



# IMPACT OF VISA LIBERALISATION ON COUNTRIES OF DESTINATION

STUDY OF THE BELGIAN CONTACT POINT  
OF THE EUROPEAN MIGRATION NETWORK (EMN)

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The Belgian National Contact Point is a multi-institutional entity composed of experts from the Federal Public Service Home Affairs (Immigration Office), the Office of the Commissioner General for Refugees and Stateless Persons (CGRS), the Federal Agency for the Reception of Asylum Seekers (Fedasil) and Myria - the Federal Migration Centre.

Further information on the Belgian National Contact Point of the European Migration Network and its work can be obtained from:

[www.emnbelgium.be](http://www.emnbelgium.be)

The Belgian Contact Point can be contacted through the following channels:

[Alexandra.Laine@ibz.fgov.be](mailto:Alexandra.Laine@ibz.fgov.be)

[Bram.Devos@ibz.fgov.be](mailto:Bram.Devos@ibz.fgov.be)

[David.Vogel@ibz.fgov.be](mailto:David.Vogel@ibz.fgov.be)

[Ina.Vandenberghe@ibz.fgov.be](mailto:Ina.Vandenberghe@ibz.fgov.be)

[Martine.Hendrickx@ibz.fgov.be](mailto:Martine.Hendrickx@ibz.fgov.be)

[Peter.Vancostenoble@ibz.fgov.be](mailto:Peter.Vancostenoble@ibz.fgov.be)

Or by ordinary mail at the following address:

Belgian Contact Point of the EMN  
Federal Public Service Home Affairs  
Leuvenseweg 1  
1000 Brussels  
BELGIUM



*The European Migration Network (EMN) is coordinated by the European*

**[www.emnbelgium.be](http://www.emnbelgium.be)** • [emn@ibz.fgov.be](mailto:emn@ibz.fgov.be) • +32 (0)2 500 23 94

## BELGIAN STUDY AND EU COMPARATIVE STUDY

**Belgian report:** This is the Belgian contribution to the EMN study on Challenges and practices for establishing applicants' identity in the migration process. Other EMN National Contact Points (NCPs) produced a similar report on this topic for their (Member) State.

**Common Template and Synthesis Report:** The different national reports were prepared on the basis of a common template with study specifications to ensure, to the extent possible, comparability. On the basis of the national contributions of the Member States and Norway, a Synthesis Report was produced by the EMN Service Provider in collaboration with the European Commission and the EMN NCPs. The Synthesis Report gives an overview of the topic in all the (Member) States.

**Aim of the study:** this EMN study aims to offer a comparative overview of (Member) States experiences with the functioning of visa-free regime. It will identify challenges, best practices and positive experience in different Member States and Norway, and provide up-to-date information on the latest tendencies in this area of migration policy. The study will cover Western Balkan and Eastern Partnership countries which have successfully concluded visa liberalisation dialogues according to the relevant action plans and roadmaps.

**Scope of the study:** The visa liberalisation dialogues were successfully conducted between the EU and the former Yugoslav Republic of Macedonia, Montenegro and Serbia (2009), Albania, Bosnia and Herzegovina (2010) as well as Moldova (2014), Ukraine (2017) and Georgia (2017). They resulted in granting visa-free travel to citizens of these countries. This study will consider the policies and practices of EU Member States and Norway following changes in migration flows raised by visa exemptions in the mentioned third countries. The scope of the study includes the period 2007-2017 and focuses on the immediate years prior to and after the visa waiver agreements entered into force.

Available on the website: The Belgian report, the Synthesis report and the links to the reports of the other (Member) States are available on the website: [www.emnbelgium.be](http://www.emnbelgium.be).

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# TOP LINE FACTSHEET

## KEY FACTS AND FIGURES:

- **Visa waiver agreement dates:** FYROM, Montenegro and Serbia (19/12/2009), Albania, Bosnia and Herzegovina (15/12/2010), Moldova (28/4/2014), Georgia (28/3/2017) and Ukraine (11/6/2017).
- Unsurprisingly the number of **short-stay visa applications** for all third countries dropped after the visa waiver agreement (for example for Albania 2,691 short stay visa applications were registered in 2010, while there were only 38 in 2011).

## CHALLENGES:

- There was a particular strong increase in the number of **refusals of entry** at the external border for Albania since 2011 (462 cases in 2011) compared to the years preceding 2011 (17 cases in 2010, 3 cases in 2009). A similar evolution was noticed for FYROM (87 refusals of entry in 2010 compared to 5 in 2009) and for Serbia (99 refusals of entry in 2010 compared to 16 in 2009). The number of Moldavian nationals refused entry at Belgian external borders increased from 18 persons in 2014 up to 135 refusals in 2017. For Georgia there was an increase from just one refusal of entry in 2016, compared to 32 in 2017 and for Ukraine 55 persons were refused entry at the airport in 2017, compared to 23 persons in 2016.
- A sharp increase in **the number of asylum applicants** was noticed in the years succeeding the visa waiver agreement of applicants coming for FYROM (from 305 in 2009 to 1,740 in 2010), Serbia (1,020 in 2009 to 2,220 in 2010), Albania (from 245 in 2010 to 1,290 in 2011) and Bosnia and Herzegovina (from 145 in 2010 to 540 in 2011). The number of applicants coming from FYROM decreased gradually since 2011 onwards and amounted around 250 applicants in 2017. A similar trend was noticed for Serbia (decrease from 2,220 applicants in 2010 to 230 in 2017) and Bosnia and Herzegovina (from 540 in 2011 to 45 in 2017). For Albania however the number of applicants for international protection did not take a similar decrease and continued to be high (880 applications in 2017). The vast majority of the applications lodged by applicants from the Western Balkans were unfounded and rejected. For the Eastern Partnership countries, no impact was registered in Belgium for Ukraine and Moldova. For Georgia on the other hand, the number of applications for international protection rose significantly since the visa liberalisation.
- For Serbia an increase from 225 persons **found in irregular stay** in 2009 up to 460 persons in 2011 was noted. For FYROM, it concerns an increase of 70 people found in illegal stay in 2009 to 125 persons in 2011. For Albania there was an increase from 145 persons apprehended in irregular stay in 2010 to 600 persons in 2012 and for Bosnia and Herzegovina an increase was noted from 70 cases in 2010 to 125 cases in 2012. For Georgia and Ukraine the visa waiver agreement date is too recent to assess a possible impact of the visa liberalisation on the number of persons found in irregular stay, since the fact that the number of people in irregular stay manifests itself mostly a few years after the visa liberalisation.

- In particular for Albania and Georgia the percentage of persons **involved in public order issues** on the total number of persons found in irregular stay is notably high, about 36% of the Albanians apprehended in irregular residence in 2017 were involved in public order issues and no less than 66% for Georgians apprehended in irregular residence in 2017.
- In recent years, about 10% of the total number of final **convictions for human trafficking** concern Albanian nationals.

## POSITIVE IMPACT:

- Ukraine (19,246 visitors in hotels and other accommodation facilities in 2017) and Albania (11,449 visitors in 2017) are important for Belgium in terms of **tourism**, in particular in recent years.
- Except for Ukraine, who was the 48<sup>th</sup> export **trading partner** of Belgium in 2017, none of the other countries in scope of this study is among the top 50 of most important Belgian import or export trading partners. For some countries such as FYROM, Bosnia and Herzegovina, one can notice a substantial increase in the total value of incoming and/or outgoing trade over the past ten years, with a growth particularly in recent years making it difficult to link it directly to the visa waiver agreements. Also for Serbia there was a substantial increase and what is more is that for Serbia the strongest increase took place in the years right after the visa liberalisation, but causal relations are difficult to establish.
- During the past ten years, the number of first **residence permits issued for employment related reasons** to nationals from the eight visa exempted countries in scope of this report was rather limited. Only for Ukraine, and only in 2015 and 2017, more than 100 first residence permits were issued for employment related reasons. Also the number of residence **permits issued for educational reasons** are very modest.
- Diplomatic relations and cooperation improved, in particular in the field of return and readmission. There is obviously a clear link between visa liberalisation and readmission agreements. For all the countries in scope of this report, a readmission agreement was concluded preceding the visa liberalisation (see also table below).

## MEASURES TO ADDRESS MISUSE OF VISA LIBERALISATION:

- A series of **information and prevention campaigns** were organised in FYROM, Serbia, Bosnia and Herzegovina, Albania and Georgia with a view to discourage asylum applications for economic reasons and pointing out the risks of irregular stay.
- The concept of safe countries of origin was introduced into Belgian legislation and the first list adopted in 2011 included the following seven countries: Albania, Bosnia and Herzegovina, FYROM, Serbia, Montenegro and only two countries who are not visa exempted: Kosovo and India. In 2016, Georgia was added to the list of safe countries of origin, anticipating on the upcoming visa liberalisation.

- **A substantial increase in the number of voluntary returns and implemented forced returns took place.** In particularly for Serbia (from 38 returns in 2009 to 123 in 2011) and for Albania (from 95 in 2010 to 420 forced returns in 2012) the increase was remarkable. The number of forced returns for both countries is still very high to this day, with Albania being the leading country over the past four years for which the most enforced returns were organized for all nationalities (visa-exempt countries and others). Ukraine is the most important country for voluntary return for the past four years when taking into account all nationalities (visa-exempted countries and other third countries).

## LINK BETWEEN VISA LIBERALISATION AND READMISSION:

**GREEN** no problems with irregular migration / unfounded applications after visa liberalisation.

**ORANGE** problems with irregular migration / asylum after visa liberalisation in the first (couple of) years after visa liberalisation, currently low to medium level of challenges.

**RED** current problems with irregular migration / asylum after visa liberalisation and in case of Albania this continues to be the case long after visa liberalisation.

	<b>AGREEMENT ON READMISSION</b>	<b>VISA LIBERALISATION AGREEMENT</b>
<b>ALBANIA</b>	2006	2010
<b>BOSNIA AND HERZEGOVINA</b>	2008	2010
<b>FYROM</b>	2008	2009
<b>MONTENEGRO</b>	2008	2009
<b>SERBIA</b>	2008	2009
<b>MOLDOVA</b>	2008	2014
<b>UKRAINE</b>	2008	2017
<b>GEORGIA</b>	2011	2017



# I. OVERVIEW OF THE NATIONAL FRAMEWORK

## 1.1 DESCRIPTION OF THE NATIONAL SITUATION

### IMPACT ON VISA APPLICATIONS, REFUSALS OF ENTRY, ASYLUM APPLICATIONS AND RETURN DECISIONS

Based on the statistical data presented in the tables 1.2.1, 1.2.2, 1.2.3, 1.2.4 and 3.2.2 the following findings can be mentioned:

#### **WESTERN BALKANS - FYROM, MONTENEGRO, SERBIA, ALBANIA, BOSNIA AND HERZEGOVINA:**

As regards the number of detections of irregular border crossings and **refusals of entry at the Belgian airports** (table 1.2.2) there was a particular strong increase for Albania since 2011 (462 cases in 2011) compared to the years preceding 2011 (17 cases in 2010, 3 cases in 2009). According to the federal police most of these refusals of entry at the airport since 2011 concern refusals of entry due an unclear travel purpose. A similar but more modest trend was noticed for FYROM (87 refusals of entry in 2010 compared to 5 in 2009) and for Serbia (99 refusals of entry in 2010 compared to 16 in 2009). In the period preceding the visa exemption, for these persons the visa was probably refused on the basis of an unclear travel motive or insufficient financial means for accommodation. It should be emphasized that due to a lack of external land borders Belgium has no clear view on the number of persons from the Western Balkans who entered the country over land. It is not unlikely that the trend observed at the Belgian airports succeeding the visa waiver agreement also manifested itself, or even more manifestly, for land arrivals.

Unsurprisingly the number of **short-stay visa applications** (table 1.2.3) for all third countries dropped after the visa waiver agreement (for example for Albania 2,691 short stay visa applications were lodged in 2010, while there were only 38 in 2011). It should be noticed that the number of short stay visa applications were not reduced to zero, due to the fact that the visa waiver was only applicable for holders of biometric passports. Apparently a small number of persons for each third country did opt to apply for a visa instead of applying for a new biometric passport, or where not aware of the visa waiver agreement. Logically also the number of short stay visa application refusals (table 1.2.4) took a sharp and immediate drop after the visa waiver agreement.

For what concerns **applications for international protection** (table 1.2.5) there was a sharp increase due to the visa waiver agreement of applicants coming for FYROM (from 305 in 2009 to 1,740 in 2010), Serbia (1,020 in 2009 to 2,220 in 2010), Albania (from 245 in 2010 to 1,290 in 2011) and Bosnia and Herzegovina (from 145 in 2010 to 540 in 2011). The number of applicants coming from FYROM decreased gradually since 2011 onwards and amounted around 250 applicants in 2017. A similar trend was noticed for Serbia (decrease from 2,220 applicants in 2010 to 230 in 2017) and Bosnia and Herzegovina (from 540 in 2011 to 45 in 2017). For Albania however the number of applicants for international protection did not take a similar decrease and continued to be high (880 applications in 2017). The vast majority of the applications lodged by applicants from the Western Balkans were unfounded and rejected.

As regards the number of **return decisions** (table 3.2.2), the number of decisions did not increase in the year immediately following the visa waiver agreement but a few years later. This is logic due to the fact that it takes some time to assess the asylum application and to handle the case at the stage of the first instance and the appeal stage. For FYROM (1,135 return decisions in 2012), Albania (1,630 return decisions in 2012), Bosna and Herzegovina (410 return decisions in 2012) and Montenegro (115 return decisions in 2015) the number of return decisions peaked in 2012, while for Serbia most return decisions were issued in the year 2013.

#### **EASTERN PARTNERSHIP - MOLDOVA, GEORGIA, UKRAINE:**

The number of Moldavian nationals **refused entry at a Belgian external borders** (table 1.2.2) increased from 18 persons in 2014 (visa waiver agreement on 28/04/2014) up to 135 refusals of entry in 2017. For Georgia and Ukraine the visa waiver agreement may be too recent (March and June 2017) to assess the impact on the number of irregular border crossings and refusals of entry, but also for these two countries an increase is noticeable. For Georgia there was an increase from just one refusal of entry in 2016, compared to 32 in 2017 and for Ukraine 55 persons were refused entry at the airport in 2017 compared to 23 persons in 2016.

