

# COUNTRY FACTSHEET: BELGIUM 2012

## EUROPEAN MIGRATION NETWORK

### 1. Introduction

This EMN Country Factsheet provides a factual overview of the main policy developments in migration and international protection in Belgium during 2012, including latest statistics. It has been prepared in conjunction with the European Commission's 4th Annual Report on Migration and Asylum (2012).

### 2. Legal Migration and Mobility

#### 2.1. PROMOTING LEGAL MIGRATION CHANNELS

The Belgian Immigration Office<sup>1</sup> website was upgraded, providing information on short visits to Belgium or for a longer period stay. As of May 2012 the Flemish government introduced a pre-departure information package for family migrants (funded by the European Integration Fund (EIF)) called "**Starterskit Migrating to Flanders**" to be distributed at Belgian Embassies in Morocco, Turkey and Russia, with all necessary information for settling in Flanders.

#### 2.2. ECONOMIC MIGRATION

With regards to **(highly) qualified third-country nationals**, the new legislation<sup>2</sup> implementing the EU Blue Card Directive, which entered into force in 2012, does not replace the existing rules for highly skilled workers holding a work permit 'B', but rather endorses them. Also, both the Walloon and Flanders Regions took steps in 2012 to further facilitate third-country nationals' **skills recognition** and **validation of diplomas**. In the Dutch-speaking community for example, a project has been launched to **shorten the procedure** for diploma recognitions to two months on average.

With regards to **students and researchers**, while no major developments took place in 2012, considerations and preliminary proposals were developed in order to combat misuse of student regulations and to adapt the residence legislation to developments in the educational system.

<sup>1</sup> <https://dofi.ibz.be/sites/dvzoe/index.html>

<sup>2</sup> Royal Decrees of 17/07/2012 and 03/08/2012

### 2.3. FAMILY REUNIFICATION

Following the new family reunification Law of 8 July 2011, six associations introduced actions for annulment before the Constitutional Court in March 2012. In their opinion, the current Law contains discriminatory provisions (particularly by introducing the requirement for sufficient resources for family reunification), and undermines the fundamental right to family life.<sup>3</sup> During 2012, the government paid particular attention to **misuses of the right to family reunification** particularly marriages and legal cohabitations of convenience and false declarations of parenthood. As a result, a draft law aimed at intensifying the fight against marriages of convenience and expanding it to legal cohabitations of convenience was approved by the Council of Ministers. In addition, consultations between naturalization and immigration services were undertaken focusing on identifying naturalization applicants who might use a **relationship of convenience** with Belgian or EU nationals to obtain Belgian nationality. More than 200 cases were thereby taken into consideration and several annulments were ruled.

### 2.4. INTEGRATION

At national level, integration-oriented initiatives were implemented in Belgium in 2012 in order to encourage foreigners to exercise their voters' rights in provincial, municipal and district **elections** held on 14 October 2012. These included awareness raising and other support mechanisms<sup>4</sup>. The number of EU and non-EU voters was higher in 2012, but their proportion was inferior to that of 2006. In December, the Constitutional Court rejected actions to annul the so called 'anti-burqa' law of June 2011<sup>5</sup>. Following the example of the Flemish "inburgering" integration concept, the Walloon and Brussels Capital Regions approved draft decrees on the introduction of

<sup>3</sup> At the time of writing the report the action was still pending.

<sup>4</sup> See for example "Ma commune j'y vis, j'y vote" on: <http://jyvisjyvote.be>

<sup>5</sup> The Law bans a dress that completely or partially covers the face.

“**integration pathways**”. These will be partially mandatory contracts aimed at fostering the linguistic, social and economic integration of third-country nationals, who have been residing in Belgium for less than three years and who possess a residence permit of more than three months. Furthermore, the Flemish Government approved an “**Integrated Action Plan on Integration Policy**” containing concrete actions to achieve various integration objectives, as well as a draft Decree aiming at reforming the Flemish (civic) integration policy. Also, a new law modifying the Belgian Nationality Code was approved on 4 December 2012, tightening the conditions for acquiring Belgian nationality. While the former law considered the acquisition of Belgian nationality as a step towards integration, the new law reversed this approach, determining integration requirements to start an acquisition procedure.

