



European Migration Network

Belgian Contact Point

Annual Report on Asylum and Migration Statistics for Belgium Reference Year 2008

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This report has been produced by the Belgian National Contact Point (BE NCP) of the European Migration Network. The BE NCP is a mixed contact point composed of experts of: the Immigration Department (policy support unit); the migration observatory of the Centre for Equal Opportunities and Opposition to Racism; the Office of the Commissioner General for Refugees and Stateless Persons (international unit); and of Statistics Belgium.

The EMN has the objective to meet the information needs of Community institutions and of Member States' authorities and institutions by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the European Union in these areas. The EMN also serves to provide the general public with such information.

The EMN has several activities. Firstly, the EMN responds to information needs through specific Reports, Studies and Ad-Hoc Queries. Secondly, the EMN collects and documents information in a comparative manner. Thirdly, the EMN has the task of establishing a multi-level network to aid its activities. On the European level, EMN NCPs meet regularly, network and cooperate with other European level institutions and organisations. At national level, each EMN NCP aims to develop a network involving partners within their Member State with expertise in migration and asylum from a wide range of stakeholders in order to have a cross-section of views and information, e.g. from Member State governments, the (academic) research community, and NGOs.

Further information, including the EMN's various outputs, is available from:

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Further information concerning Belgian migration statistics can be found on: www.statbel.fgov.be

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1. INTRODUCTION

This report has been undertaken in the framework of the European Migration Network (EMN) work programme 2010, in which each National Contact Point has produced its Annual Report on Asylum and Migration Statistics 2008 and therefore the stress is on 2008. However, since the EMN wants to put at disposal data and analyses that are as up-to-date as possible, relevant 2009 basis figures have also been included. We have also tried to provide a more historical perspective of the most important data, such that the 2008-2009 data can be better seen within their framework.

The main objective fixed to this report is to describe the statistical trends on international migration and asylum for the reference year 2008 in Belgium. Secondly, since similar reports will be produced for every member states of the European Union (EU), this report should facilitate comparisons and interpretations pertaining to migratory trends on the European level, as well as in the international context.

This report focuses primarily on third-country (i.e. non-EU-27) nationals. However, it includes an overview of migration flows from Belgian and EU citizens, since the consequence of the intense intra-European mobility cannot be ignored in the case of Belgium.

For further background information, on the methodology as well as on the statistical data themselves we kindly refer to the EMN Statistical Reports 2003-2005 (www.dofi.fgov.be), as to the Belgian Country Report of the Prominstat project (www.prominstat.eu).

2. **METHODOLOGY**

Contrary to previous EMN reports, the present report was mainly produced on the basis of official data extracted from the New Cronos database of Eurostat

(<http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/database>). Since data are rounded to the nearest 0 or 5, this may result in difference between these figures and data transmitted by national data providers and/or available at national level.

In addition to this main source of information, additional data were collected directly from national authorities in the field of migration and/or statistics:

- The office of the Commissioner General for Refugees and Stateless Persons (CGRA/CGVS) on asylum,
- The Immigration Department (OE/DVZ) on asylum, residence permits, refusals, apprehensions and return,
- Statistics Belgium (DG SIE/AD SEI) on international migration and the population of the Kingdom.

Because of the implementation of the Council Regulation 862/2007 (« Migration Statistics Regulation »), most of definitions were recently modified or will have to be modified in the future. This may result in the coexistence of parallel statistical series (statistics following the Migration Statistics Regulation / Statistics following national practices or legislation). In order to promote comparability, data following the Migration Statistics Regulation were preferred when it was possible. This may explain the divergence between the provided statistics and other data available at national level.

From a general point of view, when a change of definition may influence the analysis, historical series were reconstructed (if possible) and/or a note is added that highlights the possible impact.

Concerning international migration statistics, the calculation of immigration and emigration was modified in 2008 (for 2007 data) by Statistics Belgium. At first, it results in a symmetrical increase of immigration and emigration (without change of the migratory balance). In addition, new data were modified to correctly take into account recognised refugees. Previously, they were excluded from flow data and included in the “unknown” or “other” citizenship category in stock data. From now on, they appear in flow data and their citizenship is correctly assigned. For the report, all past data were recalculated using this new definition in order to erase the impact of the change of definition. Due to legal and technical problems related to the access to data by Statistics Belgium, 2008 data are still not published at the time of production of this report. The only accessible data are very limited estimations based on population projections that are not adequate for this report. As a consequence, the analysis of these statistics in part 3 mainly summarises data available up to 2007.

Concerning asylum, statistics were produced on the basis of the «waiting register», which is the database where information related to the asylum procedure and asylum seekers is recorded. The European definitions were privileged as much as possible. This result in an estimation that differs remarkably from data published at national level due to an approach focusing more on persons than on cases/files. So asylum numbers available in Belgium still tend to diverge, mainly caused by the fact that different databases are involved and that sometimes the persons but in most cases the “files” (without the accompanied children) are counted.

For residence permits statistics by reasons of migration, on the opposite of the 2007 report, new data are partially based on the new registration of reasons for migration. However, due to the limitations of this newly-established system, the FPS Foreign Affairs’ visa database and the Immigration Department’s data remains important complementary sources.