As for the Western Balkan countries, and logically, the number of **short stay visa applications** for Moldova, Georgia and Ukraine dropped after the visa liberalisation agreement. For Moldova, the number of applications for short stay visa decreased from 74 in 2013, to 28 applications in 2014 and 9 in 2015. For Georgia, there was a decrease from 47 in 2016 to 15 applications in 2017. There was also a remarkable decline for Ukraine. As a result of the visa exemption in June 2017 from there was a decrease from 7,089 applications in 2016 to 3,729 applications in 2017. It is clear that the numbers for Ukraine are of a different scale than for Moldova and Georgia.

For Moldova, the number of **applications for international protection** continued to be very low and there was no significant increase in the number of applications for international protection in the years following the visa waiver agreement of 2014. For Ukraine there seems to be no effect of the visa liberalisation of June 2017 either, since the number of applications in 2017 (155 applications) is comparable to the number of applications lodged in 2016. During the first 7 months of 2018 about 80 applications were lodged in Belgium, which is comparable to previous years (see table 1.2.5 and 1.2.5 including monthly data). For Georgia, there does seem to be an impact of the visa waiver agreement of April 2017 on the number of applications for international protection. In 2017, 470 applications were lodged in Belgium, which is a significant increase compared to 240 applications in 2016. During the first 7 months of 2018, about 540 applications for international protection were lodged in Belgium by Georgian nationals (see table 1.2.5 b)).

Annual data on **return decisions** until the year 2017 (table 3.2.2) provide no indication of an increase of the number of return decisions following the visa waiver agreement. Because the number of return decisions generally increases with a delay after an increase of the asylum influx, it is not unlikely that annual figures for 2018 will illustrate an increase in the number of return decisions for Georgia.

## PULL FACTORS TOWARDS BELGIUM

### WESTERN BALKANS - FYROM, MONTENEGRO, SERBIA, ALBANIA, BOSNIA AND HERZEGOVINA:

According to the assessment of the Belgian Immigration Office it is in particular access to medical services and accommodation, and the possibility of finding work (legally or illegally) for **FYROM, Serbia and Albania** that could serve as a pull factor. As **regards Bosnia and Herzegovina and Montenegro**, Belgium did not experience a significant increase of migration movements from these countries due to the visa liberalization, this with the exception of a short period in 2011 where applications for international protection took a sharp increase) after visa liberalization.

A comparative analyses performed by EASO on trends and push and pull factors for asylum applicants coming from the Western Balkans<sup>1</sup> concluded that the principal factors determining the choice of destination country are mainly **economic in nature**. In the EASO report, it is mentioned that experts see the linked issues of **(particularly cash) benefits** provided during the asylum procedure and the related issue of long **processing times** as the main factors determining both the decision of WB citizens to apply for asylum and where they apply for asylum. Furthermore, EASO states that **possibilities to find legal or illegal work** (judged to be a major factor in Austria, Switzerland, Luxembourg and also in Belgium) may be important depending on the profile of the applicants. Tangible benefits other than cash, such **as health care** may be particularly important as pull factors for certain individual profiles of applicants. Responses from interlocutors in the Western Balkan countries generally agree with this assessment: WB asylum seekers travel to Europe because they wish to improve their quality of life and economic situation. Individual success stories often work as a catalyst. Benefits in Member States, even though considered low in the Member State itself, may still be very appealing to Western Balkan nationals compared to national standards. Although the analysis performed by EASO describe pull factors in general for the EU MS, there is no reason why the findings should not be valid for Belgium.

**The presence of an existing diaspora** (or personal connections) could be considered as another important pull factor. Moreover, for Albania it seems also that the presence of **organized crime groups** acts as a pull factor in itself. The interceptions of Albanians involved with criminal offences has significantly increased since visa liberalization as did the number of Albanians staying in Belgian prisons<sup>2</sup>. EASO states that the presence of an existing diaspora may be a stronger factor than that estimated by Member States given the almost perfect correlation between the stock of residence permits and the list of countries most affected by the WB flow.

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1. EASO, *Asylum applicants from the Western Balkans Comparative analysis of trends, push-pull factors and responses*. <https://www.easo.europa.eu/news-events/press-release-easo-published-report-asylum-flows-western-balkans>  
2. Source: Immigration Office

## **EASTERN PARTNERSHIP - MOLDOVA, GEORGIA, UKRAINE:**

Belgium did not experience any major increases of migration movements from Moldova due to visa liberalisation. The same could be said for Ukraine, although that according to the Immigration Office the possibility of finding illegal employment might be a pull factor. A number of Ukrainians who got a permission to work in Poland decided to come to Western Europe to work in the more lucrative illegal sector. For Georgia the access to medical services in asylum reception centres appears to be a pull factor. Staff working in reception centres and case workers from immigration services indicate that the number of Georgian asylum applicants with drug-related problems is remarkable. Often these persons have already filed an asylum application in one of the neighbouring countries. The presence of Georgian organised crime groups can also work as a pull factor. The number of interceptions of Georgian nationals involved with criminal offences has increased since visa liberalization as did the number of Georgian nationals in prison. It is not unlikely, that the possibility to benefit from return and reintegration support also served to some extent as a pull factor for a number of Georgian and Ukrainian nationals.<sup>3</sup> This return and reintegration support for Georgian nationals, as well as for Ukrainian nationals was ended on the first of July 2018.

## **NATIONAL INSTITUTIONS INVOLVED IN IMPLEMENTING THE VISA LIBERALISATION PROCESS**

For residence up to three months (so called C-visa/Schengen visa/short term visa/short stay visa/visitor's visa) the application has to be made at the Belgian consular post (Federal Public Service Foreign Affairs) where the foreigner resides or at the diplomatic post representing Belgium. Due to the visa waiver agreements, there is no longer a need to apply for a visa at the consular posts.

All travel documents, also travel documents of visa exempted travellers, are checked at the external borders by the border guards. If there is doubt regarding the right to enter the territory the Immigration Office can refuse entry. A visa exempted traveller can for example be refused to the territory in case of an unclear travel purpose, a signalisation in the Schengen Information System or when there is a clear lack of financial means to finance the stay in Belgium. In case of doubt regarding the genuineness of a travel document, the authenticity of the identity card or passport (in particular in the framework of border controls) is authenticated by the Fake and Forged Travel Documents Unit of the Federal Police at Brussels Airport or the specialised units at the other border posts.

As for all applicants for international protection, it is the Immigration Office who registers the applications for international protection lodged by applicants coming from visa free countries and verifies if Belgium is responsible to handle the application according to the Dublin regulation. It is the Office of the Commissioner for Refugees and Stateless Persons (CGRS) who assesses the applications. In case of a negative decision an appeal can be lodged with the Council for Alien Law Litigation (CALL). In November 2011 Belgium introduced the concept of safe countries of origin in national legislation. Applications lodged by applicants from safe countries are accelerated. It is the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) who provides advice to the government on countries that potentially could be put on the list of safe countries of origin, but it is the government who decides.

Furthermore, the immigration officers of the Immigration Office, but also the direction of the Immigration Office and policy makers such as the State Secretary for asylum and migration but also other members of the government were involved in information campaigns and missions to the visa free countries. The objective of these missions is to inform the people in the countries of origin that they will not be granted international protection if they came to Belgium for economic reasons.

As for other migrants in irregular stay and rejected applicants for international protection it is the Immigration Office, more specifically, of the identification cells (CID and DID)<sup>4</sup> and the SEFOR Bureau to perform the identification and prepare the return to visa free countries. It is also the competence of the Immigration Office to organise the forced return.

The Belgian reception agency Fedasil is responsible for providing accommodation during the asylum procedure. Also applicants from safe countries of origin, such as applicants from the visa exempted western Balkan countries and Georgians are entitled to material support in reception facilities. The reception agency is also competent for the coordination of the various voluntary return programmes. However, it is relevant to mention that for visa exempted countries return and reintegration support was stopped between several months and about a year after the visa liberalisation came into force, to avoid a pull factor effect of reintegration and return support.

## CHANGES IN LEGISLATION

Council regulation 539/2001 lists the third countries whose nationals must be in possession of visa when crossing the external borders and those whose nationals are exempt from that requirement. The regulation has direct effect and there is no transposition required in national legislation to grant third countries exemption from the visa requirement.<sup>5</sup>

As already mentioned Belgium introduced the concept of safe countries of origin in national legislation on 24 November 2011. The Royal Decree<sup>6</sup> implementing this concept came into force on 1 June 2012. The introduction of this concept was one of the initiatives to counter the increase of applications for international protection from Western Balkan countries, due to the visa liberalisation (see reply to question 1.1 and table 1.2.5). The first list of safe countries of origin adopted in 2011 included the following seven countries: Albania, Bosnia and Herzegovina, FYROM, Serbia, Montenegro and two countries who are not visa exempted: Kosovo and India. The Royal Decree of 3 August 2016 adds Georgia to the list of safe countries of origin and in the royal decree there is referred to the visa liberalisation process. More specifically the Royal Decree states that: "the European Commission has been negotiating visa liberalization with Georgia since 2012. The European Commission considers that Georgia fulfills all visa liberalization benchmarks and proposed to the European Council in March 2016 to grant visa liberalisation to Georgia.<sup>7</sup> Criteria for visa liberalization include the functioning of the rule of law and the safeguarding of fundamental rights. The list of safe countries of origin was last updated on 17 December 2017 (published in Belgium's Official Gazette on 27 December 2017) and continued to include the following eight countries: Albania, Bosnia and Herzegovina, FYROM, Kosovo, Serbia, Montenegro, India and Georgia.

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4. Identification Cell (CID) – Detainee Identification Cell (DID).

5. COUNCIL REGULATION (EC) No 539/2001 of 15 March 2001.

6. Royal Decree implementing article 57/6/1, fourth paragraph, of the law of 15 December 1980 concerning the list of safe countries of origin, 26 May 2016.

7. Royal Decree implementing article 57/6/1, fourth paragraph, of the law of 15 December 1980 concerning the list of safe countries of origin, 3 August 2016.

## PUBLIC/POLICY DEBATES RELATED TO THE VISA LIBERALISATION PROCESS

It has to be said that public and policy debate on visa liberalisation at national level is rather limited. This is not surprising since the process of visa liberalisation, the action plans and roadmaps as well as the assessment of the visa liberalisation benchmarks and the actual visa liberalisation, concerns decision-making at EU-level.

At national level, the public and parliamentary debate seems to concentrate more on related items such as the list of safe countries of origin. In the federal parliament for example the addition of Georgia to the list of safe countries of origin was criticized and the question was asked to the State Secretary for Asylum and Migration if he considers that the criteria to be fulfilled in the context of a visa liberalization process are the same as the criteria considering a country as a safe country of origin. The State Secretary replied that although the visa liberalization criteria are not entirely the same as the criteria for a safe countries of origin in the framework of a procedure for international protection, parallels can certainly be made. In this respect the State Secretary made reference to criteria in the visa liberalisation process on the rule of law and fundamental rights. He argued that the fact that the European Commission is of the opinion that Georgia fulfills all conditions for visa exemption is a relevant element for the assessment of Georgia as a safe country or origin, but also emphasized that other elements, such as the low protection rate for Georgian nationals in the past and the assessment by the Ministry of Foreign Affairs, were also taken into account. The State Secretary also stated that if the visa liberalisation with Georgia would lead to an increase in the number of improper applications for international protection by Georgian citizens, the list of safe countries of origin would allow the Belgian authorities to respond more effectively to a such an increase.<sup>8</sup>

For what concerns the countries that were put on the list of safe countries of origin by the Belgian government and the parliamentary debate about it, it is worth mentioning, that the Council of State has several times rejected the inclusion of Albania on the list of safe countries of origin. However, in 2018 the Council of State accepted the inclusion of Albania (and the other 7 countries) on the list of safe countries of origin.<sup>9</sup>

As mentioned above, the public debate in Belgium on visa exemption is not prominent but it can be noted that the information and media campaigns organized by the Belgian government were very much targeted towards policy makers of the visa exempted countries and towards the wider public in these countries that were visa exempted. In the years that followed visa liberalization, several campaigns were organized in the visa exempted countries to discourage people from visa exempted countries to apply for asylum in Belgium for economic reasons and to warn for the risks of illegal residence (see section 4).

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8. *Parliamentary question from Monica De Coninck on the addition of Georgia to the list of safe countries of origin, 29/09/2016, Bulletin 100.*

9. *Council of State, 240.767, 20 February 2018.*

## 1.2 STATISTICAL DATA

Table 1.2.1 :


Total number of external border-crossings (persons by nationals of visa-free countries)

INDICATOR	PERIOD OF INTEREST (2007-2017)										
Total number of external border-crossings (persons by nationals of visa-free countries)	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*
<b>FYROM</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Montenegro</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Serbia</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Albania</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Bosnia and Herzegovina</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Moldova</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Georgia</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Ukraine</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>TOTAL</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
 Additional Information											

Belgium has no external land borders, therefore third country nationals who enter the country via a land border with another EU Member State are not detected. As regards people from the Western Balkans coming to Belgium it often concerns a travel over land by bus or car. Besides, migrants from the Western Balkans or from Moldavia, Georgia or Ukraine who travel by plane might travel on an airport in a neighbouring country (depending on the available flights from their country or origin). Furthermore, as long as the Entry Exit system is not operational it is very difficult to perform an analysis on the number of people crossing the external borders due to a lack of comprehensive statistical data.


