media outlets also published articles on this topic, which stressed – for example - the increasing numbers of EU-citizens whose residence permits have been withdrawn over the last 3 years⁽²³⁶⁾.

Several **migrant and human rights associations** also published articles and other materials on the topic of the right of residence of EU-citizens in Belgium⁽²³⁷⁾.

235 See inter alia: Question n°22293 from Zoé Genot to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 18 February 2014; Question n° 22954 from Zoé Genot to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 2 April 2014; Question n°682 from Nadia Sminate to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 3 April 2014.

236 See inter alia: “Le nombre de citoyens UE expulsés de Belgique a triplé en trois ans”, RTB Info, 6 February 2014 ; « 177 français priés de quitter la Belgique », La Libre, 7 February 2014.

237 See inter alia: “Le droit de séjour des citoyens européens en Belgique”, Cîré, April 2014.

Annex C: National Statistics

a. Legal migration and mobility

First residence permits issued to third country nationals, by reason, in 2014

	First permits (all)	Family reasons	Education reasons	Remunerated activities reasons	Other reasons
Total	43.823	23.114	6.286	4.768	9.655
Female	22.680	13.391	3.221	1.727	4.341
Male	21.143	9.723	3.065	3.041	5.314

Visas issued (by gender where possible) in 2014

	(Schengen) short stay Visas (so called A and C visas, the latter including LTV visas – stays of up to 90 days)		National Visas (so called D visas)	
	Issued to third country nationals coming directly from a third country	Issued to third country nationals resident in another EU Member State	Issued to third country nationals coming directly from a third country	Issued to third country nationals resident in another EU Member State
Total	179.995	n/i	25.056	n/i
Female	71.881	n/i	13.799	n/i
Male	108.114	n/i	11.257	n/i
Comments	Data for Issued to third country nationals resident in another EU Member State not available			

b. International protection including asylum

Asylum applications and citizenships of main groups of asylum applicants in 2014

Total number of applicants	Citizenships of main groups of asylum applicants					
	Syria		Afghanistan		Russian Federation	
22.850	Number	Percentage	Number	Percentage	Number	Percentage
		2.705	12%	2.330	10%	1.850

First instance decisions in 2014

Total decisions	Positive decisions	Of which:		Rejections
		Geneva Convention status	Subsidiary protection	
20.410	8.055	6.470	1.585	12.355

Number of third country nationals resettled in 2014

Total	Female	Male
34 ⁽²³⁸⁾	22	12

238 The size of the quota decided by the government for 2014 was set at 100, but only 34 of them arrived in 2014. The rest arrived in the course of 2015.

c. Irregular migration and return

Third-country nationals returned (by gender / nationality where possible)

	Returned as part of forced return measures				Returned voluntarily				Among third-country nationals returned voluntarily, the number of third-country nationals returned as part of an assisted return programme			
	Total	Female	Male	Minor	Total	Female	Male	Minor	Total	Female	Male	Minor
Albania	456	n/i	n/i	n/i	96	n/i	n/i	n/i	60	34	12	14
Ukraine	97	n/i	n/i	n/i	428	n/i	n/i	n/i	427	198	195	34
Russia	72	n/i	n/i	n/i	450	n/i	n/i	n/i	436	123	132	181
Morocco	381	n/i	n/i	n/i	72	n/i	n/i	n/i	67	55	9	3
Brazil	157	n/i	n/i	n/i	212	n/i	n/i	n/i	210	69	82	59
Serbia	128	n/i	n/i	n/i	176	n/i	n/i	n/i	127	39	33	55
Kosovo	140	n/i	n/i	n/i	111	n/i	n/i	n/i	80	39	17	24
Georgia	82	n/i	n/i	n/i	130	n/i	n/i	n/i	127	77	34	16
Armenia	91	n/i	n/i	n/i	115	n/i	n/i	n/i	115	49	44	22
Other	1.035	n/i	n/i	n/i	1.146	n/i	n/i	n/i	1.090	617	287	186
Total	2.639	n/i	n/i	n/i	2.936	n/i	n/i	n/i	2.739	1.300	845	594

d. Unaccompanied minors

Unaccompanied minors in 2014

Number of accepted unaccompanied minors applying for asylum		
Total	Female	Male
473	144	329

e. Trafficking in Human Beings

Total number of third country nationals 'presumed' to be victims of trafficking in human beings in 2014⁽²³⁹⁾