The data on apprehensions and returns come from the Immigration Department; for data on refusals the sources are the Immigration Department and the Federal Police. Statistics produced in accordance with EU common definitions may differ from data usually available at national level. Actually, they exclude EU-citizens. In addition, in data provided to Eurostat, each person should only be counted once only, even if he/she was refused/apprehended/ordered to leave/returned several times during the reference year (putting the emphasis on the count of the number of persons rather than on the number of events and/or the activity of administration in charge of the enforcement of the migration policy).

3. INTERNATIONAL MIGRATION, USUALLY RESIDENT POPULATION AND ACQUISITION OF CITIZENSHIP (ARTICLE 3)

At the time of production of this report, Statistics Belgium had not yet published 2008 official data (population on the 1st of January 2009 and 2008 migration). As a consequence, no data were transmitted to Eurostat in the framework of Article 3 of the Migratory Statistics Regulation (862/2007). The only accessible data in the Eurostat New Cronos database¹ are currently estimates of the total population, immigration and emigration flows. These estimates were based on population forecasts and were transmitted to Eurostat in the framework of its Rapid Data Collection on Demography. Since these data result from population forecasts and do not describe the real observed statistical trends on migration and population, these data cannot be considered as fully suitable for this report. In addition, they were produced on the basis of national definitions and do not fulfil the requirements of the Article 3 of the Migratory Statistics Regulation (asylum applicants and short-term emigrants are excluded, whereas short-term immigrants are included).

3.1 International Migration Flows

According to available data, the number of immigrants in 2008 was estimated to be 150.757, i.e. 3% more than in 2007. On the opposite, the number of emigrants was estimated to be 98.667, i.e. 6% more than in 2007.

In 2007, the numbers of immigrants and emigrants were the highest observed in Belgium history. If provisional data are confirmed, the numbers of immigrants and emigrants in 2008 would be higher than in 2007 and the highest recorded in Belgium.

As a result of both immigration and emigration flows, the migration balance was estimated to be +52.090 in 2008. Due to the more important increase of emigration by comparison to immigration (6% vs. 3%), a 6% decrease of the migration balance is foreseen. The 2008 migration balance is still the 2nd most important observed in Belgian history.

Currently, no disaggregation by groups of citizenship is available. It makes difficult the understanding of the non-negligible increase of immigration and the suddenly more important level of emigration in 2008. 2007 immigration was marked by an increase of all groups and the enlargement of the EU resulting in a sharp increase of EU2, but it is impossible to know if the same logic is still valid in 2008. On the opposite, until 2007, the increase of emigration was mainly caused by nationals, but the new acceleration of the phenomenon could be linked to the development of the emigration of foreigners as observed in neighbouring countries. Once again, due to the limits of the available estimates, it will be impossible to understand clearly the evolution before the official publication of detailed statistics.

¹ <http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/database>

3.2 Usual Residence

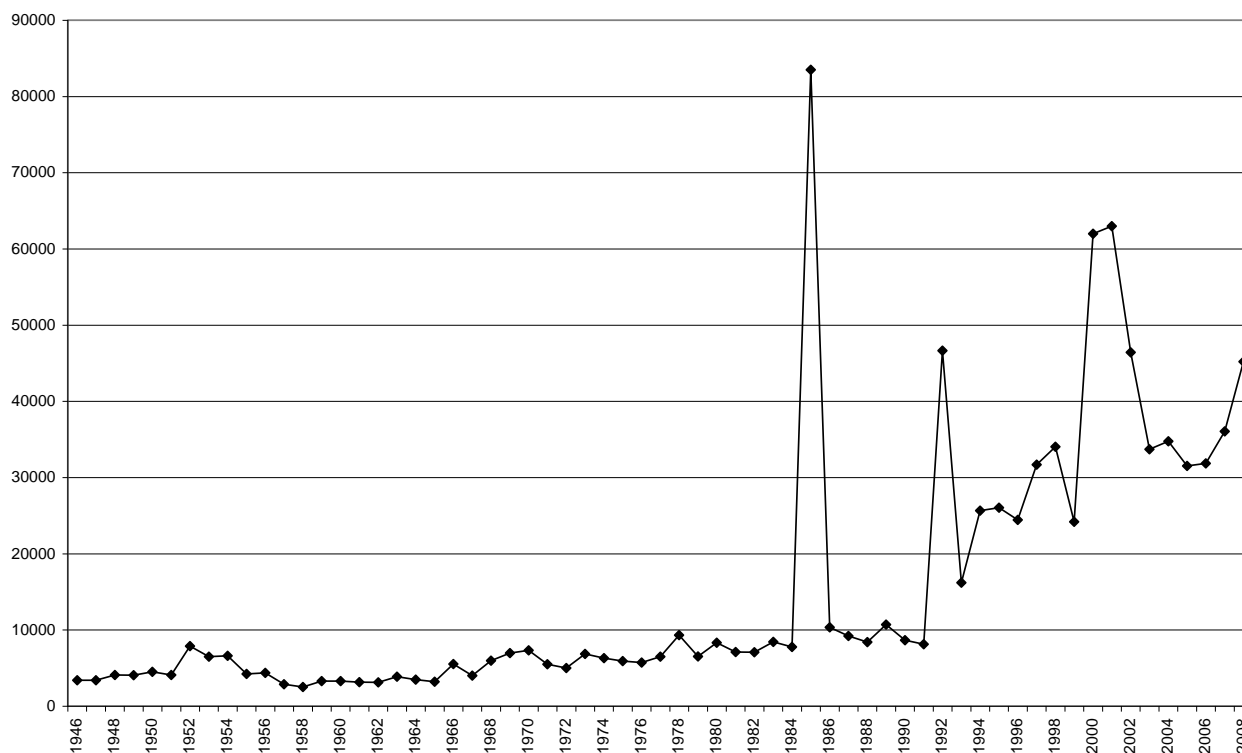
No data by citizenship and country of birth are available for 1st January 2009.