Table 1.2.2 :

Total number of detections of irregular border-crossings from nationals of visa-free countries

INDICATOR	PERIOD OF INTEREST (2007-2017)										
Total number of detections of irregular border-crossings from nationals of visa-free countries	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*
<b>FYROM</b>	1	4	5	87	75	88	41	45	48	36	102
<b>Montenegro</b>	N/I	N/I	2	4	16	16	10	14	21	10	19
<b>Serbia</b>	8	13	16	99	116	112	71	49	53	36	55
<b>Albania</b>	1	9	3	17	462	277	198	299	354	436	682
<b>Bosnia and Herzegovina</b>	2	0	2	7	15	25	9	8	10	9	18
<b>Moldova</b>	1	1	7	2	2	6	3	18	52	89	135
<b>Georgia</b>	0	2	2	6	15	10	12	13	11	1	32
<b>Ukraine</b>	9	14	12	9	17	25	26	30	34	23	55
<b>TOTAL</b>	22	43	49	231	718	559	370	476	583	640	1098
<b>Total number of detections of IBC's <sup>10</sup></b>	1172	1178	1275	1862	2735	2401	1897	1980	2064	1860	2909
 <b>Additional Information</b>	<p><i>Data source: Belgian Federal Police and Immigration Office</i></p> <p>Note: Belgium has no external land borders, therefore third country nationals who irregularly enter the country via a land border with another EU Member State are not detected. As regards people from the Western Balkans coming to Belgium it often concerns a travel over land by bus or car. As an alternative for the total number of illegal border crossings, the number of detections of irregular entry at the external borders (airports and seaports) can be provided. <b>This refers in fact to the number of refusals of entry at the Belgian airports</b> and seaports (as in table 3.2.1). The overlarge majority concern people refused entry at the airports, only for Ukraine there were a few cases of refused entry at the external sea border.</p>										




**Table 1.2.3 :**  
Total number of short-stay visa applications by third country

INDICATOR	PERIOD OF INTEREST (2007-2017)											
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of short-stay visa applications by third country												
<b>FYROM</b>	N/I	190	152	26	3	3	2	0	0	0	1	
<b>Montenegro</b>	N/I	46	33	0	0	1	0	0	0	0	0	
<b>Serbia</b>	N/I	5980	4124	176	102	85	54	18	23	1	0	
<b>Albania</b>	N/I	259	2814	2691	38	5	0	8	7	3	0	
<b>Bosnia and Herzegovina</b>	N/I	600	432	134	15	4	0	0	1	0	1	
<b>Moldova</b>	N/I	1249	816	238	163	102	74	28	9	7	3	
<b>Georgia</b>	N/I	1180	533	130	82	58	56	41	39	47	15	
<b>Ukraine</b>	N/I	10658	7388	8795	9653	10260	9234	8564	7673	7089	3729	
<b>TOTAL number of short-stay visa applications</b> <sup>11</sup>	N/I	213151	195961	219890	242373	233487	233279	219791	239511	219727	231437	
 <b>Additional Information</b>	<p><i>Data source: visa database Federal Public Service Foreign Affairs.</i></p> <p>The number of visa applications for the years after the visa waiver agreement date is obviously much lower compared to the years preceding the visa liberalisation. However, it is not non-applicable due to the fact that only holders of a biometric passport were visa exempted.</p>											

11. All nationalities apply, to calculate the proportion out of the total number of short-stay visa applications.

Table 1.2.4 :  
Total number of short-stay visa application refusals by third country <sup>12</sup>

INDICATOR	PERIOD OF INTEREST (2007-2017)											
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of short-stay visa application refusals by third country												
<b>FYROM</b>	N/I	80	58	2	1	1	0	0	0	0	0	
<b>Montenegro</b>	N/I	3	3	0	0	0	0	0	0	0	0	
<b>Serbia</b>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	
<b>Albania</b>	N/I	37	605	316	5	2	0	1	1	0	0	
<b>Bosnia and Herzegovina</b>	N/I	36	31	2	1	0	0	0	0	0	0	
<b>Moldova</b>	N/I	91	52	15	6	2	3	2	0	0	0	
<b>Georgia</b>	N/I	522	199	18	9	6	4	7	3	4	1	
<b>Ukraine</b>	N/I	666	620	522	612	411	520	658	463	386	125	
<b>TOTAL number of short-stay visa refusals<sup>13</sup></b>	N/I	29521	26692	29584	33625	36199	35193	33181	32977	32984	39095	
 <b>Additional Information</b>	<i>Data source: visa database Federal Public Service Foreign Affairs.</i> Note: The FPS Foreign Affairs indicated that data preceding 2008 are not available and that for the first years the data may be unreliable.											

12. See DG HOME Schengen Visa statistics, Available at: [https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy\\_en#stats](https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en#stats). For MS that still apply visa requirements, please remove the N/A and complete the table in full.

13. All nationalities apply, to calculate the proportion out of the total number of short-stay visa application refusals.

Table 1.2.5.a) :

Total number of asylum applications received from visa-free countries (Eurostat data)


INDICATOR	PERIOD OF INTEREST (2007-2017)											
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of asylum applications received from visa-free countries												
<b>FYROM</b>	N/I	170	305	1740	1320	835	425	405	335	165	250	
<b>Montenegro</b>	N/I	10	15	25	50	105	20	20	15	15	5	
<b>Serbia</b>	N/I	1695	1020	2220	1995	1095	685	500	375	205	230	
<b>Albania</b>	N/I	175	280	245	1290	1075	775	730	825	815	880	
<b>Bosnia and Herzegovina</b>	N/I	105	150	145	540	205	170	150	60	55	45	
<b>Moldova</b>	N/I	15	30	15	10	20	15	20	15	5	5	
<b>Georgia</b>	N/I	275	385	365	400	505	370	430	300	240	470	
<b>Ukraine</b>	N/I	65	35	65	75	90	65	570	435	185	155	
<b>TOTAL</b>	N/I	4518	2220	4820	7691	5942	4538	2825	4375	3701	2040	
Total number of asylum applications <sup>14</sup>	N/I	15165	21615	26080	31910	28075	21030	22710	44660	18280	18340	
 Additional Information	Data source: Eurostat database											

Table 1.2.5.b) :

Monthly number of asylum applications received from Ukraine, Moldova and Georgia<sup>15</sup> (Jan 2017 – July 2018)

TIME / CITIZEN	2017-M01	2017-M02	2017-M03	2017-M04	2017-M05	2017-M06	2017-M07	2017-M08	2017-M09	2017-M10	2017-M11	2017-M12	2018-M01	2018-M02	2018-M03	2018-M04	2018-M05	2018-M06	2018-M07
<b>Moldova</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Ukraine</b>	10	10	20	5	15	20	15	5	25	20	5	5	10	10	5	10	10	15	20
<b>Georgia</b>	25	25	55	50	45	20	40	30	30	40	60	50	55	90	120	65	85	60	65

14. All nationalities apply, to calculate the proportion out of the total number of asylum applications.

15. Source Eurostat database: extracted on 29 August 2018.


Table 1.2.6:

Total number of positive decisions on asylum applicants from visa-free countries (Eurostat data)

INDICATOR	PERIOD OF INTEREST (2007-2017)											Additional Information
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of positive decisions on asylum from visa-free countries												Data source: Eurostat (numbers rounded up to the unit of 5)
<b>FYROM</b>	N/I	5	0	25	15	15	15	5	20	15	20	Total: 135 (130 refugee status (RS), 5 subsidiary protection (SP))
<b>Montenegro</b>	N/I	0	5	0	0	0	0	0	0	0	5	Total: 10 (10 RS)
<b>Serbia</b>	N/I	385	15	115	100	55	25	40	55	15	30	Total: 835 (835 RS)
<b>Albania</b>	N/I	40	40	10	30	225	85	75	55	65	55	Total: 680 (655 RS, 20 SP)
<b>Bosnia and Herzegovina</b>	N/I	10	5	0	0	5	0	20	0	5	0	Total: 45 (40 RS, 5 SP)
<b>Moldova</b>	N/I	0	0	0	0	0	0	0	0	0	0	Total: 0
<b>Georgia</b>	N/I	0	5	10	0	10	0	25	5	0	15	Total: 70 (60 RS, 5 SP)
<b>Ukraine</b>	N/I	0	0	0	0	10	10	5	115	60	40	Total: 240 (180 RS, 60 SP)
<b>TOTAL</b>	N/I	2448	70	160	2156	2332	2148	170	2265	2176	165	
<b>TOTAL number of asylum applications<sup>16</sup></b>	N/I	3505	2905	3510	5075	5555	6280	8045	10475	15045	12585	Total: 72980 (56565 RS, 16410 SP)

Table 1.2.7:

Total number of negative decisions on asylum applicants from visa-free countries (Eurostat data)

INDICATOR	PERIOD OF INTEREST (2007-2017)											
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of negative decisions on asylum from visa-free countries												
<b>FYROM</b>	N/I	80	175	365	890	610	220	275	300	135	165	
<b>Montenegro</b>	N/I	15	15	20	15	125	10	10	5	10	10	
<b>Serbia</b>	N/I	1170	590	840	1310	890	290	285	250	195	145	
<b>Albania</b>	N/I	145	175	115	415	1405	505	500	565	695	815	
<b>Bosnia and Herzegovina</b>	N/I	85	90	75	295	345	70	90	70	45	20	
<b>Moldova</b>	N/I	15	10	10	0	10	10	15	5	10	0	
<b>Georgia</b>	N/I	145	125	130	150	530	230	265	210	110	105	
<b>Ukraine</b>	N/I	35	30	25	40	85	40	200	345	145	200	
<b>TOTAL</b>	N/I	3698	1210	1580	5126	6012	3388	1640	3765	3361	1460	
Total number of asylum applications – all third countries <sup>17</sup>	N/I	9445	11460	12720	14735	18940	15110	12290	8945	9915	11460	
 Additional Information												

17. All nationalities apply, to calculate the proportion out of the total number of asylum applications.

Table 1.2.8 :

Total number of positive and negative decisions on asylum applicants (top five nationalities, not limited to visa-free countries) (Eurostat data)


INDICATOR	PERIOD OF INTEREST (2007-2017)										
Total number of <b>positive</b> decisions on asylum applicants (top five nationalities, not limited to visa-free countries)	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Syria</b>	N/I	85	50	100	65	595	1535	1675	3670	6595	2880
<b>Afghanistan</b>	N/I	200	285	665	820	1495	1435	1255	985	1485	3030
<b>Iraq</b>	N/I	605	605	725	1145	305	230	815	960	3290	1095
<b>Guinea</b>	N/I	360	265	375	850	615	550	655	550	285	465
<b>Russia</b>	N/I	585	300	210	335	375	275	420	330	205	210
Total number of <b>negative</b> decisions on asylum applicants (top five nationalities, not limited to visa-free countries)	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Russia</b>	N/I	1725	1785	1420	1900	1445	1155	1110	830	465	420
<b>Afghanistan</b>	N/I	660	960	750	710	1035	1135	725	485	975	2130
<b>Guinea</b>	N/I	405	440	635	1065	2265	1585	895	460	440	410
<b>Kosovo</b>	N/I	0	950	1680	2520	1145	500	495	605	250	255
<b>Iraq</b>	N/I	545	575	460	350	945	360	365	430	2310	1650
 Additional Information											

Table 1.2.9:

Total number of residence permits issued (all residence permits) by visa-free country


INDICATOR	PERIOD OF INTEREST (2007-2017)											
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of residence permits issued (all residence permits) by visa-free country												
<b>FYROM</b>	N/I	367	501	959	736	436	374	320	364	333	332	
<b>Montenegro</b>	N/I	36	73	83	56	37	28	23	26	37	52	
<b>Serbia</b>	N/I	1210	1028	860	714	399	396	375	406	401	381	
<b>Albania</b>	N/I	407	1067	751	543	454	476	530	585	638	752	
<b>Bosnia and Herzegovina</b>	N/I	215	408	286	179	140	161	156	167	131	101	
<b>Moldova</b>	N/I	126	265	306	247	195	167	158	180	174	247	
<b>Georgia</b>	N/I	221	395	339	217	148	98	113	134	74	104	
<b>Ukraine</b>	N/I	394	647	760	681	599	518	518	677	638	715	
<b>TOTAL</b>	N/I	2976	4384	4344	3373	2408	2218	2193	2539	2426	2684	
<b>Total number of permits</b>	N/I	46201	58939	57855	55449	47248	42463	43823	50085	53096	56246	
 <b>Additional Information</b>	<p><i>Data source: Immigration Office</i></p> <p>Note: There are no statistics available on first residence applications due to the fact that a first residence permit can be issued in the framework of different migration procedures such as family reunification, labour migration, persons granted a protection status. As an alternative, the number of first residence permits issued (for all migration procedures) is provided for the requested nationalities.</p>											

Table 1.2.10.a) :

Total number of identity document fraud instances by visa-free country (documents intercepted on the Belgian territory)



INDICATOR	PERIOD OF INTEREST (2007-2017)										
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*
<b>FYROM</b>	9	18	11	26	3	8	3	3	4	8	2
<b>Montenegro</b>	0	2	0	8	4	1	1	0	0	0	1
<b>Serbia</b>	13	6	15	16	17	20	10	11	11	7	4
<b>Albania</b>	51	40	41	29	18	13	24	9	7	24	9
<b>Bosnia and Herzegovina</b>	8	7	3	3	1	1	0	0	1	2	2
<b>Moldova</b>	7	5	2	3	7	3	3	4	6	2	6
<b>Georgia</b>	23	21	13	19	7	8	6	2	4	0	1
<b>Ukraine</b>	25	6	9	8	11	9	8	9	15	6	8
<b>TOTAL number of identity document fraud<sup>18</sup></b>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I
 <b>Additional Information</b>	<i>Data source: Central Squad against Forgery (CDBV/OCFR) of the Federal Police.</i>										



Table 1.2.10.b) :

Total number of identity document fraud instances by visa-free country (documents intercepted at the external borders)

INDICATOR	PERIOD OF INTEREST (2007-2017)											
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of identity document fraud instances by visa-free country												
<b>FYROM</b>	0	0	0	1	0	0	1	1	0	1	0	
<b>Montenegro</b>	0	0	0	0	0	1	1	0	0	0	0	
<b>Serbia</b>	3	2	0	0	0	1	2	0	2	0	0	
<b>Albania</b>	15	12	10	5	6	11	19	11	8	8	9	
<b>Bosnia and Herzegovina</b>	0	0	0	1	0	0	0	1	0	0	0	
<b>Moldova</b>	0	0	0	0	0	0	0	0	0	0	0	
<b>Georgia</b>	0	1	3	0	0	0	0	0	1	0	1	
<b>Ukraine</b>	1	2	0	0	3	1	3	6	2	1	1	
<b>TOTAL</b>	19	17	10	7	6	13	26	19	13	10	11	
Total number of identity document fraud instances <sup>19</sup>	1878	1825	1688	1516	1703	1583	1307	1430	1726	866	988	
 Additional Information	<i>Data source: Central Squad against Forgery (CDBV/OCFR) of the Federal Police.</i>											

19. All nationalities apply, to calculate the proportion out of the total number of identity document fraud instances.

## II. POSITIVE IMPACT OF VISA LIBERALISATION

### 2.1 DESCRIPTION OF THE NATIONAL SITUATION

#### OVERVIEW OF THE IMPACT ON TOURISM, FIRST RESIDENCE PERMITS AND FOREIGN TRADE

##### WESTERN BALKANS - FYROM, MONTENEGRO, SERBIA, ALBANIA, BOSNIA AND HERZEGOVINA:

To analyse a possible **impact on tourism** of visa liberalisation the number of visitors staying in hotels or other accommodation facilities of the past ten years were examined. For Albania the growth in tourism was most significant in recent years, several years after the visa waiver agreement. Also for FYROM, Montenegro and Bosnia and Herzegovina there was an increase in tourism over the past ten years, but the increase occurred gradual over years and peaked in more recent years, several years after the visa waiver agreement. For Serbia there does not seem to be an impact of the visa liberalisation on the number of visitors staying in Belgian hotels and other accommodation facilities.