		Total	Female	Male	
Total	Over 18 years of age	95	35	60	
	Under 18 years of age	7	4	3	
	Unknown	0	0	0	
	Total	102	39	62	
Form of exploitation	Sexual exploitation	Over 18 years of age	27	23	4
		Under 18 years of age	1	1	0
		Unknown	0	0	0
		Total	28	24	4
	Labour exploitation	Over 18 years of age	55	5	50
		Under 18 years of age	1	1	0
		Unknown	0	0	0
		Total	56	6	50
	Other (smuggling)	Over 18 years of age	13	7	6
		Under 18 years of age	5	2	3
		Unknown	0	0	0
		Total	18	9	9
Citizenship (top 3 countries)	MAR (12)				
	NGA (6)				
	PAK (6)				

239 These numbers represent all non-EU citizens who received a first temporary document concerning THB in 2014.

Total number of third country nationals 'identified' as victims of trafficking in human beings in 2014⁽²⁴⁰⁾

		Age	Total	Female	Male
		Total	Over 18 years of age	68	23
Under 18 years of age	4		2	2	
Unknown	0		0	0	
Total	72		25	47	
Citizenship (top 3 countries)	MAR (15)				
	ALB (7)				
	PAK (6)				

Total number of reflection periods granted in 2014⁽²⁴¹⁾ :		Total	Female	Male
Disaggregated according to:	Dir. 2004/81/EC	156	63	93
	Other	0	0	0

Total number of residence permits granted 2014:		Total	Female	Male
Disaggregated according to:	Dir. 2004/81/EC5 ⁽²⁴²⁾	568	195	373
	Other ⁽²⁴³⁾	55	30	25

240 These numbers represent all non-EU citizens who received a residence permit of limited duration (A card), after receiving the status of potential victim from the magistrate.

241 These numbers represent all citizens (EU and non-EU) who received a first temporary document concerning THB in 2014.

242 These numbers represent all citizens (EU and non-EU) who received documents (limited stay and unlimited stay) on the basis of Directive 2004/81/EC (transposed in Belgian law in articles 61/4 and 61/5 of the Aliens Law) in 2014.

243 These numbers represent all citizens (EU and non-EU) who received documents (limited stay and unlimited stay) in 2014 on humanitarian basis.

Annex D: Bibliography/References/Sources

National legislation

Belgian Nationality Code of 28 June 1984, Belgian Official Gazette, 12 July 1984.

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

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

Decision of 28 February 2014 of the Flemish Government on the implementation of article 29 § 1, third paragraph, of the Decree of 7 June 2013 regarding the Flemish integration and civic integration policy, Belgian Official Gazette, 2 May 2014.

Decision of 21 March 2014 of the Flemish Government on recognition of the tasks and central tasks to local authorities as stipulated in article 25, §1, first paragraph, 1°, of the Decree of 7 June regarding the Flemish integration and civic integration policy, Belgian Official Gazette, 11 July 2014.

Decree of 27 March 2014 replacing Book II of the Walloon Code on social action and health regarding the integration of foreigners or people of foreign origin, Belgian Official Gazette, 18 April 2014.

Decree of 15 May 2014 of the Walloon Region modifying certain provisions of the Walloon Code of regulations on social action and health regarding the integration of foreigners or people of foreign origin, Belgian Official Gazette, 14 July 2014.