On 1st January 2008, 971,448 non-nationals resided in Belgium. 68% of the non-nationals were EU citizens, among which 61% EU-15, 4% EU-10 and 2% EU-2. The 10 main countries of citizenship of non-EU citizens were Morocco, Turkey, Congo (the Democratic Republic of the), Russian Federation, United States of America, Serbia and Montenegro (before 2006), China, Algeria, India and Cameroon.

3.3 Acquisition of citizenship

Although no data were transmitted by Statistics Belgium to Eurostat, the number of foreigners acquiring Belgian citizenship in 2008 was published by the Ministry of Interior². According to these (provisional) data, 45.204 acquired Belgian citizenship in 2008, i.e. 25% more than in 2007. If these provisional data are confirmed, it would be the highest number of acquisition recorded since 2002.

Evolution of the number of foreigners acquiring Belgian citizenship



Source: Statistics Belgium (until 2007) and National Register (for 2008)

² Answer of the Minister of the Interior (25/03/2009) to the question n° 193 of Mr Guy D'haeseleer, Member of Parliament (26/01/2009)

4. INTERNATIONAL PROTECTION (ARTICLE 4)

The data used in this part of the report are the data that can be consulted on the Eurostat New Cronos database.³ The statistics are on the basis of persons, so dependant children are included and the statistics are rounded in units to 5. The 2008 data on decisions can hardly be compared to the data provided in the annual statistical report of last year, since the 2007 data did not include dependant children.

4.1 Applications for International Protection

A. New asylum applications

The number of new asylum applications in 2008 counts 11.395. The top 5 countries were Russian Federation (in fact, ethnical Chechens), Serbia, Iraq, Afghanistan and Guinea.

The bulk of the asylum applicants were coming from countries outside the EU-27 (97%), about 36% of the asylum applicants were female. More than half of the asylum applicants were between 18 and 34 years old.

New Asylum Applications by citizenship, age group and sex

	Age (Years)						Sex		
	Total	0-17	18-34	35-64	65+	Unknown	Female	Male	Unknown
TOTAL	11 395	3 180	6 010	2 125	80	0	4 110	7 290	0
Citizens of countries outside the EU-27	11 100	3 060	5 915	2 045	75	0	3 980	7 120	0
Stateless	0	0	0	0	0	0	0	0	0
Unknown	255	50	155	50	0	0	85	175	0
Top 10 countries of citizenship									
Russian Federation	2 025	910	740	360	15	0	985	1 040	0
Serbia	1 155	465	515	175	5	0	460	695	0
Iraq	815	150	480	180	5	0	155	660	0
Afghanistan	745	330	325	80	10	0	150	595	0
Guinea	655	160	450	40	0	0	215	440	0
Congo, the Democratic Republic	560	115	335	110	5	0	330	230	0
Armenia	545	140	240	160	5	0	270	280	0
Cameroon	325	35	250	45	0	0	130	195	0
Iran (Islamic Republic of)	300	50	165	85	0	0	90	210	0
Rwanda	255	60	130	60	5	0	135	120	0

Multiple Asylum applications.

In 2007 about 25% of the applications were multiple asylum applications. In 2008 there were in total 15.440 asylum applications in Belgium of which 4.045 (26,2%) were multiple applications.

³ <http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/database>

B. Asylum applications under consideration at the end of 2008.

At the end of 2008 there were 21.320 applications under consideration. According to country of origin the top 5 ranking of pending applications is as follows: Russian Federation (3.050), Congo (1.940), Serbia (1.795), Rwanda (1.265) and Guinea (1.200).

C. Asylum applications withdrawn during 2008.

During 2008 a total 885 asylum applications have been withdrawn by the applicant. The five most important countries of origin for what concerns the withdrawing were Serbia (125), Russian Federation (110), Slovak Republic (85), Iraq (60) and Afghanistan (30).

Statistics on asylum applications for the year 2009

- In 2009 there was a large increase in asylum applications in Belgium, with a total of 22.955 asylum applications, of which 17.215 new asylum applications. This is an increase of new asylum applications of more than 50% compared to 2008. Especially in the last quarter of the year the number of asylum applications was high due to an important increase of applicants from Armenia, Russia, Kosovo and Guinea over the last quarter of 2009.
- The top 5 of countries of origin for new asylum applications in 2009 were Russian Federation (2255), Kosovo (2075), Armenia (1395), Afghanistan (1240) and Guinea (1110).
- Also for 2009 about one quarter of the total amount of asylum applications were multiple applications (5.740 of the total of 22.955).
- At the end of December 2009, no less than 28.515 applications were pending.
- During 2009, 1.495 asylum applications were withdrawn, of which 1.190 by citizens of countries outside the EU-27.

Trends and legislative or administrative developments

There were no important legislative or administrative changes in 2007 or in 2008 which could have had an impact on the number of asylum applications for the year 2008.

4.2 Decisions on International Protection

On First Instance, the total number of asylum decisions in 2008 was 13.620, of which a total of 3.505 were positive decisions (3.040 refugee status and 470 subsidiary protections). This involves that a bit more than 25% of the first instance decisions taken in 2008 were positive decisions.