The number of **first residence permits** issued (for all reasons) increased the most for FYROM in the years following the visa waiver agreement. For other visa exempted Western Balkan countries the trend is more ambiguous (see table 1.2.9). For Serbia and Albania and to a lesser extent for Bosnia and Herzegovina, the number of first residence permits issued was already high in the years preceding the visa liberalisation. In particular for Serbia the number of first residence permits issued decreased in the years after the visa waiver agreement. The vast majority of first residence permits issued to Western Balkan residents in the past ten years concern permits issued "for other reasons" and not for educational or employment related reasons. It concerns in most cases permits issued to persons to whom status on medical or humanitarian grounds was granted, a protection status or for other non-specified reasons. The number of first residence permits issued for **employment related reasons** to nationals from the visa exempted Western Balkan countries is very limited. Likewise, also the number of **permits issued for educational reasons** to persons from the Western Balkan is very low.

For some countries such as FYROM, Bosnia and Herzegovina, one can notice a substantial increase in **import and/or export** over the past ten years, with a growth particularly in recent years making it difficult to link it directly to the visa waiver agreements. Also for Serbia there was a substantial increase and what is more is that for Serbia the strongest increase took place in the years right after the visa liberalisation. The trend seems to be less outspoken for Albania and Montenegro, that are not very important trading partners for Belgium. Nevertheless, it seems to be extremely difficult to establish causal links between visa liberalisation and growing import or export due to the fact that several other factors can be of a much greater impact on the trade between two nations than the visa liberalisation. It is not unlikely that other factors such as the signing of big contracts between private companies, trade agreements or trade missions, general macro-economic trends, general economic developments in the partner country or even indexation have had a bigger impact on the total value of incoming or outgoing trade with the countries in scope of this report.

## **EASTERN PARTNERSHIP - MOLDOVA, GEORGIA, UKRAINE:**

Ukraine is the most important country for Belgium for tourism to Belgium of the countries in scope of this report with a quite remarkable increase in the number of tourists hosted in 2017. Also for Moldova there was a noteworthy increase in 2017. However, a causal link with the visa waiver agreement for both countries is uncertain. For Georgia there does not seem to be growing trend in nationals staying in hotels or other accommodation facilities.

As regards residence permits there was an increase in the number of first **residence permits issued** to nationals from Moldova in the years following the visa liberalisation (158 first permits in 2004 compared to 247 permits in 2017). But the numbers, in particular for residence permits issued for employment-related and educational reasons, remain quite modest. For Ukraine and Georgia the visa liberalisation is rather recent, making it difficult to assess a possible effect on the number of first residence permits issued.

Similarly, the potential impact of visa exemption on the **total value of incoming or outgoing** trade is difficult to assess for Ukraine and Georgia due to the timing of the visa liberalisation. It is clear that Ukraine is obviously the most important trading partner for Belgium of all the countries in scope of this report (for a more detailed analysis per country see below).

Besides a possible growth in tourism and a potential increase in foreign trade with the visa exempted countries, it might be interesting to verify if there was an increase in foreign direct investments from the eight countries in scope of this report and to what extent a link with the visa waiver agreements for the respective third countries can be established. Foreign direct investments (FDI) are defined as investments by a resident of a certain economy in another (foreign) economy with the intention to acquire a sustainable interest in the company in which it invests.<sup>20</sup> The Belgian national bank was contacted, but data on inward foreign direct investment flows from the specific countries were confidential. Data on outward foreign direct investments were provided for recent years, but no link with the visa waiver liberalisation can be established. Besides, further and more in-depth analysis is required to properly analyse Foreign Direct Investment flows.

## **GENERAL ASSESSMENT OF THE VISA LIBERALISATION**

No formal assessment of the impact of visa liberalisation has been carried out. It is clear however, that certain negative consequences of the visa liberalisation are more obvious than the (assumed) positive effects. For example, for most countries in scope of this report there seems to be a clear and direct link between the increase in the number of asylum applications in the years following the visa waiver agreement. Also the increase of the number of interceptions in irregular stay, refusals of entry and public order issues for some nationalities is likely to be linked to visa liberalisation. As regards the positive effects, the assessment is much more complex. For a number of aspects, there seems to be no or hardly any impact, such as for example the impact of the visa waiver agreement on first residence permits issued for educational reasons or employment. For other aspects such as the increase in foreign trade or the increase in tourism over years, there may have been a positive effect of the visa waiver agreement, but the impact seems to be indirect or only manifests itself in the longer term. Moreover,

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20. Belgian national Bank, methodological note on Foreign Direct Investments.

many factors play a role in evolutions regarding trade figures, tourism and foreign investments, making the impact of the visa exemption particularly difficult to assess. In addition, certain assumed positive effects cannot be measured, such as the positive impact of people to people contacts, as well as for example improved bilateral political relations.

## IMPROVED BILATERAL COOPERATION

For all of the visa exempted countries in scope of this report the Immigration Office refers to a good cooperation in terms of identification processes and return procedures, which illustrates the link between visa liberalisation and readmission agreements. Also the first report from the Commission under the Visa Suspension Mechanism mentions, for most of the visa exempted countries, readmission is functioning well, with the countries swiftly honouring readmission requests from Member states and high return rates.<sup>21</sup>

## IMPACT ON TOURISM

The statistical data presented in table 2.2.1 illustrates that the highest number of visitors from the Western Balkans staying in hotels and other accommodation establishments are coming from Albania. Although there was an increase in 2010 compared to 2009, the year of visa liberalisation, the growth was much more significant in more recent years (for example an increase up to 11,449 visitors in 2017 compared to 8,122 in 2016). The majority of these visitors staying in hotels and other accommodation concern people staying overnight in the framework of vacation.

Serbia is the second most important country in terms of visitors staying in hotels and other establishments. However there was quite a remarkable drop in the number of visitors in the year following the visa liberalisation (a decrease to 4,071 visitors in 2010 compared to 6,034 visitors in 2009). However in 2011 the number increased again up to 6,269 visitors and remained relatively stable over years. In contradiction to Albania a majority concern visitors in the framework of business purposes, this was in particular the case in more recent years.

For FYROM, Bosnia and Herzegovina and certainly for Montenegro the numbers of visitors staying in hotels and other accommodation establishments are more modest. For FYROM there was a steady increase in the last 10 years (increase from 2351 in 2017 compared to 1,042 visitors in 2007), but there does not seem to be an obvious link with the visa waiver agreement. As regards Bosnia and Herzegovina, there was a peak in 2015 (2,512 visitors), but overall numbers were relatively stable with around 2,000 visitors per year. For Montenegro the number of visitors staying in hotels and other accommodation establishments increased from 484 visitors in 2009 to 1,636 visitors in 2013, possibly this increase was partly caused by the visa waiver agreement.

For the Eastern Partnership Countries it is clear that Ukraine is far more important for tourism to Belgium compared to Georgia and Moldova. The number of visitors coming from Ukraine increased significantly in 2017 from 15,820 visitors to 19,246 visitors (10,503 in the framework of vacation, 5922 in the framework of conferences and events and 2,821 visitors for individual business purposes). The visa liberalisation in June 2017 could be one of the reasons for the increased

<sup>21</sup>. European Commission, Report from the Commission to the European Parliament and the council, first report under the visa suspension mechanism, 20 Dec. 2017.

number of visitors from Ukraine in 2017 compared to previous years, but it could also be coincidence or due to other factors. For Moldova there was also a very significant increase in 2017 with 1,622 visitors compared to 1,188 visitors in 2016. For Moldova however visa liberalisation dates from April 2014 and there was no significant increase noticed in the years immediately after the visa liberalisation. For Georgia the number of visitors stayed relatively stable the last ten years with around 3,000 visitors staying in hotels and other accommodation per year and with no increase in 2017 as a consequence of the visa waiver agreement in March 2017.

## IMPACT ON THE LABOUR MARKET

During the past ten years, the number of first residence permits issued for employment related reasons to nationals from the eight visa exempted countries in scope of this report was rather limited. Only for Ukraine, and only in 2015 and 2017, more than 100 first residence permits were issued for employment related reasons (see table 2.2.3). During the past two years there was also an increase for Albania (85 first residence permits for employment related reasons in 2016 and 86 permits in 2017, compared to only 15 employment related permits in 2010). But overall the number of employment related permits for the visa exempted countries remains limited, in particular compared to the total number of permits issued to nationals from these countries on all grounds (see table 1.2.9). Besides the first residence permits issued for employment related reasons, Eurostat also provides data on first residence permits issued for family-related reasons, education-related and other reasons.<sup>22</sup> These data illustrate the limited share of the number of permits issued for employment related reasons on the total number of first residence permits issued in a specific year. This is actually the case for all the visa exempted countries in scope of this report. In 2017, for example, only 324 employment related residence permits were granted to nationals of the 8 visa-exempt countries, out of a total of 2,684 first residence permits for all these 8 countries together for all reasons. However, there are country specific differences, with around a third of the residence permits issued to residents of Bosnia-Herzegovina in 2017 being employment related, for Ukraine, Serbia and Montenegro this was around 15%, and for Georgia, FYROM and Moldova this was less than 10% in 2017.

There seems to be no clear impact of the visa exemption on the number of employment related first permits issued. Although it should be noted that the ratio of the number of employment-related residence permits to the total number of residence permits was even lower in the period prior to the visa waiver agreements due to the high number of permits for other reasons. This is clearly the case for the visa-free countries from the Western Balkans. For Albania for example, in 2009, the number of employment residence permits was extremely low (22 employment related permits in 2009), while the number of residence permits issued on other grounds was very high (a total of 1,067 permits issued to Albanians in 2009).

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22. Residence permits issued for other reasons refer to other categories such as permits issued for beneficiaries of international protection and to people to whom a status was granted on humanitarian or medical grounds.

In addition to the persons from the visa-free countries who were granted a residence permit for employment related reasons, there are also seconded employees. The secondment is reported electronically via the LIMOSA system. However, the vast majority of posted workers are nationals from other EU Member States. Of the 225,000 seconded workers registered in Belgium in 2016, only about 17,000 (or 7.5%) had the nationality of a non-EU Member State. The main non-EU nationalities were India (about 3,400), Turkey (1,500), Brazil (1,400), but also employees from Bosnia-Herzegovina (1,500) and Ukraine (1,100) were among the most important countries of origin for secondments from third countries in 2016.<sup>23</sup> However, it should be noted that a secondment can be a very short-term assignment. In the context of this report, no data could be collected that allows to accurately analyse the phenomenon and impact on the labour market.

### **IMPACT ON THE NUMBER OF STUDENTS**

The number of first residence permits issued for educational reasons to persons from the eight visa exempted countries in scope of this report is very limited. It concerns every year about 80 persons from Ukraine, about 50 from Albania and Serbia, about 20 from Georgia and a handful from FYROM, Montenegro and Moldova (see table 2.2.4).

The percentage of first residence permits for educational reasons is low compared to the total number of residence permits issued annually. With the exception of Ukraine and Georgia, the percentage of residence permits for educational reasons with regard to the total number of residence permits issued for each of the eight visa-exempt countries during the past ten years was almost always below ten percent. Most first residence permits for the eight countries in scope of this report were issued for family reasons or other reasons such as permits to applicants who obtained a status on medical or humanitarian grounds. The limited importance of student migration from these countries is also illustrated by the fact that these eight visa-exempted countries together account for some 200 residence permits for educational reasons per year, on a total of about 6,000 to 7,000 residence permits for educational reasons per year issued by Belgium to all third-country nationals.

## IMPACT ON ENTREPRENEURSHIP AND SELF-EMPLOYMENT



It was not possible to collect comprehensive data in the framework of this study regarding the possible growth of entrepreneurship and self-employed persons due to the visa liberalisation. There are however several indications that the number of self-employed persons for the countries in scope of this report, and for third country nationals in general is limited. In 2017 for example, 5,948 first residence permits for employment related reasons were issued by Belgium, but only 152 of them concern self-employed third country nationals.<sup>24</sup>

Also for what concerns the secondments, the number of self-employed third country nationals is very limited. In 2016, only 12% of all seconded workers registered in Belgium in 2016 were self-employed workers. Moreover, the vast majority of this group concerns EU-nationals.<sup>25</sup>

Similarly, data from the National Institute for the Social Security of the Self-employed (NISSE) indicates that 83% of their self-employed affiliated members concern EU-nationals.<sup>26</sup>

## IMPACT ON TRADE

Except for Ukraine, who was the 48th export trading partner of Belgium in 2017, none of the other countries in scope of this study is among the top 50 of most important Belgian import or export trading partners.<sup>27</sup>

	 <b>EXPORT</b> # client of Belgium (2017)	 <b>IMPORT</b> # supplier for Belgium (2017)
<b>Ukraine</b>	48 <sup>th</sup>	56 <sup>th</sup>
<b>Serbia</b>	65 <sup>th</sup>	79 <sup>th</sup>
<b>FYROM</b>	89 <sup>th</sup>	72 <sup>th</sup>
<b>Bosnia and Herzegovina</b>	103 <sup>th</sup>	119 <sup>th</sup>
<b>Georgia</b>	108 <sup>th</sup>	113 <sup>th</sup>
<b>Moldova</b>	128 <sup>th</sup>	132 <sup>th</sup>
<b>Albania</b>	132 <sup>th</sup>	157 <sup>th</sup>
<b>Montenegro</b>	160 <sup>th</sup>	123 <sup>th</sup>

For most countries in scope of this study Belgium has a positive trade balance, with a positive trade balance of 217.5 million euro for Ukraine for 2017 as the most important positive trade balance. Only for Montenegro and FYROM the total value of the imported goods exceeds the total value of the exported products in recent years.