## 2.5 MANAGING MIGRATION AND MOBILITY<sup>6</sup>

Belgium continued to coordinate the “Schengen House” in Kinshasa, a common visa application centre representing several EU Member States. In the framework of the **Visa Information System (VIS)**, biometric visa checks were started at all border crossing points upon arrivals in Belgium. Moreover, as from 19 July 2012,<sup>7</sup> residence permits for third-country nationals are equipped with a chip (called RFID chip) containing the holder’s **biometric data** (two photographs and two fingerprints). As of early 2012 a pilot group was created in order to outline a project for **Automated Border Control**, aiming at installing six electronic gates (so called “e-gates”) in the arrival pier of Brussels’ International Airport.

Belgium also participated in various joint operations and training organised by **Frontex** in the area of border management as well as in the development of EU training programmes such as the “Common Core Curriculum for EU Border Guard Basic Training”.

## 3. International Protection and Asylum

The new Federal government<sup>8</sup> launched an **integrated approach** aimed at better managing the asylum process (asylum influx, reception, asylum procedure and return). For the first time in five years, the number of asylum applications decreased compared to the previous year, but the number of asylum applications in 2012 continued to be high (28,285 asylum applicants). During 2012 several dissuasion campaigns were organised towards some countries of origin generating increasing unfounded asylum claims. In 2012 the reception capacity continued to increase with about 24,000 reception places and 2012 became a turning point. The saturation of the reception

network and the reception crisis ended, especially because the number of new asylum applications did not increase but also due to the increased efficiency of the asylum application process. As a result, the pressure on the reception system also decreased. Other developments, aimed at increasing the efficiency in processing asylum claims included:

- A better coordination between the three authorities involved in the asylum process (the Immigration Office, the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) and the Council for Aliens Law Litigation) achieved through an “**Asylum Improvement Project**”;
- The adoption by the Belgian Parliament of an annual “**safe countries of origin list**”. Following the adoption of the latter, the handling of asylum procedures of applicants from those listed countries is more efficient, as the CGRS has to take a decision within 15 working days, the burden of proof required on the applicant is higher and the appeal possibilities are limited to an annulment procedure.

Concerning return and outflow of the reception network, the Federal Agency for the Reception of Asylum Seekers (Fedasil) together with the Immigration Office, implemented an **individualised return path for the voluntary return of failed asylum seekers and irregular migrants**. Asylum applicants are now informed about voluntary return from the start of the asylum procedure and asylum seekers rejected during appeal are hosted in specific reception facilities where they are prepared for return by return coaches. As a result, there was an increase in the number of voluntary returns. Concerning the specific procedure on medical grounds a “medical filter” was introduced to avoid misuse.

Belgium was also actively involved in the development of the **Common European Asylum System (CEAS)** and also cooperated with the European Asylum Support Office (EASO) by training other Member States’ officials on the European Asylum Curriculum (EAC). In the field of resettlement, **Belgium welcomed the adoption of a common EU resettlement programme** by deciding to resettle 40 Burundi refugees from Tanzania, 40 Congolese refugees from Burundi and 20 vulnerable persons in 2013.

## 4. Unaccompanied Minors and other Vulnerable Groups

The capacity of one “Observation and Orientation Centre” was increased by 194 places in order to host a higher number of Unaccompanied Minors (UAMs). Also, a new **Protocol Agreement** provided better monitoring for those UAMs who are not asylum seekers and it also established a roadmap for their age determination and reception. Furthermore, training activities on the new legislative provisions granting

<sup>6</sup> “Managing migration and mobility” refers to the following themes: visa policy, Schengen governance and border monitoring.

<sup>7</sup> Royal Decree of 19 July 2012

<sup>8</sup> The current government was sworn in on 6 December 2011, after the federal elections of June 2010.

residence permits to UAMs and on UAMs' age assessment were organised for Belgian staff. Belgium participated in a new initiative, supported by the European Return Fund, to enhance reintegration assistance to UAMs willing to return to Morocco. Concerning **other vulnerable groups**, Belgium signed a Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) on 11 September 2012. Preparatory meetings were also held to discuss the new national action plan in the framework of the UN Security Council Resolution 1325 "Women, Peace and Security".