First Instance Decisions on Asylum Applications by citizenship and type of decision / status

	Total	Total positive	Rejected	Geneva Convention	Subsidiary protection
TOTAL	13 620	3505	10 115	3 040	470
Citizens of countries outside the EU-27	12 955	3505	9 450	3 035	470
Stateless	5	0	5	0	0
Unknown	190	65	130	50	10
Top 10 countries of citizenship					
Russian Federation	2 310	585	1725	585	0
Serbia	1 555	385	1170	385	0
Iraq	1 145	605	545	335	265
Afghanistan	860	200	660	105	90
Congo, the Democratic Republic of the	765	140	625	125	15
Guinea	760	360	405	355	0
Iran (Islamic Republic of)	640	65	575	65	0
Slovak Republic	470	0	470	0	0
Syrian Arab Republic	325	85	235	85	0
Rwanda	300	140	160	140	0

As for persons covered by final decisions, these are asylum applicants who were rejected in first instance by the Commissioner General for Refugees and Stateless Persons and introduced an appeal to the Aliens Litigation Council. A total of 5.240 judgements were pronounced in 2008, resulting in 395 positive decisions.

Final Decisions on Asylum Applications by citizenship and type of decision / status

	Total	Total positive	Rejected	Geneva Convention	Subsidiary protection
TOTAL	5 240	395	4 840	315	85
Citizens of countries outside the EU-27	5 070	395	4 675	315	85
Stateless	110	20	90	15	5
Unknown	5	0	5	0	0
Top 10 countries of citizenship					
Congo, the Democratic Republic of the	575	35	540	30	5
Russian Federation	500	10	485	10	0
Serbia	375	5	370	0	5
Afghanistan	285	40	245	15	25
Rwanda	280	115	165	115	0
Iraq	255	25	230	0	25
Cameroon	240	20	220	15	0
Iran (Islamic Republic of)	230	10	220	10	0
Guinea	225	10	210	10	0
Angola	150	0	150	0	0

A. Rejected applications

The fact that a bit more than 25% of the first instance decisions in 2008 were positive involves of course that almost 75% of the first instance decisions were negative. There are huge differences for the different countries of origin regarding to the percentage of negative decisions. For instance, with regard to decisions on Iraqi nationals, less than half of them were negative. For asylum applications from EU-citizens, no protection statuses were granted.

Most appeal decisions in asylum claims for the year 2008 were rejections (4.840 on a total of 5.240 decisions).

B. Refugee status

For most countries of origin the number of total positive decisions corresponds to the number of persons who received refugee status according to Geneva Convention. The top 5 of total number of refugee statuses granted in 2008 in first instance is distributed as follows: Russian Federation (585), Serbia (385), Guinea (355), Iraq (335) and Rwanda (140). It could be interesting to give a ranking of the countries of origin according to the percentage of refugee status granted with regard to the total number of decisions for that country of origin; however due to the low number of decisions for some countries and the fact that the data are rounded in units of 5 this table would not be very significant. As an alternative the top 10 of countries with the highest number of recognitions and the “recognition rate” can be represented in the following table. Note that it is not fully correct to state that the percentages on the right in the table are recognition rates since the data presented are calendar-based and the decision in an asylum application is not necessarily in the same year as the year of introduction of the asylum application.

Top 10 of countries with the highest number of recognitions (first instance)

Country of origin	Refugee status	Total number of decisions	“Recognition Rate”
Russian Federation	585	2 310	25%
Serbia	385	1 555	25%
Guinea	355	760	47%
Iraq	335	1 145	53%
Rwanda	140	300	47%
Congo, the Democratic Republic of the	125	765	18%
Afghanistan	105	860	23%
Sri Lanka	90	185	49%
Syrian Arab Republic	85	325	26%
China (including Hong Kong)	80	150	53%
Other	755	5265	14%
Total	3 040	13 620	22%

In final instance about 315 persons were granted the refugee status. It concerns mainly applicants from Rwanda (115), Turkey (35), Congo DR (30), Afghanistan (15) and Cameroon (15).

C. Subsidiary protection status

Of the total of 3.505 first instance positive decisions in 2008, 470 of them refer to the status of subsidiary protection that was granted. More than half of them (265) were for Iraqi applicants, followed by Afghanistan (90), Somalia (50), Congo DR (15) and Sudan (10). Almost all the statuses of subsidiary protection were granted on the basis of a serious and individual threat to a civilian's life by reason of indiscriminate violence in situations of an armed conflict (article 15 c of the council directive 2004/83/EC).

In 2008 some 85 persons were granted subsidiary protection status by means of a judgement of the appeal court. Applicants from Afghanistan (25) and Iraq (25) were the two most important countries of origin for those granted subsidiary protection by the Council for alien law litigation.

D. Temporary protection

It should be noticed that positive decisions cover only refugee status and subsidiary protection. No statuses of temporary protection, neither in first instance, nor in appeal, were attributed in 2008.

E. Humanitarian reasons

In Belgium, humanitarian statuses (medical or other) are granted on the basis of a specific request, and – as a consequence - cannot be the result of an asylum application.

F. Resettlement

In 2008 no persons were resettled to Belgium. In 2009, in the framework of a long-expected pilot project, 47 Iraqi refugees were resettled from refugee camps in Syria and Jordan to Belgium.