24. Source: Immigration Office

25. Myria, Migration in rights and numbers 2017, pp.138-139.

26. Myria, Migration in rights and numbers 2017, p.136.

27. Source: Belgian Foreign Trade Agency



## BELGIUM & UKRAINE

### 2018 - FIRST 5 MONTHS

Ukraine: 50 <sup>th</sup> client	€257.1 million: -10.4%
Ukraine: 68 <sup>th</sup> supplier	€123.5 million: -7.3%
Trade balance: EUR 133.6 million	

#### MAJOR SECTIONS

EXPORT	Share
Chemicals	35.0 %
Machinery & equipment	19.3 %
Transport equipment	13.8 %
IMPORT	Share
Vegetable products	39.3%
Base metals	11.0%
Wood	8.9%

### 2017 - FIRST 5 MONTHS

Ukraine: 48 <sup>th</sup> client	€661.2 million: +16.6%
Ukraine: 56 <sup>th</sup> supplier	€443.7 million: +40.7%
Trade balance: EUR 217.5 million	

#### MAJOR SECTIONS

EXPORT	Share
Chemicals	29.8 %
Machinery & equipment	21.9 %
Transport equipment	17.0 %
IMPORT	Share
Vegetable products	57.5%
Base metals	14.5%
Textiles	6.9%

## UKRAINE <sup>28</sup>

Ukraine is the most important trading partner for Belgium of the eight countries that are in scope of this study. In 2017, Ukraine counted as the **48<sup>th</sup> most important client**. The total value of export from Belgium towards Ukraine increased from 578 million euro in 2007 to 661 million euros in 2017. In 2017, the main export goods from Belgium to Ukraine were chemicals (29.8% of the total export value), machinery and equipment (21.9% of the total export value and transport equipment (17% of the total export value).

As regards the import, Ukraine is the **56<sup>th</sup> most important supplier** of Belgium with a gradual increase of the total value of incoming trade from 168 million euro in 2007 up to 444 million euro in 2017. The most important products that are imported from Ukraine are vegetables (accounting for 57.5% of the total import value) and base metals (14.5% of the total import value).

Because the visa exemption for Ukraine is still very recent (June 2017), it is not possible to analyse an evolution or trend of trade with Ukraine for the years prior to visa liberalisation compared to the post-visa liberalisation period.





## BELGIUM & SERBIA

### 2018 - FIRST 5 MONTHS

Serbia: 59 <sup>th</sup> client	€171.3 million: +25,4%
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Serbia: 83 <sup>th</sup> supplier	€64.9 million: -2.8%
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Trade balance: EUR 106.4 million

#### MAJOR SECTIONS

EXPORT	Share
Base metals	21.3 %
Machinery & equipment	17.2 %
Plastics	14.2 %
IMPORT	Share
Textiles	16.2%
Vegetable products	15.1%
Base metals	11.6%

### 2017 - FIRST 5 MONTHS

Serbia: 65 <sup>th</sup> client	€351.5 million: +31.0%
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Serbia: 79 <sup>th</sup> supplier	€154.0 million: +10.7%
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Trade balance: EUR 197.5 million

#### MAJOR SECTIONS

EXPORT	Share
Machinery & equipment	16.6 %
Plastics	16.1 %
Transport equipment	13.8 %
IMPORT	Share
Vegetable products	19.4%
Textiles	16.7%
Chemicals	13.4%

## SERBIA <sup>28</sup>

In 2017, Serbia was the **65<sup>th</sup> most important client** for Belgium, the total value of the export increased from 179 million euro in 2007 to about 354 million euro in 2017, with most important export goods being machinery and equipment (17% of the total export value) and plastics (16% of the total export value). Although there was a clear increase of the total export value in the years after the visa exemption (+22% in 2010 compared to 2009 and +17% in 2011, this is in contrast with a decrease of 30% in 2009 compared to 2008), it is hard to establish an indisputable causative relation with the visa liberalisation. The strongest increase of the total export value for Belgium with Serbia in the post-visa liberalisation period took place in 2017 (+31% compared to 2016).

In 2017, Serbia counted as the **79<sup>th</sup> supplier for Belgium** with a relative significant increase of the total value of incoming trade during the past 10 years from 85 million euro in 2007 up to 154 million euro in 2017. Most important import goods are vegetables (19.4% of the total import value), textiles (16.7%) and chemicals (13.4%). Although it is unclear to what extent there is a direct or indirect link between the visa liberalisation for Serbia (visa exemption since December 2009) and the increase of the total import value, the increase of the total import value was the strongest in the years right after the visa liberalisation (+39% in 2010 compared to 2009 and +43% in 2011 compared to the 2010).



## BELGIUM & MACEDONIA

### 2018 - FIRST 5 MONTHS

Macedonia: 88 <sup>th</sup> client	€56.7 million: +12.5%
Macedonia: 75 <sup>th</sup> supplier	€83.8 million: +6.9%
Trade balance: EUR +27.1 million	

#### MAJOR SECTIONS

EXPORT	Share
Base metals	22.0 %
Transport equipment	21.5 %
Machinery & equipment	20.7 %
IMPORT	Share
Transport equipment	85.3%
Textiles	4.5%
Base metals	4.0%

### 2017 - FIRST 5 MONTHS

Macedonia: 89 <sup>th</sup> client	€132.5 million: +21.9%
Macedonia: 72 <sup>th</sup> supplier	€182.6 million: -10.7%
Trade balance: EUR -50.1 million	

#### MAJOR SECTIONS

EXPORT	Share
Base metals	27.3 %
Transport equipment	20.8 %
Machinery & equipment	15.0 %
IMPORT	Share
Transport equipment	75.7%
Foodstuffs	7.6%
Base metals	7.1%

### FYROM<sup>28</sup>

In 2017, FYROM was the **89<sup>th</sup> important client** for Belgium in 2017. The total value of the export increased gradually from 24 million euro in 2009 to about 133 million in 2017. There was no increase in the years immediately following the year of the visa liberalisation (2009), but the export grew substantially from 2012 onwards and peaked in 2017. For FYROM the most important export goods in 2017 were base metals (27% of the total export value), transport equipment (21%) and machinery and equipment (15%).

In 2017 FYROM was the **75<sup>th</sup> most important supplier** with an increase of the total incoming trade value from 28 million in 2009 to about 183 million in 2017. The incoming trade value increased since the visa waiver agreement in 2009, but the strongest growth took place in the year 2014. Most important import goods are obviously transport equipment (accounting for 75% of the total value of incoming trade). For FYROM there is a negative trade balance since 2014.



## BELGIUM & BOSNIA-HERZEGOVINA

### 2018 - FIRST 5 MONTHS

Bosnia-Herzegovina: 102 <sup>th</sup> client	€33.9 million: -20.2%
Bosnia-Herzegovina: 108 <sup>th</sup> supplier	€15.9 million: +26.3%
Trade balance: EUR 18.0 million	

#### MAJOR SECTIONS

EXPORT	Share
Transport equipment	28.8 %
Plastics	19.0 %
Base metals	13.4 %
IMPORT	Share
Footwear, headgear, etc	23.7%
Base metals	13.3%
Vegetable products	12.5%

### 2017 - FIRST 5 MONTHS

Bosnia-Herzegovina: 103 <sup>th</sup> client	€91.2 million: +44.0%
Bosnia-Herzegovina: 119 <sup>h</sup> supplier	€30.6 million: -29.7%
Trade balance: EUR 60.6 million	

#### MAJOR SECTIONS

EXPORT	Share
Transport equipment	33.4 %
Base metals	15.2 %
Plastics	13.7 %
IMPORT	Share
Base metals	17.3%
Vegetable products	14.0%
Wood	11.1%

## BOSNIA AND HERZEGOVINA <sup>28</sup>

In 2017 Bosnia and Herzegovina was the 103rd client for Belgium, with transport equipment counting for more than 33% of the total export value. Export grew from an amount of value of approximately 40 million euro in 2009 to more than 91 million euro. The strongest increase took place in 2017 (+44% compared to 2016).

As regards import, Bosnia and Herzegovina was the 119th supplier with base metals, vegetable products and wood as the most important import products. The total value of the imported goods remained relatively stable over years with a total value of about 30 million euro.



## BELGIUM & GEORGIA

### 2018 - FIRST 5 MONTHS

Georgia: 105 <sup>th</sup> client	€30.4 million: -11.3%
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Georgia: 128 <sup>th</sup> supplier	€6.8 million: -24.4%
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Trade balance: EUR 23.6 million

#### MAJOR SECTIONS

EXPORT	Share
Foodstuffs	27.1 %
Chemicals	21.6 %
Machinery & equipment	11.1 %
IMPORT	Share
Textiles	58.9%
Mineral products	26.3%
Vegetable products	4.6%

### 2017 - FIRST 5 MONTHS

Georgia: 108 <sup>th</sup> client	€78.4 million: -28.1%
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Georgia: 113 <sup>th</sup> supplier	€36.7 million: +42.1%
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Trade balance: EUR 41.7 million

#### MAJOR SECTIONS

EXPORT	Share
Chemicals	29.7 %
Foodstuffs	14.2 %
Optical instruments	11.5 %
IMPORT	Share
Mineral products	54.9%
Textiles	25.9%
Plastics	5.7%

## GEORGIA <sup>28</sup>

In 2017 Georgia was Belgium's 108th most important partner for export, with chemicals amounting for almost 30% of the total export value. The total value of the export towards Georgia increased over years from 23 million euro in 2009 to about 109 million euro in 2016, but decreased again in 2017 to 78 million euro.

As regards the import, Georgia was the 113rd most important supplier in 2017 for a total amount of 36 million euro, with mineral products counting for almost 55% of the total import value and textiles good for approximately 26%.

For Georgia the visa waiver agreement dates from March 2017 and due to this recent visa liberalisation, it is difficult to evaluate a possible effect on incoming or outgoing foreign trade.



## BELGIUM & MOLDOVA

### 2018 - FIRST 5 MONTHS

Moldova: 121 <sup>th</sup> client	€16.1 million: +12.8%
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Moldova: 129 <sup>th</sup> supplier	€6.5 million: +42.6%
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Trade balance: EUR 9.6 million

#### MAJOR SECTIONS

EXPORT	Share
Transport equipment	24.2 %
Chemicals	23.2 %
Machinery & equipment	19.6 %
IMPORT	Share
Base metals	29.9%
Foodstuffs	21.3%
Vegetable products	17.6%

### 2017 - FIRST 5 MONTHS

Moldova: 128 <sup>th</sup> client	€38.6 million: +28.9%
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Moldova: 132 <sup>th</sup> supplier	€10.8 million: +16.1%
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Trade balance: EUR 27.8 million

#### MAJOR SECTIONS

EXPORT	Share
Transport equipment	23.7 %
Chemicals	20.2 %
Machinery & equipment	15.5 %
IMPORT	Share
Base metals	28.6%
Transport equipment	21.2%
Textiles	13.3%

## MOLDOVA <sup>28</sup>

In 2017 Moldova was the 121st client for foreign trade, with most important export goods including transport equipment (24,2% of the total export value) and chemicals (23,2%) of the total export value. The total export value was relatively stable over the past 10 years with an increase from 32 million euro in 2008 to about 38 million euro in 2017. There seems to be no possible effect of the visa waiver agreement in 2014 on the export.

As regards the import, Moldova is the 132nd most important supplier of Belgium with a relative low and stable total import value of about 10 million euro.



## BELGIUM & ALBANIA

### 2018 - FIRST 5 MONTHS

Albania: 135 <sup>th</sup> client	€10.2 million: -30.8%
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Albania: 152 <sup>th</sup> supplier	€1.4 million: +36.4%
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Trade balance: EUR 8.8 million

#### MAJOR SECTIONS

EXPORT	Share
Foodstuffs	28.2 %
Base metals	13.5 %
Chemicals	10.9 %
IMPORT	Share
Textiles	35.5%
Machinery & equipment	29.4%
Base metals	10.0%

### 2017 - FIRST 5 MONTHS

Albania: 132 <sup>th</sup> client	€33.0 million: +17.7%
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Albania: 157 <sup>th</sup> supplier	€2.1 million: -80.3%
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Trade balance: EUR 30.9 million

#### MAJOR SECTIONS

EXPORT	Share
Chemicals	23.7 %
Machinery & equipment	22.1 %
Foodstuffs	9.5 %
IMPORT	Share
Textiles	17.5%
Mineral products	15.6%
Base metals	14.6%

## ALBANIA <sup>28</sup>

In 2017, Albania was the 132nd most important trade partner for export for Belgium. The total value of export from Belgium towards Albania gradually increased from about 13 million euro in 2009 (the year preceding the visa waiver agreement) to roughly 33 million in 2017. The most important export products in 2017 were chemicals (23,7% of the total export value) and machinery and equipment (22,1%).

In 2017 Albania was Belgium's 157th supplier, with a total value of imported goods of only about 2 million euro in 2017. Overall the total import value was relatively low during the past 10 years and peaked in 2016 with a total value of about 10,6 million euro.



## BELGIUM & MONTENEGRO

### 2018 - FIRST 5 MONTHS

Montenegro: 155 <sup>th</sup> client	€5.0 million: -0.9%
Montenegro: 127 <sup>th</sup> supplier	€7.3 million: -29.8%
Trade balance: EUR -2.3 million	

#### MAJOR SECTIONS

EXPORT	Share
Transport equipment	29.9 %
Live animals	14.3 %
Foodstuffs	11.5 %
IMPORT	Share
Transport equipment	93.8%
Base metals	2.7%
Optical instruments	1.1%

### 2017 - FIRST 5 MONTHS

Montenegro: 160 <sup>th</sup> client	€10.8 million: +9.8%
Montenegro: 123 <sup>th</sup> supplier	€22.1 million: +10.5%
Trade balance: EUR -11.3 million	

#### MAJOR SECTIONS

EXPORT	Share
Transport equipment	29.1 %
Live animals	21.6 %
Machinery & equipment	13.5 %
IMPORT	Share
Transport equipment	98.2%
Chem	0.9%
Vegetable products	0.6%

## MONTENEGRO 28

Montenegro is the least important trade partner of the eight countries in scope of this report. In 2017 Montenegro was Belgium's 160th most important client with a total export value of approximately 11 million euro, with transport equipment as the most important export product. In the year preceding the visa waiver agreement of 2009, the total value of the export amounted around 7 million euro.