## 5. Actions against Trafficking in Human Beings

A new **Action Plan for the Fight against Human Trafficking 2012 – 2014** was adopted by the Council of Ministers. The plan foresees: a stricter prosecution policy for perpetrators guilty of trafficking; awareness raising campaigns and; the recognition of specialised centres for victims of trafficking. These centres (Payoke, PAGASA and Sürya), run by NGOs, continued to provide accommodation, legal, administrative and psycho-social support to victims. In September 2012, the **Interdepartmental Cell for the Coordination of the fight against trafficking in human beings** issued a brochure to raise awareness on the need to identify victims in Belgian hospitals. In November 2012, an important judgement<sup>9</sup> was passed, condemning employers for the exploitation of cleaning workers who had been trafficked and abused.

The **EU Employers Sanctions Directive** (2009/52/EC) was transposed by Law of 11 February 2013 and introduced a ban on the employment of undocumented migrants. The latter is considered as an important instrument in the fight against trafficking in human beings. The **Working Group on Human Trafficking** presented a report to the Belgian Senate<sup>10</sup>, with an analysis of the various forms of trafficking in human beings in Belgium, the means to combat it and a series of recommendations.

## 6. External Dimension of EU Migration Policy

In 2012, efforts were undertaken to ensure better coherence between development and other policy areas. The Minister for Development Cooperation focused on "Policy Coherence for Development" on the occasion of the 5<sup>th</sup> Stakeholders Meeting in Brussels and submitted a draft law to the House of Representatives aimed at modernising Law of 25 May 1999 on International Development Cooperation and also enhancing PCD. Diaspora groups were also actively targeted in 2012 by several initiatives. In terms of transfer of knowledge and resources, Belgium continued to support the **Migration for Development**

**in Africa (MIDA)** Programme (2008 – 2012), aimed at strengthening the public and private institutions' capacity in Burundi, Democratic Republic of Congo (DRC) and Rwanda by mobilising the diasporas of the Great Lakes Region settled in EU Member States, including Belgium. In terms of private investment initiatives, Belgium agreed to provide funding to the International Organization for Migration (IOM) for the implementation of the **MEDMA 2 Pilot Project**, seeking to encourage Moroccans residing in Belgium to invest and contribute to the development of the poorest regions of Morocco. The Belgian Development Cooperation also continued to pay annual instalments to two programmes from migrant associations aimed at building capacity and strengthening the health sector in the DRC. In the framework of the EU Global Approach to Migration and Mobility (GAMM), Belgium followed up the main external migration dialogue processes and participated in the negotiations of the draft Political Declaration of the **EU-Morocco Mobility Partnership**<sup>11</sup>. Finally Belgium actively participated in the 6<sup>th</sup> meeting of the Global Forum on Migration and Development (GFMD), providing specific expertise inter alia on the development potential of migrant domestic workers.

## 7. Irregular Migration

Several **prevention campaigns** were organised in the Balkans, Guinea, Morocco, Cameroon, Armenia and Russia to reduce the influxes of irregular migrants and/or of bogus asylum seekers coming to Belgium. With regards to the detention of **illegally staying families with minors**, additional accommodation was created in 2012 for new housing units in Zulte and in Tubize. Also, following the transposition of the Return Directive and the introduction of Law of 19 January 2012 modifying the Asylum Seekers Reception Act, **new emphasis was placed on promoting voluntary return measures**. Throughout 2012, the Immigration Office initiated **negotiations for readmission agreements** with several countries including Morocco, Gambia, Tunisia and Peru and took part in EU-wide return flights and programmes.

## 8. Provision and Exchange of Information to support Policy Development

Belgium continues to exchange information on a regular basis through the BE NCP platform regarding national and European policy developments.

### STATISTICAL ANNEX

The Statistical Annex provides an overview of the latest available statistics for Belgium on aspects of migration and asylum (2010-2012), including residence, asylum, unaccompanied minors, irregular migration, return and visas. Where statistics are not yet available, this is indicated in the Annex as "N/A".