Withdrawing

Taken into account that the values are very low for this category, and considering the data in the Eurostat New Cronos Database are rounded, the table in annex concerning “decisions withdrawing status granted at first instance” is not enough precise to be analysed as such. As a consequence, one should rather refer to the annual report of the Commissioner General for Refugees and Stateless Persons. For the year 2008, it records that in 23 cases the status of refugee was withdrawn and in 1 case the status of subsidiary protection was withdrawn.

There are no data available for decisions on withdrawing status as final decision. But it can be expected that the number of final decisions for withdrawing shall be very limited, if not zero.

4.3 Unaccompanied Minors

In 2008 a total of 485 unaccompanied minors introduced an asylum application. This number is a marked decrease (-13%) compared to 2007 (555). The main countries of origin for unaccompanied minors who introduced an asylum application were Afghanistan (120), Guinea (90), Congo DR (35), Iraq (30) and the Russian Federation (25).

Asylum applicants considered to be unaccompanied minors by citizenship, age group and sex

	Age (Years)					Sex		
	Total	0-13	14-15	16-17	Unk.	Female	Male	Unk.
TOTAL	485	50	100	340	0	150	340	0
Citizens countries outside the EU-27	485	50	100	340	0	150	340	0
Stateless	0	0	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0
Top 10 countries of citizenship								
Afghanistan	120	0	45	75	0	0	120	0
Guinea	90	10	10	70	0	40	50	0
Congo, the Democratic Republic	35	15	5	15	0	20	15	0
Iraq	30	0	0	25	0	0	25	0
Russian Federation	25	5	5	15	0	10	15	0
Angola	20	5	10	5	0	10	5	0
Serbia	20	0	5	20	0	10	10	0
Cameroon	15	0	0	15	0	10	5	0
Somalia	15	0	5	10	0	0	15	0
Gambia	10	0	0	10	0	0	5	0

The ranking of these countries of origin is similar in comparison with 2007. In 2008, almost a quarter of the total of unaccompanied minors were Afghans (about 20% in 2007). In 2008, some 30% were younger than 16, and about another 30% were girls. (In 2007 about a third were younger than 16, and almost another third were girls.)

There are no data available of unaccompanied minors who did not apply for international protection.

4.4 Dublin Transfers

For what concerns the data on Dublin Transfers, the data in the Eurostat New Cronos Database are incomplete. There are no data available about the type of requests, nor about the decisions taken in the requests. It is however clear that most incoming Dublin-requests involve EURODAC-requests and that the neighbouring countries (the Netherlands, Germany and France) are the most significant countries with regard to incoming requests. The total number of incoming Request for 2008 was 1250, of which 927 EURODAC-requests.

Incoming Requests by member states: source Eurostat New Cronos Database

PARTNER/REQUEST	Total number of requests	Total EURODAC
Netherlands	316	231
Germany (including ex-GDR from 1991)	309	244
France	283	185
United Kingdom	76	65
Sweden	63	51
Norway	46	39
Italy	27	25
Austria	25	17
Denmark	20	16
Finland	20	15
Luxembourg	16	11
Poland	16	5
Ireland	12	10
Greece	4	1
Spain	4	0
Hungary	3	3
Slovenia	3	3
Bulgaria	2	2
Iceland	2	2
Czech Republic	1	0
Lithuania	1	1
Portugal	1	1
Belgium	0	0
Estonia	0	0
Cyprus	0	0
Latvia	0	0
Malta	0	0
Romania	0	0
Slovakia	0	0
Switzerland	0	0
Total	1 250	927

The total number of outgoing Dublin Requests for 2008 was 1890, of which 1276 Eurodac. As for incoming requests, the lion's share of the outgoing Dublin-request are EURODAC related. The four most important countries for outgoing request by Belgium are Poland, France, Greece and Germany.

Outgoing requests by Belgium: source Eurostat New Chronos Database

PARTNER/REQUEST	Total number of requests	Total EURODAC
Poland	423	374
France	362	190
Greece	237	181
Germany (including ex-GDR from 1991)	228	137
Netherlands	100	47
Italy	99	48
Austria	79	50
Hungary	67	58
United Kingdom	61	41
Sweden	50	36
Spain	46	22
Czech Republic	31	25
Norway	28	21
Slovakia	23	16
Lithuania	15	4
Luxembourg	11	3
Denmark	6	2
Slovenia	6	5
Malta	4	3
Finland	4	3
Bulgaria	3	3
Ireland	3	3
Cyprus	3	3
Portugal	1	1
Belgium	0	0
Estonia	0	0
Latvia	0	0
Romania	0	0
Iceland	0	0
Switzerland	0	0
Total	1 890	1 276

5. PREVENTION OF ILLEGAL ENTRY AND STAY (ARTICLE 5)

5.1 Refusals

In 2008 about 1.170 foreign nationals were refused entry at Belgium's outer borders. The bulk of them (1.065, i.e. 91,0%) were refused at the air border. These statistics are very similar to the data of 2007, when about 1.110 people were refused entry at outer borders, of which 1.022 at the air border. For 2009 however, one can notice a strong increase of the total number of refusals (+18,2%) due to the increase of the number of (air border) refusals.

We believe that the number of refusals of entry at borders is a very incomplete indicator for drawing any conclusions, in particular about the overall irregular influx or migration pressure.