In 2017 Montenegro was Belgium's 123rd most important supplier, with a total value of the import around 22 million euro. The vast majority of the value of import goods concerns transport equipment (98,2 %). A major increase of the total import value was recorded in 2013.

## OTHER BENEFITS OR POSITIVE IMPACTS FOR BELGIUM

As mentioned in the first report under the visa suspension mechanism of the European Commission visa liberalisation is considered to be one of the most powerful tools in facilitating people to people contacts and strengthening ties between the citizens of third countries and the European Union.<sup>29</sup> The idea of people-to-people contacts is that it encourages the exchange of ideas and values directly among peoples of different countries, and in this way stimulates democratisation, development and mutual understanding.

Unfortunately, it is not possible to measure the supposed effect of these people-to-people contacts on democratisation processes in third countries and the role visa exemption has played in this. Besides, the impact is likely to be a long-term process and influenced by many other factors.



## 2.2 STATISTICAL DATA

Table 2.2.1 :

Total number of visitors staying in hotels and other accommodation establishments from the visa-free countries

INDICATOR	PERIOD OF INTEREST (2007-2017)										
Total number of visitors staying in hotels and other accommodation establishments from the visa-free country	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*
<b>FYROM</b>	<b>1042</b>	<b>1336</b>	<b>1209</b>	<b>1308</b>	<b>1589</b>	<b>1566</b>	<b>1579</b>	<b>1767</b>	<b>1649</b>	<b>1993</b>	<b>2351</b>
1:	303	460	346	411	566	548	416	490	409	766	940
2:	348	520	585	602	644	665	829	897	840	864	933
3:	391	356	278	295	379	353	334	380	400	363	478
<b>Montenegro</b>	<b>583</b>	<b>1183</b>	<b>484</b>	<b>611</b>	<b>1047</b>	<b>1428</b>	<b>1636</b>	<b>1403</b>	<b>1349</b>	<b>1414</b>	<b>1467</b>
1:	319	775	181	278	352	335	447	487	643	601	685
2:	105	225	111	191	440	795	954	522	525	719	550
3:	159	183	192	142	255	298	235	394	181	94	232
<b>Serbia</b>	<b>3763</b>	<b>6255</b>	<b>6034</b>	<b>4071</b>	<b>6269</b>	<b>5481</b>	<b>6518</b>	<b>5463</b>	<b>5128</b>	<b>4414</b>	<b>5616</b>
1:	1682	3401	3780	1759	2536	2115	2504	1633	1737	1437	2033
2:	841	797	934	1112	1948	1876	2503	2622	2315	2088	2139
3:	1240	2057	1320	1200	1785	1490	1511	1208	1076	889	1444
<b>Albania</b>	<b>5487</b>	<b>2855</b>	<b>3701</b>	<b>3245</b>	<b>4624</b>	<b>4911</b>	<b>6955</b>	<b>7901</b>	<b>7135</b>	<b>8122</b>	<b>11449</b>
1:	1359	1463	2280	1646	2474	2526	3577	3754	3230	4765	8671
2:	629	821	615	853	1314	1193	1574	1468	1572	1847	1638
3:	3499	571	806	746	836	1192	1804	2679	2333	1510	1140
<b>Bosnia and Herzegovina</b>	<b>1651</b>	<b>1895</b>	<b>2007</b>	<b>1729</b>	<b>2048</b>	<b>1597</b>	<b>1881</b>	<b>1658</b>	<b>2512</b>	<b>2042</b>	<b>2209</b>
1:	597	725	758	634	571	558	592	619	1256	726	883
2:	408	557	498	464	727	608	745	691	839	858	824
3:	646	613	751	631	750	431	544	348	417	458	502
<b>Moldova</b>	<b>541</b>	<b>463</b>	<b>539</b>	<b>601</b>	<b>684</b>	<b>789</b>	<b>825</b>	<b>922</b>	<b>836</b>	<b>1188</b>	<b>1622</b>
1:	347	155	204	180	176	261	288	251	314	499	748
2:	109	111	224	257	371	407	397	465	376	532	623
3:	85	197	111	164	137	121	140	206	146	157	251
<b>Georgia</b>	<b>3348</b>	<b>3252</b>	<b>3158</b>	<b>2803</b>	<b>2261</b>	<b>2350</b>	<b>2382</b>	<b>3037</b>	<b>2840</b>	<b>2742</b>	<b>2843</b>
1:	1788	1:1562	1740	1134	815	951	1002	1338	1117	1221	1345
2:	1089	2:1230	1012	1296	1098	1143	1055	1232	1317	1172	1133
3:	471	3:460	406	373	348	256	325	467	406	349	365
<b>Ukraine</b>	<b>8664</b>	<b>10333</b>	<b>9613</b>	<b>9234</b>	<b>10879</b>	<b>13167</b>	<b>15614</b>	<b>14256</b>	<b>14377</b>	<b>15820</b>	<b>19246</b>
1:	2660	3114	3574	3148	3902	5570	7249	7011	7591	8169	10503
2:	3699	4461	3790	3704	4577	4843	5066	5056	4863	5299	5922
3:	2305	2758	2249	2382	2400	2754	3299	2189	1923	2352	2821
<b>TOTAL number of visitors for these 8 countries</b>	<b>25079</b>	<b>27572</b>	<b>26745</b>	<b>23602</b>	<b>29401</b>	<b>31289</b>	<b>37390</b>	<b>36407</b>	<b>35826</b>	<b>37735</b>	<b>46803</b>
<b>Total number of visitors staying in hotels and other accommodation establishments<sup>30</sup></b>	7044719	7164765	6813664	7186419	7494141	7560025	7684285	7887426	8354753	7481422	8358060
1:	4605043	4588319	4530703	4778736	4885669	4771946	4846386	5045187	5450225	4809793	5429707
2:	1378286	1448578	1283795	1348603	1539639	1682988	1738523	1815237	1897679	1698107	1799770
3:	1061390	1127868	999166	1059080	1068833	1105091	1099376	1027002	1006849	973522	1128583
<b>Additional Information</b>	<p>Data source: <i>tourisme Vlaanderen, statbel</i> Note:</p> <ul style="list-style-type: none"> <li>• <b>Category 1:</b> leisure;</li> <li>• <b>Category 2:</b> MICE (meetings, incentives, congresses and events; or all kind of non-individual business visitors);</li> <li>• <b>Category 3:</b> other business purposes (individual business visitors). The data preceding the year 2015 are not entirely comparable with the data from 2015 onwards due to the fact that due to a methodological change: the data from 2015 onwards include additional categories of other accommodation establishments (the data preceding 2015 mainly refer to visitors staying in hotels). Because the overlarge share of the visitors for business purposes are staying in hotels, this methodological change has not a large impact on the numbers for category 2 and 3.</li> </ul> <p>The data refer to the number of visitors (and not to the number of nights). Non-official accommodation facilities are not included (mostly private apartments at the Belgian coast; but this concerns mostly Belgian visitors or visitors from neighbouring countries).</p>										

30. All nationalities apply, to calculate the proportion out of the total number of tourism visitors staying in hotels and other accommodation establishments.

Table 2.2.2 :

Total number of applications for visa for long-term residence from visa-free country nationals



INDICATOR	PERIOD OF INTEREST (2007-2017)											
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of first-time residence applications received from the respective visa-free country												
<b>FYROM</b>	N/I	237	191	49	46	42	44	44	33	35	30	
<b>Montenegro</b>	N/I	43	9	11	8	20	11	19	11	10	12	
<b>Serbia</b>	N/I	224	129	117	95	121	113	114	116	132	109	
<b>Albania</b>	N/I	102	160	158	42	49	59	54	60	90	89	
<b>Bosnia and Herzegovina</b>	N/I	39	27	63	30	29	26	27	24	20	31	
<b>Moldova</b>	N/I	95	73	99	104	64	51	38	14	32	17	
<b>Georgia</b>	N/I	48	48	54	52	72	43	75	67	45	51	
<b>Ukraine</b>	N/I	346	322	338	362	409	433	442	438	514	412	
<b>TOTAL</b>	<b>N/I</b>	<b>1134</b>	<b>959</b>	<b>889</b>	<b>742</b>	<b>806</b>	<b>780</b>	<b>813</b>	<b>763</b>	<b>878</b>	<b>751</b>	
Total number of first-time residence applications <sup>31</sup>	N/I	28972	29636	33309	36069	33221	33511	33260	35343	38651	41030	
 <b>Additional Information</b>	<p><i>Data source: FPS Foreign Affairs</i></p> <p>Note: The total number of first-time residence permit applications received from visa-free country nationals are not available due to the fact that a first residence permit can be issued in the framework of different migration procedures such as family reunification, labour migration, persons granted a protection status,... As an alternative, the number of visa applications for a duration of more than three months is presented. These numbers do not entirely correspond to the number of applications for residence permits, because a permit may also be applied for on the Belgium territory.</p>											

Table 2.2.3:

Total number of first residence permits issued for remunerated activities reasons to visa-free country nationals

INDICATOR	PERIOD OF INTEREST (2007-2017)											
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of permits issued for remunerated activities reasons to visa-free country nationals												
<b>FYROM</b>	N/I	9	15	18	15	14	13	29	25	19	19	
<b>Montenegro</b>	N/I	0	3	2	6	2	4	3	2	8	8	
<b>Serbia</b>	N/I	22	35	30	32	36	30	35	40	46	54	
<b>Albania</b>	N/I	3	22	15	17	16	30	51	54	85	86	
<b>Bosnia and Herzegovina</b>	N/I	29	10	19	12	14	22	21	26	15	34	
<b>Moldova</b>	N/I	6	33	14	14	11	11	12	4	6	6	
<b>Georgia</b>	N/I	1	12	11	4	4	3	9	14	8	10	
<b>Ukraine</b>	N/I	64	77	82	87	91	91	83	117	92	107	
<b>TOTAL</b>	<b>N/I</b>	<b>134</b>	<b>207</b>	<b>191</b>	<b>187</b>	<b>188</b>	<b>204</b>	<b>243</b>	<b>282</b>	<b>279</b>	<b>324</b>	
Total number of permits issued for remunerated activities reasons <sup>32</sup>	N/I	7097	5391	4347	4705	4647	4347	4768	4948	5181	5948	
 Additional Information	Data source: Eurostat											

32. All nationalities apply, to calculate the proportion out of the total number of permits issued for remunerated activities reasons.

Table 2.2.4 :

Total number of first residence permits issued for education reasons to visa-free country nationals



INDICATOR	PERIOD OF INTEREST (2007-2017)											
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of permits issued for education reasons to visa-free country nationals												
<b>FYROM</b>	N/I	9	15	18	15	14	13	29	25	19	19	
<b>Montenegro</b>	N/I	0	3	2	6	2	4	3	2	8	8	
<b>Serbia</b>	N/I	22	35	30	32	36	30	35	40	46	54	
<b>Albania</b>	N/I	3	22	15	17	16	30	51	54	85	86	
<b>Bosnia and Herzegovina</b>	N/I	29	10	19	12	14	22	21	26	15	34	
<b>Moldova</b>	N/I	6	33	14	14	11	11	12	4	6	6	
<b>Georgia</b>	N/I	1	12	11	4	4	3	9	14	8	10	
<b>Ukraine</b>	N/I	64	77	82	87	91	91	83	117	92	107	
<b>TOTAL</b>	<b>N/I</b>	<b>159</b>	<b>184</b>	<b>134</b>	<b>138</b>	<b>195</b>	<b>219</b>	<b>222</b>	<b>185</b>	<b>204</b>	<b>239</b>	
Total number of permits issued for education reasons <sup>33</sup>	N/I	6743	7222	5899	5834	5813	5902	6286	6345	6303	6896	
 Additional Information	Data source: Eurostat Immigration Office											

Table 2.2.5:

Total number of first residence permits issued to entrepreneurs (including self-employed persons) from visa-free countries

INDICATOR	PERIOD OF INTEREST (2007-2017)											
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of first residence permits issued for entrepreneurs (including self-employed persons) from visa-free countries												
<b>FYROM</b>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I
<b>Montenegro</b>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I
<b>Serbia</b>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I
<b>Albania</b>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I
<b>Bosnia and Herzegovina</b>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I
<b>Moldova</b>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I
<b>Georgia</b>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I
<b>Ukraine</b>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I
<b>TOTAL</b>	<b>N/I</b>	<b>N/I</b>	<b>N/I</b>	<b>N/I</b>	<b>N/I</b>	<b>N/I</b>	<b>N/I</b>	<b>N/I</b>	<b>N/I</b>	<b>N/I</b>	<b>N/I</b>	<b>N/I</b>
Total number of first residence permits issued for entrepreneurs <sup>34</sup>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	152
 <b>Additional Information</b>	No comprehensive data are available for this sub-category of resident permits for employment related reasons. The number of first residence permits issued to entrepreneurs (including self-employed persons) from visa-free countries, and for third country nationals in general are considered to be very low											

34. All nationalities apply, to calculate the proportion out of the total number of first residence permits issued for entrepreneurs (including self-employed persons).

# III. CHALLENGES OF VISA LIBERALISATION

## 3.1 DESCRIPTION OF THE NATIONAL SITUATION

### OVERVIEW OF THE MAIN CHALLENGES

#### **WESTERN BALKANS - FYROM, MONTENEGRO, SERBIA, ALBANIA, BOSNIA AND HERZEGOVINA:**

As already indicated for all Western Balkan countries a significant increase in applicants for international protection was observed in the years following the visa waiver agreement. The vast majority concerned unfounded applications. Besides, there was also a significant increase in the number of persons found in irregular residence and an increase of the number of persons refused entry at the external borders.

No comprehensive statistical data are available to analyse the number of victims of human trafficking. As regards, facilitators of human trafficking, Albanians represent about 10% of the total number of convicted facilitators. The numbers on convicted facilitators of human trafficking are not very significant for the other countries in scope of this report. Albania is also the country that raises most concern in regard to the number of persons involved in public order issues.