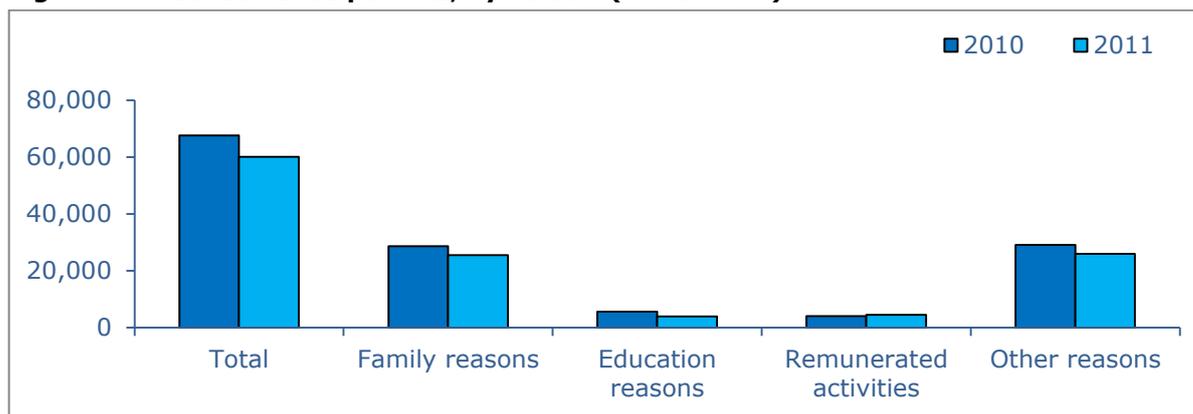
<sup>9</sup> (Carestel/Kronos)

<sup>10</sup> <http://www.senate.be/www/?MIval=publications/viewPubDoc&TID=83891552&LANG=fr>

<sup>11</sup> The EU-Morocco Mobility Partnership was eventually signed on the 7 June 2013.

## Statistical Annex: Immigration and Asylum in Belgium (2010-2012)

**Figure 1: First residence permits, by reason (2010-2011)**



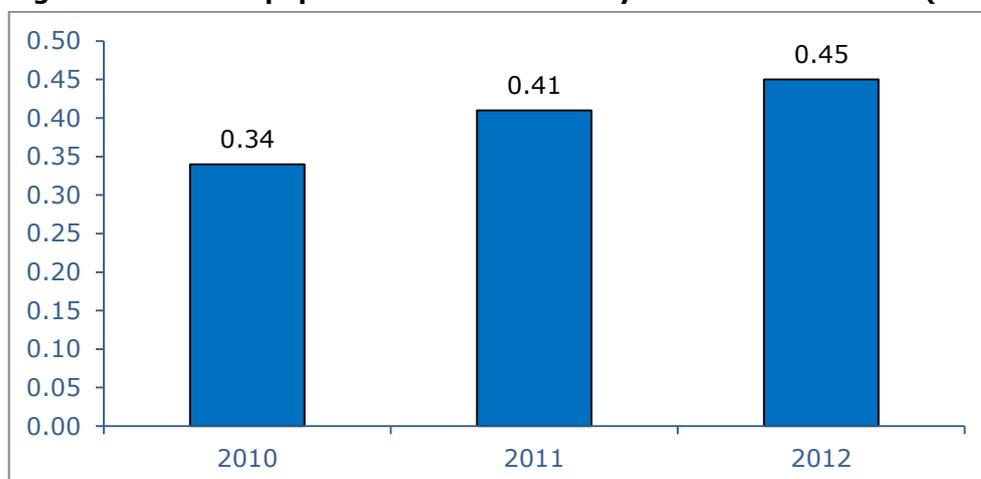
Source: Eurostat (*migr\_resfirst*) for 2010 and 2011; Data for 2012 is not (yet) available.

**Table 1: First residence permits: Top 5 nationalities (2010 – 2011)**

2010	2011	2012
<b>1. Morocco</b> – 10,064	<b>1. Morocco</b> – 8,161	N/A
<b>2. Turkey</b> – 3,785	<b>2. Turkey</b> – 2,986	N/A
<b>3. Russia</b> – 3,183	<b>3. United States</b> – 2,381	N/A
<b>4. DRC</b> – 2,643	<b>4. Guinea</b> – 2,338	N/A
<b>5. Kosovo</b> – 2,499	<b>5. DRC</b> – 2,337	N/A

Source: Eurostat migration statistics (*migr\_resfirst*)