Decree of 7 June 2013 on the Flemish integration and civic integration policy, Belgian Official Gazette, 26 July 2013.

Decree of 18 July 2013 on the integration pathway for newcomers in Brussels Capital Region, Belgian Official Gazette, 18 September 2013.

Law of 15 December 1980 regarding the entry, residence, settlement and removal of foreign nationals, Belgian Official Gazette, 31 December 1980.

Law of 15 December 2013 on various provisions concerning administrative simplification, Belgian Official Gazette, 31 December 2013.

Law of 9 January 2014 modifying the law of 19 March 2014 relating to Development Cooperation, Belgian Official Gazette, 30 January 2014.

Law of 19 March 2014 modifying the Law of 15 December 1980 regarding the entry, residence, settlement and removal of foreign nationals, Belgian Official Gazette, 5 May 2014.

Law of 10 April 2014 on diverse provisions regarding the procedure before the Council for Alien Law Litigation and the Council of State, Belgian Official Gazette, 21 May 2014.

[Law of 12 May 2014](#) modifying Title XIII, Chapter VI of the Programme-Law of 24 December 2002 regarding the guardianship of Unaccompanied minors, Belgian Official Gazette, 21 November 2014.

[Law of 22 May 2014](#) modifying the law of 3 July 2005 regarding the rights of volunteers to make volunteer work accessible to foreigners, Belgian Official Gazette, 18 June 2014.

[Royal Decree of 16 May 2004](#) relating to the fight against trafficking and smuggling in human beings, Belgian Official Gazette, 28 May 2004.

[Royal Decree of 28 February 2014](#) modifying the Royal Decree of 16 July 1992 determining the information mentioned in the population registers and in the register of foreigners and prescribing the registration in the waiting register of foreigners having no identification number in the national register and willing to enter into marriage or make a declaration of legal cohabitation, Belgian Official Gazette, 24 March 2014.

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

[Royal Decree of 21 July 2014](#) modifying the Royal Decree of 16 May 2004 relating to the fight against trafficking and smuggling in human beings, Belgian Official Gazette, 1 September 2014.

[Royal Decree of 13 February 2015](#), modifying the Royal Decree of 8 October 1981 on entry, residence, settlement and removal of foreign nationals, Belgian Official Gazette, 26 February 2015.

[Royal Decree of 16 February 2015](#) modifying the Royal Decree of 8 October 1980 on entry, residence, settlement and removal of foreign nationals, Belgian Official Gazette, 20 February 2015.

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

EU legislation and instruments

[Council Directive 2001/51/EC](#) of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985.

[Council Directive 2003/86/EC](#) of 22 September 2003 on the right to family reunification.

[Council Directive 2003/109/EC](#) of 25 November 2003 concerning the status of third-country nationals who are long-term residents.

[Council Directive 2009/50/EC](#) of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

[Directive 2004/38/EC](#) of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.

[Directive 2011/51/EU](#) of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection Text with EEA relevance.

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

[Directive 2013/32/EU](#) of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

[Directive 2014/36/UE](#) of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, to be transposed by 30 September 2016.

[Directive 2014/66/UE](#) of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, to be transposed by 29 November 2016.

[Handbook on addressing the issue of alleged marriages of convenience between EU citizens and non-EU nationals in the context of EU law on free movement of EU citizens, SWD\(2014\) 284 final](#), European Commission, 26 September 2014.

[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).

[Update of reference amounts for the crossing of the external borders, 2014/C 447/15](#), Official Journal of the European Union, 13 December 2014.

Policy/strategic documents

[Belgian Federal Government Agreement](#), 9 October 2014.

[Policy declaration of the Walloon Region](#) for the period 2014-2019: "Dare, Innovate, Unite".

[Gemeenschappelijk werkprogramma 2013-2016: "Groeï, innovatie, veiligheid"](#), Secretariaat-Generaal Benelux.