The data on the number of persons from the Western Balkans found in irregular employment are incomplete. Overall, these numbers are low, but of the countries in scope of this report most significant for Albania and FYROM.

#### **EASTERN PARTNERSHIP - MOLDOVA, GEORGIA, UKRAINE:**

For Moldova no important challenges could be identified due to the visa liberalisation in 2014, except conceivably for the increase of the number of persons refused entry at the external border. For Georgia and Ukraine the visa liberalisation is still quite recent (2017) and therefore it is difficult to assess the impact. However, it is already clear that there was a substantial increase in the number of asylum applications for Georgia and the number of persons of persons refused entry at the external border.

The number of persons found in illegal employment in recent years are only for Ukraine noteworthy. As regards public order issues, Georgia raises most concern.

### ILLEGAL EMPLOYMENT

It is challenging to provide comprehensive statistical data on the number of persons found in illegal employment for specific nationalities. The Labour Inspection of the Federal Public Service Employment, Labour and Social Dialogue was contacted, but they were not able to provide data on the number of persons found in illegal employment disaggregated by nationality. The Immigration Office could provide partial statistical data on the number of persons apprehended in irregular stay, and who were also illegally employed for the past three years. Overall, these numbers are low, but of the countries in scope of this report they are most significant for Albania, Ukraine and FYROM (see table 3.2.5). Most cases concern people illegally employed in construction, accommodation and food service activities, transportation and illegally employed housekeepers.<sup>35</sup>

## SMUGGLED OR TRAFFICKED PERSONS FROM THE VISA-FREE COUNTRIES

Since 2007 Belgian legislation provides the possibility to be granted a specific residence permit specifically for victims of trafficking in human beings (or aggravated forms of human smuggling) in accordance with Article 61/2 to 61/5 of the Belgian Immigration Act. Statistical data on the number of persons to whom a residence permit in the framework of this specific procedure was granted are available (see table 3.2.6 and 3.2.7). These numbers are low for all the nationalities in scope of this report; however, it is important to emphasize that the figures do not seem appropriate to measure the size of the phenomenon for several reasons. Firstly, these figures only refer to the cases that have obtained a residence permit in the context of the specific procedure for victims of trafficking. Therefore, victims of human trafficking who reside on a legal basis in Belgium, or who try to obtain a residence permit via other procedures such as the procedure for international protection or a procedure to obtain a status on humanitarian (9bis) or medical grounds (9ter) are in principle not included in these figures. Moreover, it concerns persons who have broken contact with exploiters and have accepted the support of specialized reception centers.<sup>36</sup> It is not unlikely that people who have been victim of trafficking in human beings or smuggling with aggravating circumstances do not report this to the Belgian authorities because they want to stay under the radar or because they do not want or do not dare to file a complaint against their exploiters.

## IDENTIFIED FACILITATORS OF UNAUTHORISED ENTRY

In general, figures on final convictions as facilitators for human trafficking are low, and insignificant for most countries in scope of this report, except for what concerns Albania. During the past few years, Albanians represent about 10% of the total number of convicted facilitators. It concerns 13 convicted Albanian facilitators in 2015 and 18 in 2016 on a total of 124 convictions in 2015 and 163 convictions in 2016 (see table 3.2.8).

## PERSONS FOUND IN IRREGULAR STAY

For the Western Balkan countries there is a clear increase in the number of persons found in irregular stay. This increase is strongest two years after the visa liberalisation (see table 3.2.9). For Serbia, this represents an increase from 225 persons found in irregular stay in 2009 to 460 persons in 2011. For FYROM, it concerns an increase of 70 people found in illegal stay in 2009 to 125 persons in 2011. For Montenegro, an increase was observed from zero cases in 2009 to 10 in 2011. For Albania and Bosnia and Herzegovina, the visa waiver agreement occurred in 2010 and the most significant increase occurred in 2012. For Albania, there was an increase from 145 persons apprehended in irregular stay in 2010 to 600 persons in 2012 and for Bosnia and Herzegovina, an increase was noted from 70 cases in 2010 to 125 cases in 2012.

For Moldova (visa waiver agreement 28/4/2014) there was increase from 55 cases in 2014 to 85 cases in 2015, but the number decreased again in 2016. For Georgia (28/3/2017) and Ukraine (11/6/2017) the visa waiver agreement date is too recent to analyse a possible impact of the visa liberalisation on the number of persons found in illegal stay.

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36. Source: Immigration Office

It is not possible to obtain statistical data with a disaggregation between persons in irregular stay due to overstaying for a period longer than three months and other persons in irregular stay. We can however assume that most persons who were found to be illegally present from the visa-free countries entered the country legally and then overstayed the period of three months.

## **POSSIBLE MISUSE OF THE VISA LIBERALISATION**

As mentioned above, a sharp increase was observed due to the visa waiver agreement of for international protection coming for FYROM (from 305 in 2009 to 1,740 in 2010), Serbia (1,020 in 2009 to 2,220 in 2010), Albania (from 245 in 2010 to 1,290 in 2011) and Bosnia and Herzegovina (from 145 in 2010 to 540 in 2011). Also for Georgia the number of applications increased significantly in the months succeeding the visa liberalisation.

Besides the increase in the number of (mostly unfounded) applications for international protection also the increased number of visa exempted nationals refused entry at the external border in the years following the visa liberalisation seems to be an indication of possible misuse of the visa liberalisation. A person can be refused entry at the external border because entry conditions are not fulfilled, such as no valid travel document, unclear travel purpose or a lack of means of subsistence for the duration of the stay. There was a particular strong increase of people refused at the external border for Albania (462 cases in 2011 compared to 17 cases in 2010 and 3 cases in 2009). A similar trend was observed for FYROM (87 refusals of entry in 2010 compared to 5 in 2009) and for Serbia (99 refusals of entry in 2010 compared to 16 in 2009). The number of Moldavian nationals refused entry at a Belgian external borders (table 1.2.2) increased from 18 persons in 2014 (visa waiver agreement on 28/04/2014) up to 135 refusals of entry for Moldavians in 2017.

Furthermore, also the increase in the number of persons found in irregular stay (see above) from the countries in scope of this report is an indication of overstaying and possible misuse of the visa liberalisation.

## **ADMINISTRATIVE BURDEN**

It is evident that the administrative workload for the diplomatic posts of the FPS Foreign Affairs responsible for processing visa applications for short stay has been reduced due to the visa liberalisation, although a diplomatic post has to be maintained and the visa liberalisation implies the loss of income from visa fees. On the other hand, the workload for border inspection services of the Immigration Office and border guards of the federal police has increased due to additional verification of entry conditions (see for example increase in number of refusals of entry in the years succeeding the visa liberalisation). In addition, the services responsible for registration (Immigration Office) and assessment (CGRS) of applications for international protection have experienced additional workload to handle applications from the Western Balkan countries following the visa liberalisation. Due to the increased numbers of people in irregular residence and initiated return procedures for the nationalities in scope of this report, the services of the Immigration Department responsible for identification and implementing return also experienced additional administrative workload.



## SECURITY RISKS

The Immigration Office indicated that in particular for Albania and Georgia the percentage of persons involved in public order issues on the total number of persons found in irregular stay was notably high in recent years (about 36% of the Albanians apprehended in irregular residence in 2017 were involved in public order issues and no less than 66% for Georgians apprehended in irregular stay in 2017).<sup>37</sup>

The Federal Police provided an analysis of data since 2008 on criminal offenses in the national police database and came to the conclusion that there is an increase in offenses with suspects of Albanian nationality since 2011. For Serbia, FYROM, Bosnia and Herzegovina, Montenegro and Moldova there is no striking evolution in the number of offenses detected. For Georgia and Ukraine, where the visa waiver agreement dates from 2017, it is too early to identify possible trends. Though, there seems to be a significant increase in the number of offenses involving Georgian nationals in 2017 compared to 2016. However, an analysis of monthly data illustrates that this increase already took place in the first months of 2017, preceding to the visa waiver agreement of March 2017. The Federal Police indicated that evolutions in the number of offenses identified can be influenced by changing priorities or evolutions in investigation activities.<sup>38</sup>

Comprehensive statistical data to perform an in-depth analysis on the number of offences committed per nationality and disaggregated per type of offense for the past ten years could not be obtained in the framework of this report. As mentioned above only for Albania there seems to be a significant difference compared to the period before the visa liberalisation. Besides offenses against the Immigration Act, the offenses committed by persons with Albanian nationality concerns mainly offences against public trust (fraud, forgery, counterfeiting), offences against property, extortion, and drugs related offences.<sup>39</sup> Albanian speaking organised crime groups are usually poly-criminal and engage in drug trafficking, trafficking in human beings, organised property crime, racketeering and extortion.<sup>40</sup>

The first report under the visa suspension mechanism of the European Commission refers to the fact that nationals of Serbia are among the most frequently reported nationals for organised property crimes in the EU, particularly in Belgium, France, Germany and Italy. In general (not specifically for Belgium but for the entire EU) criminals from Serbia are also mentioned to be involved in trafficking of cocaine and illicit tobacco products and there is a risk of firearms trafficking. As regards organised crime groups from FYROM, the report refers to trafficking and distribution of drugs, in particular heroin and betting fraud. Nationals from Bosnia and Herzegovina are among the most frequently reported nationalities for organised property crimes in the EU and are involved in home theft, violent burglaries and rip-deals, trafficking in human beings and trafficking of illicit drugs. Bosnia and Herzegovina is also a destination country or vehicles stolen in various EU MS. Montenegrin organised crime groups are involved in trafficking cocaine, illicit tobacco products and laundering. Likewise, Moldovan organised crime groups tend to be involved in organised property crime, illicit tobacco trade and drugs trafficking, excise fraud, payment card fraud and money laundering. Organised crime

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37. Source: Immigration Office

38. Source: Federal Police

39. Source: Federal Police

40. European Commission, report from the commission to the European Parliament and the council, First Report under the Visa Suspension Mechanism, 20 December 2017, p.3.

groups from Georgia are reported as one of the most frequently represented non-EU nationalities involved in serious and organised crime. The Georgian criminal groups are highly mobile and mainly involved in organised property crime. Besides, Georgia is a transit country for various illicit commodities trafficked to the EU, in particular drugs. Organised Criminal Groups originating from Ukraine tend to be specialised in excise fraud, particularly the production and smuggling of illicit tobacco products to the EU. Furthermore Cybercriminals based in Ukraine are highly sophisticated.<sup>41</sup>

For what concerns detentions in penitentiary institutions an average of 10,618 people were residing in Belgian prisons in 2016, of whom 4,707 people did not have Belgian nationality. This implies that on average, 56% of the detainees within a penitentiary institution had Belgian nationality (this includes Belgians with double nationality). For the other nationalities that represent at least 1% of the average prison population, the main nationalities are: Morocco (9.7%), Algeria (5.3%), Romania (3.3%), Netherlands (3.1%), France (2.1%), Albania (1.8%), Italy (1.4%), Turkey (1.2%) and Tunisia (1.1%). Nationals from Albania are thus among the main nationalities of the foreign prison population. For the other countries in scope of this study, the share is considerably lower: Serbia (0.5%), Georgia (0.3%), FYROM (0.2%), Bosnia-Herzegovina (0.2%), Ukraine (0.2%), Moldova (0.1%) and Montenegro (0.05%). These numbers include people residing legally on the territory as well as people in irregular stay.<sup>42</sup>

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41. European Commission, report from the commission to the European Parliament and the council, First Report under the Visa Suspension Mechanism, 20 December 2017, pp.3-12.

42. Annual report 2016 of the Directorate-General for Penitentiary Institutions, p. 40.

## 3.2 STATISTICAL DATA

Table 3.2.1 :


Total number of nationals from the visa-free countries refused entry at the external borders

INDICATOR	PERIOD OF INTEREST (2007-2017)											
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of first residence permits issued for entrepreneurs (including self-employed persons) from visa-free countries												
<b>FYROM</b>	1	4	5	87	75	88	41	45	48	36	102	
<b>Montenegro</b>	N/I	N/I	2	4	16	16	10	14	21	10	19	
<b>Serbia</b>	8	13	16	99	116	112	71	49	53	36	55	
<b>Albania</b>	1	9	3	17	462	277	198	299	354	436	682	
<b>Bosnia and Herzegovina</b>	2	0	2	7	15	25	9	8	10	9	18	
<b>Moldova</b>	1	1	7	2	2	6	3	18	52	89	135	
<b>Georgia</b>	0	2	2	6	15	10	12	13	11	1	32	
<b>Ukraine</b>	9	14	12	9	17	25	26	30	34	23	55	
<b>TOTAL</b>	<b>22</b>	<b>43</b>	<b>49</b>	<b>231</b>	<b>718</b>	<b>559</b>	<b>370</b>	<b>476</b>	<b>583</b>	<b>640</b>	<b>1098</b>	
Total number of detections of irregular border-crossings <sup>43</sup>	1172	1178	1275	1862	2735	2401	1897	1980	2064	1860	2909	
 <b>Additional Information</b>	<p><i>Data source: Federal Police</i></p> <p>No comprehensive data are available for this sub-category of resident permits for employment related reasons. The number of first residence permits issued to entrepreneurs (including self-employed persons) from visa-free countries, and for third country nationals in general are considered to be very low</p>											

43. All nationalities apply, to calculate the proportion out of the total number of irregular border crossings.

Table 3.2.2 :


Total number of return decisions issued to nationals from the visa-free countries<sup>44</sup>

INDICATOR	PERIOD OF INTEREST (2007-2017)											
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of return decisions issued to nationals from the visa-free countries												
<b>FYROM</b>	N/I	230	170	365	950	1135	1035	625	520	460	480	
<b>Montenegro</b>	N/I	30	20	30	45	115	55	45	30	35	30	
<b>Serbia</b>	N/I	720	430	630	1200	1505	1545	765	645	555	560	
<b>Albania</b>	N/I	395	305	265	370	1630	1480	1240	1450	1335	1470	
<b>Bosnia and Herzegovina</b>	N/I	155	90	95	130	410	335	210	175	130	115	
<b>Moldova</b>	N/I	125	75	70	80	95	95	80	95	80	75	
<b>Georgia</b>	N/I	310	290	305	265	690	680	545	430	310	450	
<b>Ukraine</b>	N/I	335	200	175	275	540	450	495	655	475	420	
<b>TOTAL</b>	<b>N/I</b>	<b>2300</b>	<b>1580</b>	<b>1935</b>	<b>3315</b>	<b>6120</b>	<b>5675</b>	<b>4005</b>	<b>4000</b>	<b>5396</b>	<b>3600</b>	
Total number of return decisions issued to third-country nationals <sup>45</sup>	N/I	28545	24035	22865	36885	50890	47465	35245	31045	33020	32235	
 Additional Information	Data source: Eurostat											