Table general view on refusals of entry 2003 – 2009 (source: Immigration department and Federal Police)

Year	Air border	Sea border	Land border	Total
2003	1 254	225	1 320	2 799
2004	1 261	150	251*	1 662
2005	1 059	128	0	1 187
2006	1 249	116	0	1 365
2007	1 022	90	0	1 112
2008	1 065	105	0	1 170
2009	1 332	61	0	1 383

*: Schengen entry control at the Eurostar border at Brussels South ceased on 1 April 2004. Border control has since been carried out by border inspectors from UK territory.

The top 3 of grounds for refusal in 2008 were: purpose and conditions of stay not justified (375), false travel document (345) and no valid visa or residence permit (225).

Third country nationals refused entry, by ground and external border

Ground for refusal	Type of border			
	Total persons refused entry	Refused at the land border	Refused at the sea border	Refused at the air border
TOTAL	1 170	:	105	1 065
No valid travel document(s)	85	:	55	25
False travel document	345	:	0	345
No valid visa or residence permit	225	:	5	225
False visa or residence permit	0	:	0	0
Purpose and conditions of stay not justified	375	:	0	375
Person already stayed 3 months in a 6-months period	5	:	0	5
No sufficient means of subsistence	55	:	0	55
An alert has been issued	80	:	45	35
Person considered to be a public threat	0	:	0	0

The top 5 of the nationalities that were refused entry in 2008 is DR Congo (95), Morocco (90), Cameroon (85), Turkey (85) and Senegal (80). This top 5 is somewhat comparable to the top 5 of nationals refused in 2007 (Morocco, Turkey, DR Congo, Senegal and China).

Top 10 countries of citizenship of third-country nationals refused entry

Top 10 countries of citizenship (based on overall total)	Type of border			
	Total	Refused at the land border	Refused at the sea border	Refused at the air border
Congo, the Democratic Republic of the	95	:	5	90
Morocco	90	:	10	80
Cameroon	85	:	5	80
Turkey	85	:	5	80
Senegal	80	:	0	80
Guinea	50	:	5	45
China (including Hong Kong)	35	:	5	30
Ivory Coast	30	:	0	30
India	30	:	5	30
Sri Lanka	30	:	0	30

5.2 Apprehensions

A total of 13.800 persons were apprehended in Belgium in 2008. The principal figures for apprehension of illegally-staying third-country nationals were nationals from Algeria (2.425), Morocco (2.035) and India (1.615), accounting for 44 % of all apprehensions in 2008. In 2007, 11.642 persons were apprehended. In 2007, the same three countries of origin, but in an other order (Morocco (1690), Algeria (1648) and India (1186)) were accounting for almost 40% of the apprehensions.

Even if the number of apprehensions can be used as an important element to build estimates of the characteristics of the number of foreign nationals residing on the territory illegally, one should notice that the number of apprehensions or changes in the number of apprehensions do not give directly a clear view about the number of foreign nationals residing illegally on the territory. In order to avoid excessive conclusions, one should, in particular, carefully consider the quality of the original records used to calculate the number of apprehensions (including records on alleged nationality). In addition, the potential bias due to the close relation between the number of apprehensions and the activities or priorities of the police and immigration services should be taken into account. Finally, one should be sure that the apprehended population is representative of the population residing illegally in the country and be sure that there is no factor that could impact this representativeness (e.g. relation between apprehension and subsequent return, higher (or lower) probability of apprehensions for specific subgroups...).

Third-country nationals apprehended / found to be illegally present, by citizenship, age group and sex

	Age (Years)					Sex		
	Total	0-13	14-17	18-34	35+	Female	Male	Unknown
TOTAL	13 800	145	805	9 260	3 590	1 470	12 325	
Stateless	0	0	0	0	0	0	0	
Unknown	205	10	25	110	65	35	170	
Top 10 countries of citizenship								
Algeria	2 425	0	125	1 715	580	25	2 400	
Morocco	2 035	5	70	1 355	605	170	1 870	
India	1 615	0	175	1 145	295	10	1 610	
Iraq	865	10	50	705	100	35	835	
Brazil	570	5	10	395	160	150	420	
Palestine	560	0	35	455	70	0	560	
Afghanistan	440	15	105	270	55	40	395	
Tunisia	340	0	10	240	90	5	330	
Serbia	325	40	85	120	75	135	195	
Russian Federation	315	0	0	205	115	65	255	

Some 9260 persons apprehended (or 67% of the total) were between the age of 18 and 34 years old. In 2008, almost 90% of the total number of persons apprehended were men.

6. RESIDENCE PERMITS AND RESIDENCE OF THIRD COUNTRY NATIONALS **(ARTICLE 6)**

6.1 Residence permits issued

6.1.1. First Residence permits

The obligation to produce statistics on residence permits by reason of stay was introduced by the regulation 862/2007. A new data collection had to be introduced at national level in order to fulfill this obligation. Since 2008 was the first year of implementation, the data collection system might not yet completely cover the phenomenon (in particular, for family reunification and students) and the resulting figures might underestimate the number of issued permits. Data quality is expected to improve in 2009.

As estimated in previous years, family reunification remains the most important reason to obtain a residence permit for TCN (20.320 on a total of 46.201, or about 44% of the total). Also “other reasons”, which represents mainly residence permits delivered because of humanitarian reasons are significant (12.041 or about 26% of the total). Permits on the basis of remunerated activities or educational reasons represent each about 15% of the total of first residence permits issued in 2008.