**Figure 2: Resident population of third-country nationals in millions (2010-2012)**



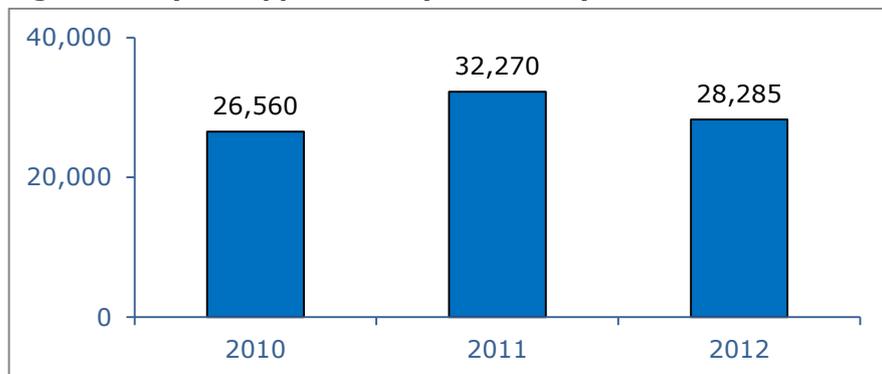
Source: Eurostat migration statistics (*migr\_pop1ctz*)

**Table 2: Resident population: Top 5 nationalities (2010 – 2012)**

2010	2011	2012
<b>1. Morocco</b> – 81,943	<b>1. Morocco</b> – 84,844	<b>1. Morocco</b> – 86,233
<b>2. Turkey</b> – 39,511	<b>2. Turkey</b> – 40,847	<b>2. Turkey</b> – 40,560
<b>3. DRC</b> – 18,056	<b>3. DRC</b> – 22,451	<b>3. DRC</b> – 23,695
<b>4. Russia</b> – 12,813	<b>4. Russia</b> – 18,812	<b>4. Russia</b> – 19,649
<b>5. United States</b> – 11,333	<b>5. United States</b> – 11,546	<b>5. United States</b> – 11,532

Source: Eurostat migration statistics (*migr\_pop1ctz*)

**Figure 3: Asylum applications (2010-2012)**



Source: Eurostat migration statistics (migr\_asyappctza)

**Table 3: Asylum applications: Top 5 nationalities (2010 – 2012)**

2010	2011	2012
1. Kosovo – 3,230	1. Afghanistan – 3,195	1. Afghanistan – 3,290
2. Russia – 2,725	2. Russia – 2,680	2. Russia – 2,655
3. Serbia – 2,220	3. Guinea – 2,425	3. Guinea – 2,190
4. Iraq – 1,990	4. Kosovo – 2,320	4. Kosovo – 1,740
5. Afghanistan – 1,830	5. Iraq – 2,210	5. DRC – 1,590

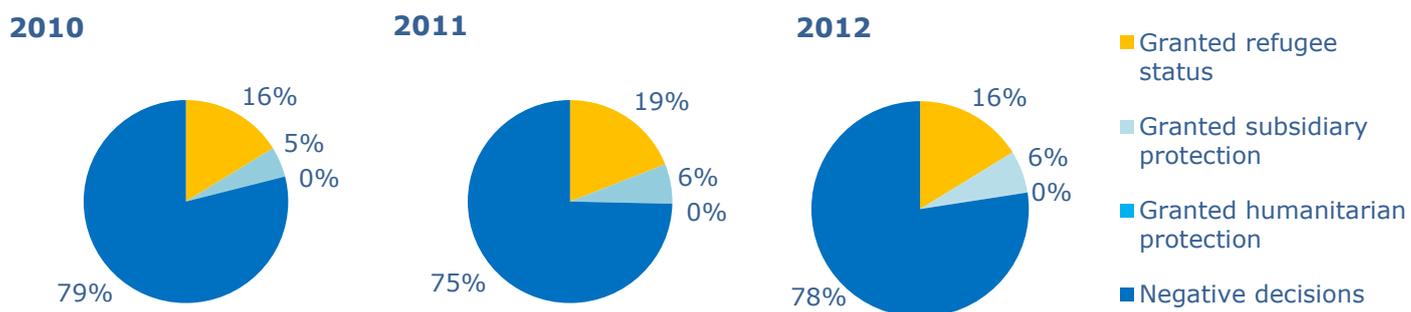
Source: Eurostat migration statistics (migr\_asyappctza)

**Table 4: Asylum applications - First instance decisions by outcome (2010-2012)**

	Total decisions	Positive decisions	Of which:			Negative decisions
			Refugee status	Subsidiary protection	Humanitarian reasons	
2010	16,665	3,510	2,700	805	N/A	13,160
2011	20,025	5,075	3,810	1,265	N/A	14,950
2012	24,640	5,555	3,990	1,565	N/A	19,085

Source: Eurostat migration statistics (migr\_asydcfsta)