[General Policy Note \(Asylum and Migration Part\)](#), Secretary of State for Migration and Asylum Policy, Social Integration and the Fight against Poverty, Doc 53 3096/016, 7 November 2013.

[General Policy Note \(Reception Part\)](#), Secretary of State for Migration and Asylum Policy, Social Integration and the Fight against Poverty, Doc 53 3096/017, 7 November 2013.

[General Policy Note](#), State Secretary for Asylum Policy and Migration in charge of Administrative Simplification, Doc 54 0588/026, 28 November 2014.

Flemish Government Agreement for the period 2014-2019.

Interfederal Action Plan 2010-2014 against Homophobic and Transphobic violence.

National Action Plan 2010-2014 on combatting partner violence and other forms of domestic violence.

Statement of policy orientation “Development Cooperation”, Deputy Prime Minister and Minister of Development Cooperation, Digital Agenda, Telecom and Postal Services, DOC 54 0020/017, 14 November 2014.

The fight against the trafficking and smuggling of human beings in Belgium – Action Plan 2012-2014, Kingdom of Belgium.

Parliamentary proceedings

Question n°21628 from Peter Logghe to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 21 January 2014.

Question n°21869 from Peter Logghe to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 11 February 2014.

Question n°21972 from Peter Logghe to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 11 February 2014.

Question n°631 from Filip De Man to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 17 February 2014.

Question n° 21712 from Valérie Warzée-Caverenne to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty , 18 February 2014.

Question n°22293 from Zoé Genot to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 18 February 2014.

Question n° 22564 from Peter Logghe to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 2 April 2014.

Question n° 22954 from Zoé Genot to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 2 April 2014.

Question n° 653 from Karin Temmerman to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 7 April 2014.

Question n°682 from Nadia Sminate to the State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 3 April 2014.

EMN publications

Admitting third-country nationals for business purposes in Belgium, Belgian Contact Point of the European Migration Network, January 2015.

Annual Policy Report 2011 on Migration and Asylum in Belgium, Belgian Contact Point of the European Migration Network.

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

Annual Policy Report 2013 on Migration and Asylum in Belgium, Belgian Contact Point of the European Migration Network.

Publications and articles by NGOs

Analyse: Loi Programme du 19 décembre 2014, l'étranger redevable, ADDE.

Analyse du décret relatif au parcours d'accueil pour primo-arrivants en Région de Bruxelles-Capitale, Ciré, Septembre 2013.

Analyse Regeerakkoord : waar is de blik op de wereld? , Vluchtelingenwerk Vlaanderen, 30 October 2014.

Le droit de séjour des citoyens européens en Belgique, Ciré, April 2014.

Mémorandum 2014, Elections régionales : Asile & Migration, Caritas, 2014.

Mémorandum du Ciré : Elections régionales et communautaires 2014, Ciré, 2014.

Ouvrons les frontières aux Syriens en exil, 11.11.11, CNCD-11.11.11, ACW, Amnesty International, Broederlijk Delen, Caritas International, CBAR, CIRÉ, Médecins du Monde, MOC, Oxfam Solidarité, Pax Christi Vlaanderen, Vluchtelingenwerk Vlaanderen, March 2014.

Regeerakkoord wantrouwt asielzoeker, Vluchtelingenwerk Vlaanderen, 9 October 2014.

Syriërs houden vandaag stille betoging: 'Geef ons een plek in het regeerakkoord', Vluchtelingenwerk Vlaanderen, 3 July 2014.

Other publications

Actie-onderzoek 16- tot 18-jarige nieuwkomers uit derdelanden. Geïntegreerd eindrapport, De Clerck, H., Piqueray, E., De Bruyne, L., Philips, I. & Truyts, I., 2014.

African Postal Financial Services Initiative, IFAD.

Brochure on Trafficking in human beings: what can you do?, Interdepartmental Coordination Unit, 2012.

Building bridges: 2013 Annual report of the independent rapporteur on human trafficking, Federal Migration Centre, 2014.