As it appears in the table below the reason for granting the residence permit strongly depends on the nationality of the person. Morocco and Turkey were two most important non-EU countries of origin for those who were granted a residence permit in 2008. Moroccans and Turks are the two largest groups of non EU-immigrant communities in Belgium. For these two countries family reasons were obviously the main reason to obtain the permit (respectively 85% and 65% of the total). For countries like Congo DR, Russian Federation or Serbia “other reasons” was the basis on which most permits for these nationals were granted (respectively 54%, 64% and 85% of the total were on the basis of “other reasons”). The explanation for this lies in the fact that in Belgium there have been a lot of asylum applications of nationals from these three countries through the last decade. In the case of former asylum seekers, the reasons for issuing a residence permits are often classified among “other reasons”: in the subgroup “international protection status” if the applicant is recognised as a refugee or in the subgroup “other reasons” if the residence permits is granted for humanitarian reasons. A significant number of the residents permits because of humanitarian reasons (= other reasons) are granted on the basis of the long duration of the asylum procedure. For nationals from India and in less extension the USA the permits for employment purposes were the most significant (respectively 70% and 38% of the total number of permits were granted on the basis of remunerated activities reasons.) In a more limited number of cases, education is the main reason of issuance of the residence permit (for instance, in the case of Cameroon, it represents 45% of new permits).

First residence permits, by main countries of citizenship and reason

	Total	Family reasons	Education reasons	Remunerated activities reasons	Other reasons
Total first permits	46 201	20 320	6 743	7 097	12 041
Top 10 third countries (overall total)					
Morocco	7 093	5 985	623	147	338
Turkey	3 222	2 121	393	336	372
India	2 814	645	164	1 978	27
Congo, the Democratic Republic of the	2 193	639	312	60	1 182
Unknown	1 903	295	3	1 408	197
United States	1 897	581	583	723	10
Russian Federation	1 777	352	131	164	1 130
China (including Hong Kong)	1 541	479	466	380	216
Cameroon	1 528	430	690	35	373
Serbia	1 210	110	46	22	1 032

6.1.2 Changing immigration status or reason for stay

In total 238 persons changed their immigration status, not surprisingly the largest group of them (173 or about 73% of the total) was the shift from education reasons towards remunerated activities reasons.

6.1.3 Valid permits at the end of 2008

The number of valid permits (see table below) gives a good indication of the total number of non-EU nationals in Belgium at the end of 2008. On a total of 350.392 valid permits at the end of 2008, 286.318 (or about 82% of the total) were permits with a length of validity of 12 months and over. Countries out of the top 10 of third countries of origin usually have a large share of valid permits with a length of validity of 12 months and over. In this top 10, the number of permits valid less than 12 months usually represents 10-20% of the total number of valid permits except in the case of Russia and Serbia where it represents respectively 26% and 28%. There are no detailed data available on the length of the validity of the permit by reason for issuing the permit.

All valid residence permits, by main countries of citizenship and duration

	Total valid residence permits	Total by duration		
		3-5 months	6-11 months	12 months and over
Total	350 392	14 218	49 856	286 318
Top 10 third countries (overall total)				
Morocco	75 900	905	7 673	67 322
Turkey	40 893	587	3 470	36 836
Congo, the Democratic Republic of the	20 110	971	3 060	16 079
United States	19 651	130	1 935	17 586
Russian Federation	12 787	1 380	1 968	9 439
Serbia	9 317	661	1 121	7 535
Algeria	8 525	251	975	7 299
Japan	8 252	69	1 505	6 678
China (including Hong Kong)	7 985	243	1 961	5 781
Unknown	7 631	349	780	6 502

6.2 Long-term residents

For what concerns the long-term residents at the end of 2008, the largest group of them were nationals from Morocco (214 or almost 25% of the total). More generally, they come from other traditional countries of origin of emigration to Belgium, i.e. Congo (DR) or Turkey, but also, at a different level, relatively new countries of origin such as China, Cameroon or India.

Number of long-term third-country national residents, by main countries of citizenship

	Third-country nationals
TOTAL	859
Stateless	1
Unknown	12
Top 10 countries of citizenship	
Morocco	214
Congo, the Democratic Republic of the	83
United States	65
Turkey	64
China (including Hong Kong)	32
Canada	20
Switzerland	19
Algeria	19
Cameroon	17
India	17

7. RETURNS (ARTICLE 7)

In 2008 about 32.680 third-country nationals found to be illegally present in Belgium were ordered to leave the territory and 3.965 were actually returned following an order to leave.

Third-country nationals ordered to leave and returned following an order to leave

	Third country nationals ordered to leave	Third country nationals returned following an order to leave
TOTAL	32 680	3 965
Stateless	20	0
Unknown	690	0

Regarding (forced) return, 2007 data are available at national level, but they were not produced following a similar definition and should not be compared to the 2008 figures presented hereafter. The only correct way to estimate the evolution is to rely on data on effective returns available at national level for 2007 and 2008 following the national definition (including Dublin transfers). They tend to show a decrease of both assisted and forced returns for third-country nationals (-7%, 4861 for 2007 and 4533 for 2008) between 2007 and 2008 mainly due to a decrease of returns to the main countries of origin of returnees (in particular Albania, Brazil, Congo (DR), Mongolia, Serbia, Turkey, Ukraine).