**Figures 4-6: Asylum applications - First instance decisions by outcome (2010-2012)**

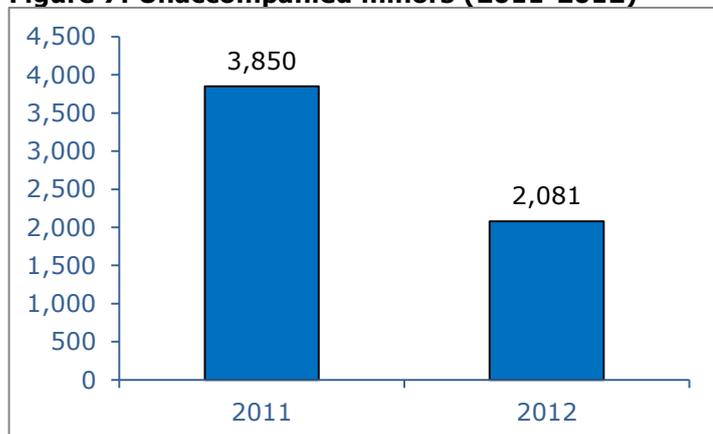


Source: Eurostat migration statistics (migr\_asydcfsta)

**Table 5: Third-country nationals relocated and resettled (2011-2012)**

	2010	2011	2012
Third-country nationals relocated	N/A	0	0
Third-country nationals resettled	N/A	25	0

Source: Eurostat migration statistics (migr\_asyresa)

**Figure 7: Unaccompanied minors (2011-2012)**

Source: National contributions to EMN Annual Policy Report; \* Data provided by National Contact Points: Data for the total number of UAMs in 2010 is not available.

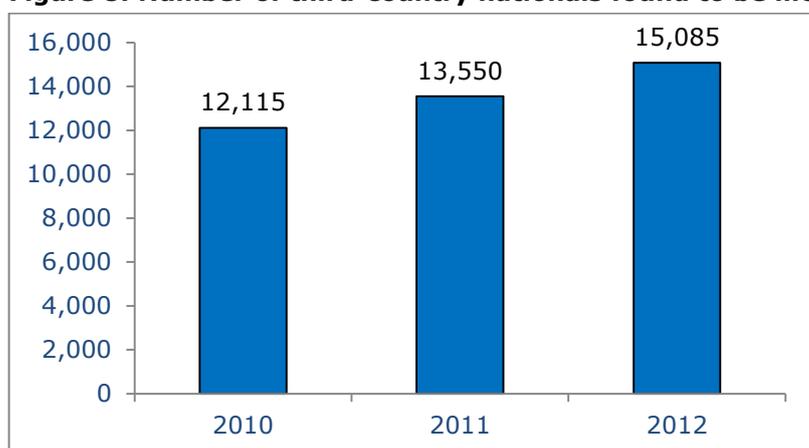
**Table 6: Unaccompanied minors (2010-2012)**

	2010	2011	2012
<b>Unaccompanied minors (total)</b>	N/A	3,850	3,373*
<b>Unaccompanied minors not applying for asylum</b>	N/A	N/A	1,843*
<b>Unaccompanied minor asylum applicants</b>	1,080	2,040	1,530

**Table 7: Number of third-country nationals refused entry at external borders (2010 – 2012)**

	2010	2011	2012
<b>Third-country nationals refused entry at external borders</b>	1,855	2,730	2,390

Source: Eurostat migration statistics (migr\_eirfs)

**Figure 8: Number of third-country nationals found to be illegally present (2010 – 2012)**

Source: Eurostat migration statistics (migr\_eipre)

**Table 8: Third-country nationals returned (2010-2012)**

	Third-country nationals ordered to leave	Returned as part of forced return measures	Returned voluntarily	Returned through an Assisted Voluntary Return Programme
<b>2010</b>	22,865	1,668	2,745	N/A
<b>2011</b>	36,885	2,150	3,765	3,255
<b>2012</b>	50,890	2,151	5,470	4,508

Source: Eurostat migration statistics (migr\_eiord) and National contributions to EMN Annual Policy Report

**Table 9: Number of visas issued by type (2010 – 2012)**

	2010	2011	2012
<b>Total visas</b>	N/A	229,645	226,929
<b>Schengen visa (short-stay visas)*</b>	177,766	201,635	190,721
<b>National visa</b>	N/A	28,120	24,064

Source: Commission Staff Working Documents on the Annual Report on Immigration and Asylum; \* DG HOME Statistics on Visa Policy website: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/index_en.htm)