Government Report on the fight against trafficking in human beings in 2009-2010.

Government report on Combatting Human Trafficking: 2011-2012, Federal Public Service Justice, 2014.

Report of N. Vandebogaert (Immigration Office) from the seminar organized by the Association for Foreigners' Rights, "Private International Law – 10 years' experience with the Family Code", 25 September 2014.

Socio-Economic monitoring, Federal Department of Employment, Labour and Social Dialogue and Centre for Equal Opportunities and Opposition to Combat Racism, 2013.

Trafficking and Smuggling in Human beings – Building Trust, Annual Report 2012, (previously called) Centre for Equal Opportunities and Opposition to Racism.

Case law

Judgment of the Court of Justice of the European Union (Full Court), Zhu and Chen v. Secretary of State for the Home Department, 19 October 2004 (Case C-200/02).

Judgment of the Court of Justice of the European Union (Second Chamber), Adzo Domenyo Alokpa and others v. Ministre du Travail, de l'Emploi et de l'Immigration, 10 October 2013 (Case C-86/12).

Hearing of 21 February 2014, Court of First Instance, Third Chamber, Liège.

Judgement n°1/2014 of the Constitutional Court, 16 January 2014.

Judgment n° 228.902 of the Council of State, 23 October 2014.

Judgment of the ECHR in the case of Tarakhel v. Switzerland, 4 November 2014.

News articles

Le nombre de citoyens UE expulsés de Belgique a triplé en trois ans, RTB Info, 6 February 2014.

177 français priés de quitter la Belgique, La Libre, 7 February 2014.

Michel I vernauwt functie van staatssecretaris asiel en migratie tot grensbewaker, Keytsman Els, Knack online, 31 October 2014.

Press releases

April Infringements package: main decisions, European Commission, 29 April 2015.

Launch of a national campaign against the sexual exploitation of children in the framework of the Football World cup in Brazil, Interdisciplinary Working Group on Stopping Child Prostitution, June 2014.

Le Conseil des Ministres a approuvé le plan de réduction des places d'accueil pour les candidats-réfugiés, 11 December 2014.

Lijst veilige landen van herkomst: asielaanvragen dalen met 57%, State Secretary for Migration and Asylum Policy, Social Integration and the Fight against Poverty, 4 April 2014.

Other websites

Kruispunt Migratie-Integratie

Inburgering

Lokale Inburgerings- en Integratiemonitor 2015 (Flanders)

Portail Action Sociale et Santé en Wallonie

Annex E: Studies of the Belgian Contact Point to the EMN (2009 – 2015)

The present annex lists all the national reports published by the Belgian Contact Point to the EMN between 2009 and 2015. All other EMN National Contact Points (NCPs) produced similar reports on these topics for their (Member) State. For each study, the EMN Service Provider, in collaboration with the European Commission and the EMN NCPs, produced a comparative Synthesis Report, which brings together the main findings from the national reports and places them within an EU perspective.

All the Belgian reports mentioned below are available for download on www.emnbelgium.be

All the reports from the other NCPs as well as the Synthesis Reports are available on http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/index_en.htm

2009

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

2010

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

2011

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

2012

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

2013

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

2014

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

2015

June 2015	Determining Labour Shortages and the Need for Labour Migration from Third Countries in Belgium
July 2015	Annual Report on Asylum and Migration Policy in Belgium - 2014
August 2015	Dissemination of Information on Voluntary Return: How to Reach Irregular Migrants not in Contact with the Authorities in Belgium
Upcoming	Changes in Immigration Status and Purpose of Stay (<i>working title</i>)
Upcoming	Integration and Support Measures for Refugees and Persons Granted Subsidiary and Other Forms of Humanitarian Protection (<i>working title</i>)



Europees Migratienetwerk
Réseau Européen des Migrations

National Contact Point Belgium
www.emnbelgium.be



Co-funded by the European Union