The most important countries of origin for third country nationals ordered to leave the territory are: Morocco (3.785), Algeria (2.895), India (2.080), Congo (DR, 1.505), Russian Federation (1.445), Iraq (1.430), Brazil (1.300), Serbia (1.175), Iran (1.025) and Afghanistan (975).

Third-country nationals ordered to leave, by country of citizenship

Top 10 third countries	Third country nationals ordered to leave	(of which) Third country nationals returned following an order to leave
Morocco	3 785	265
Algeria	2 895	40
India	2 080	55
Congo, the Democratic Republic of the	1 505	65
Russian Federation	1 445	280
Iraq	1 430	15
Brazil	1 300	1 125
Serbia	1 175	135
Iran (Islamic Republic of)	1 025	20
Afghanistan	975	30
Other	15 065	1 935
TOTAL	32 680	3 965

The most important countries of origin for returned third country nationals are: Brazil (1125), Russian Federation (280), Morocco (265), Ukraine (260), Albania (170), Armenia (150), Serbia (135), Mongolia

(125), Nigeria (115), Turkey (95). As already reported, according to national data, returns decreased for most of these citizenships except Russia, Nigeria and Armenia.

Third country nationals returned following an order to leave - Annual data (rounded)

Top 10 third countries	Third country nationals returned following an order to leave	(of which) Third country nationals ordered to leave
Brazil	1 125	1 300
Russian Federation	280	1 445
Morocco	265	3 785
Ukraine	260	415
Albania	170	475
Armenia	150	715
Serbia	135	1 175
Mongolia	125	255
Nigeria	115	115
Turkey	95	945
Other	1 245	22 055
TOTAL	3 965	32 680

7.1 Relationship between refusals, apprehensions and returns

There is no obvious and direct link between citizenships of refused and apprehended third country nationals. This can be explained at first by the impact of the Schengen agreement that limits border controls to migrants coming directly to Belgium from outside the Schengen area. Due to the geographical situation of Belgium, this results in a very limited number of refusals. Secondly, third country nationals found to be illegally present might have entered legally in the country and overstayed their visas or residence permits.

For similar reasons, there is no straightforward link between the main citizenships of foreigners who are refused entry and those who are ordered to leave the territory on the one hand; and there is no straightforward link between the main citizenships of third-country nationals who are refused entry and those who are effectively returned.

On the opposite, even if there is no direct and strict link, the main citizenships of apprehended third country nationals is to a certain point related to the main citizenships of third country nationals ordered to leave the territory. Since most third country nationals who are issued a return decision are not apprehended, no direct link between both indicators can be found, but still both indicators present similarities because they are both related to the population residing illegally in the country. As a consequence, seven countries that are in the top 10 of origin countries for orders to leave the territory, are also among the top 10 of origin countries for apprehensions.

There is no direct and strict link between the number of returns and the number of apprehensions by citizenship, but the relation between both elements is interesting to study. One can calculate a sort of ratio

between returned and apprehended third country nationals of each citizenship by dividing the number of apprehensions by the number of returns. In the case of Belgium, it would give a total (forced or assisted) return ratio of 29%. This indicator is quite stable over time, but very different from one country of origin to another. It indicates that very different obstacles by country of origin are faced when organizing forced returns and results in very different return rates of apprehended third country nationals. However, the analysis of the indicator is biased. Actually, although the general category “returns” includes a majority of third country nationals that were forced to return after an apprehension, it also includes an important proportion of voluntary assisted returns that do not involve necessarily a previous apprehension. In the case of Brazil, it explains why the ratio is more than 100% (197%). Actually, in this specific case, most of returns (63%) are assisted voluntary returns. In order to understand correctly the relation between returns and apprehensions, it would be necessary to be able to differentiate forced and assisted returns (as it is possible at national level). The observed differences between the rate of forced return of apprehended third country nationals would give a good indicator of the difficulties to organize forced returns and the efficiency of this part of the return policy.

Concerning the relation between orders to leave and returns, the list of the most represented citizenships in each case is quite different. Only 4 countries are at the same time in the top 10 countries of origin for returns and orders to leave. However, the study of the relation is interesting. Once again, it is possible to calculate a “return rate of third country nationals ordered to leave” by dividing the number of apprehensions by the number of returns. Since returns are supposed to include only third country nationals that were ordered to leave, the indicator should truly represent a return rate. It is only biased by the fact that data are calendar-based and the return does not necessarily occur in the same year as the order to leave. However, in spite of this bias, the results are acceptable from a statistical point of view. In the case of Belgium, it gives a (forced or assisted) return rate of third country nationals ordered to leave of about 12%. This indicator is very different by country. In the case of Brazil, the return rate of third country nationals ordered to leave is very high (87%) in particular due to the efficiency of the assisted return program of IOM. The same situation is observed for Nigeria (100%), Ukraine (63%) or Mongolia (49%). However, a very different situation (i.e. a very low rate of return) is observed for most of the other countries, including the majority of the main countries of origin of third country nationals ordered to leave : Morocco (7%), Algeria (1%), India (3%), Congo (DR, 4%), Iraq (1%), Russia (19%), Serbia (11%), Iran (2%), Afghanistan (3%). It indicates the difficulties to implement efficiently existing return policies and/or impossibility to establish it due to specific conditions in the country of origin. As it was said previously, the possibility to differentiate forced and assisted voluntary return would allow a more precise analysis of the efficiency and/or difficulties faced to implement/establish these policies.