44. See Eurostat: Third-country nationals ordered to leave - annual data (rounded) [migr\_eiord]

45. All nationalities apply, to calculate the proportion out of the total number of nationals ordered to leave.

**Table 3.2.3 :**  
Total number of voluntary returns (all types) by nationals of visa-free countries<sup>46</sup>


INDICATOR	PERIOD OF INTEREST (2007-2017)											
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of voluntary returns (all types) by nationals of visa-free countries												
<b>FYROM</b>	N/I	N/I	25	179	219	102	N/I	90	65	55	45	
<b>Montenegro</b>	N/I	N/I	N/I	0	4	63	16	90	65	55	0	
<b>Serbia</b>	N/I	N/I	37	72	143	207	184	175	50	65	110	
<b>Albania</b>	N/I	N/I	4	12	10	207	147	95	70	225	210	
<b>Bosnia and Herzegovina</b>	N/I	N/I	19	21	26	57	48	40	15	10	20	
<b>Moldova</b>	N/I	N/I	67	34	39	43	67	35	30	15	10	
<b>Georgia</b>	N/I	N/I	60	81	44	80	130	130	120	125	285	
<b>Ukraine</b>	N/I	N/I	279	289	262	403	472	430	540	780	980	
<b>TOTAL</b>	<b>N/I</b>	<b>N/I</b>	<b>491</b>	<b>688</b>	<b>747</b>	<b>1162</b>	<b>N/I</b>	<b>1085</b>	<b>955</b>	<b>1330</b>	<b>1561</b>	
Total number of voluntary returns (all types) – all third-country nationals	N/I	N/I	2659	2957	3358	4694	4388	2935	3310	4725	3700	
 <b>Additional Information</b>	Data source: Eurostat (2014 – 2017), IOM (REAB annual reports) for data preceding 2014). Note: these data refer to all nationalities (and not only third country nationals).											

46. Information to be provided by inserting national data as gathered by competent authorities. Also see Eurostat: Number of voluntary and forced returns [migr\_eirt\_vol];

Table 3.2.3.b) :  
Top 25 voluntary returns of the past 4 years (data source: Eurostat)

TOP 25	VOLUNTARY RETURN	2014	2015	2016	2017	TOTAL (4 YEARS)
1	<b>Ukraine</b>	430	540	780	980	<b>2.730</b>
2	Iraq	60	1.025	1.080	385	<b>2.550</b>
3	Russia	450	255	200	105	<b>1.010</b>
4	Brazil	210	185	240	295	<b>930</b>
5	<b>Georgia</b>	130	120	125	285	<b>660</b>
6	<b>Albania</b>	95	70	225	210	<b>600</b>
7	Mongolia	125	115	165	110	<b>515</b>
8	Kosovo ( Council Resolution 1244/99)	110	140	140	105	<b>495</b>
9	<b>Serbia</b>	175	50	65	110	<b>400</b>
10	Armenia	115	80	80	60	<b>335</b>
11	Morocco	70	50	110	95	<b>325</b>
12	Afghanistan	20	55	170	65	<b>310</b>
13	<b>FYROM</b>	90	65	55	45	<b>255</b>
14	China including Hong Kong	15	5	105	50	<b>175</b>
15	Turkey	40	15	65	50	<b>170</b>
16	India	30	25	70	40	<b>165</b>
17	Pakistan	45	40	50	25	<b>160</b>
18	Democratic Republic of the Congo	25	15	60	35	<b>135</b>
19	Lebanon	5	25	65	35	<b>130</b>
20	Iran	25	15	60	30	<b>130</b>
21	Cameroon	20	10	55	25	<b>110</b>
22	Algeria	0	25	45	35	<b>105</b>
23	Guinea	25	10	30	25	<b>90</b>
24	Senegal	20	20	30	20	<b>90</b>
25	<b>Moldova</b>	35	30	15	10	<b>90</b>
26	<b>Bosnia and Herzegovina</b>	40	15	10	20	<b>85</b>

Table 3.2.4 :  
Total number of forced returns by visa-free country

INDICATOR	PERIOD OF INTEREST (2007-2017)											
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of forced returns by visa-free country												
<b>FYROM</b>	N/I	N/I	22	29	79	61	83	70	43	62	50	
<b>Montenegro</b>	N/I	N/I	12	5	9	8	5	14	6	7	6	
<b>Serbia</b>	N/I	N/I	38	50	123	105	148	128	141	99	119	
<b>Albania</b>	N/I	N/I	131	95	285	420	480	456	556	499	564	
<b>Bosnia and Herzegovina</b>	N/I	N/I	12	14	13	28	37	19	33	26	26	
<b>Moldova</b>	N/I	N/I	17	15	13	13	28	23	36	27	31	
<b>Georgia</b>	N/I	N/I	22	54	32	39	73	82	61	64	83	
<b>Ukraine</b>	N/I	N/I	66	74	71	82	62	97	110	106	80	
<b>TOTAL</b>	<b>N/I</b>	<b>N/I</b>	<b>320</b>	<b>336</b>	<b>625</b>	<b>756</b>	<b>916</b>	<b>889</b>	<b>986</b>	<b>890</b>	<b>959</b>	
Total number of forced returns – all nationalities <sup>47</sup>	3771	3027	2656	2275	2420	2638	3167	2586	3107	3080	3001	
 <b>Additional Information</b>	<p><i>Data source: Immigration Office</i>  <i>These data exclude third country nationals returned in the framework of the Dublin Regulation and third country nationals returned to other EU Member States in the framework of bilateral agreements.</i>            Note: these data refer to all nationalities (and not only third country nationals).</p>											

47. All nationalities apply, to calculate the proportion out of the total number of forced returns.

**Table 3.2.4.b) :**

**Top 25 enforced returns of the past 4 years**


*Data source: Eurostat database (data exclude returns in the framework of the Dublin regulation)*

<b>TOP 25</b>	<b>VOLUNTARY RETURN</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>TOTAL</b>
<b>1</b>	<b>Albania</b>	455	555	500	565	<b>2.075</b>
2	Morocco	380	385	390	365	<b>1.520</b>
3	Brazil	155	105	125	120	<b>505</b>
<b>4</b>	<b>Serbia</b>	130	140	100	120	<b>490</b>
5	Kosovo (UN Resolution 1244/99)	140	130	100	75	<b>445</b>
6	Pakistan	95	110	115	110	<b>430</b>
<b>7</b>	<b>Ukraine</b>	95	110	105	80	<b>390</b>
8	Afghanistan	25	55	125	105	<b>310</b>
9	Algeria	70	70	60	105	<b>305</b>
10	Turkey	95	75	80	50	<b>300</b>
<b>11</b>	<b>Georgia</b>	80	60	65	85	<b>290</b>
12	Democratic Republic of the Congo	80	75	50	65	<b>270</b>
13	Armenia	90	50	55	35	<b>230</b>
<b>14</b>	<b>FYROM</b>	70	45	60	50	<b>225</b>
15	Russia	70	55	45	30	<b>200</b>
16	Tunisia	45	55	50	45	<b>195</b>
17	Nigeria	30	40	65	45	<b>180</b>
18	Guinea	55	0	55	55	<b>165</b>
19	India	35	40	30	50	<b>155</b>
<b>20</b>	<b>Moldova</b>	25	35	25	30	<b>115</b>
21	Cameroon	25	25	25	35	<b>110</b>
22	China including Hong Kong	35	20	20	35	<b>110</b>
<b>23</b>	<b>Bosnia and Herzegovina</b>	20	35	25	25	<b>105</b>
24	Ghana	25	15	25	25	<b>90</b>
25	Senegal	25	15	25	25	<b>90</b>



Table 3.2.5 :

Total number of nationals from the visa - free countries found in illegal employment<sup>48</sup>

INDICATOR	PERIOD OF INTEREST (2007-2017)											
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of nationals from the visa-free countries found in illegal employment												
<b>FYROM</b>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	13	14	23	
<b>Montenegro</b>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	0	0	1	
<b>Serbia</b>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	8	9	14	
<b>Albania</b>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	19	41	35	
<b>Bosnia and Herzegovina</b>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	11	5	4	
<b>Moldova</b>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	3	7	14	
<b>Georgia</b>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	1	1	1	
<b>Ukraine</b>	N/I	N/I	N/I	N/I	N/I	N/I	N/I	N/I	36	40	19	
<b>TOTAL</b>	<b>N/I</b>	<b>N/I</b>	<b>N/I</b>	<b>N/I</b>	<b>N/I</b>	<b>N/I</b>	<b>N/I</b>	<b>N/I</b>	<b>91</b>	<b>117</b>	<b>111</b>	
Total number third-country nationals found in illegal employment <sup>49</sup>												
Irregularly staying	N/I	N/I	N/I	N/I	N/I	N/I	N/I	769	679	605	N/I	
Regularly staying								161	231	231		
 <b>Additional Information</b>	<p><i>Data source: Immigration Office and collection of statistics of the SIOD/IRS (EMN, Illegal employment of third country nationals in Belgium, 2017, p. 85).</i></p> <p>Besides the data obtained from the Immigration Office there are also a number of persons intercepted by the National Employment Office RVA/ONEM reported a few cases per year for each nationality, however these data are fragmentary due to the fact that this organisation doesn't focus on detecting illegal employment.</p>											

48. Information to be provided by inserting national data as gathered by competent authorities. Also see Eurostat: Third-country nationals found to be illegally present - annual data (rounded) [migr\_eipre]

49. All nationalities apply, to calculate the proportion out of the total number third-country nationals found in illegal employment.

Table 3.2.6 :  
Total number of smuggled persons from the visa-free countries (final court rulings)



INDICATOR	PERIOD OF INTEREST (2007-2017)										
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*
Total number of return decisions issued to nationals from the visa-free countries	0	0	0	0	0	0	0	0	0	0	0
<b>FYROM</b>	0	0	0	0	0	0	0	0	0	0	0
<b>Montenegro</b>	0	0	0	0	0	0	0	0	0	0	0
<b>Serbia</b>	0	0	0	0	0	0	0	0	0	0	0
<b>Albania</b>	0	0	0	0	0	0	0	0	3	1	3
<b>Bosnia and Herzegovina</b>	0	0	0	0	0	0	0	0	0	0	0
<b>Moldova</b>	0	0	0	0	0	0	0	0	0	0	0
<b>Georgia</b>	0	0	0	0	0	0	0	0	0	0	0
<b>Ukraine</b>	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>3</b>
Total number of smuggled persons from third countries (final court rulings) <sup>50</sup>	9	21	17	14	20	30	13	18	14	13	19
 Additional Information	<i>Data source: Immigration Office</i>										

Table 3.2.7:  
Total number of trafficked persons from the visa-free countries (final court rulings)<sup>51</sup>


INDICATOR	PERIOD OF INTEREST (2007-2017)											
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of trafficked persons from the visa-free countries (final court rulings)												
<b>FYROM</b>	0	0	0	1	1	0	0	0	0	0	0	0
<b>Montenegro</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Serbia</b>	1	0	0	1	1	4	0	5	2	2	0	0
<b>Albania</b>	1	0	2	1	6	3	4	6	6	0	0	2
<b>Bosnia and Herzegovina</b>	0	0	0	0	1	0	0	0	0	0	0	1
<b>Moldova</b>	0	0	0	0	0	1	0	0	0	0	0	0
<b>Georgia</b>	0	1	0	0	0	0	0	0	0	0	0	0
<b>Ukraine</b>	3	1	1	6	0	3	0	4	0	0	0	0
<b>TOTAL</b>	<b>5</b>	<b>2</b>	<b>3</b>	<b>9</b>	<b>9</b>	<b>11</b>	<b>4</b>	<b>15</b>	<b>8</b>	<b>2</b>	<b>3</b>	
Total number of trafficked persons from third countries (final court rulings) <sup>52</sup>	169	153	128	124	129	127	118	139	117	119	121	
 Additional Information	Data source: Immigration Office											

51. Information to be provided by inserting national data as gathered by competent authorities.

52. All nationalities apply, to calculate the proportion out of the total number of trafficked persons from third countries.

Table 3.2.8 :

Total number of identified facilitators<sup>53</sup> of unauthorised entry, transit and residence<sup>54</sup> from the visa-free countries (final court rulings)<sup>55</sup>

INDICATOR	PERIOD OF INTEREST (2007-2017)											
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of identified facilitators of unauthorised entry, transit and residence from the visa-free countries (final court rulings)												
<b>FYROM</b>	N/I	N/I	N/I	0	0	0	0	0	0	1	N/I	
<b>Montenegro</b>	N/I	N/I	N/I	0	0	0	0	0	0	0	N/I	
<b>Serbia</b>	N/I	N/I	N/I	0	0	0	0	0	0	0	N/I	
<b>Albania</b>	N/I	N/I	N/I	0	3	8	5	7	13	18	N/I	
<b>Bosnia and Herzegovina</b>	N/I	N/I	N/I	0	0	0	0	0	0	0	N/I	
<b>Moldova</b>	N/I	N/I	N/I	0	0	0	1	0	0	0	N/I	
<b>Georgia</b>	N/I	N/I	N/I	0	0	0	0	0	0	0	N/I	
<b>Ukraine</b>	N/I	N/I	N/I	0	1	0	0	1	0	1	N/I	
<b>TOTAL</b>	<b>N/I</b>	<b>N/I</b>	<b>N/I</b>	<b>0</b>	<b>4</b>	<b>8</b>	<b>6</b>	<b>7</b>	<b>13</b>	<b>20</b>	<b>N/I</b>	
Total number of identified facilitators of unauthorised entry, transit and residence (final court rulings) <sup>56</sup>	N/I	N/I	N/I	83	88	79	99	103	124	163	N/I	
EU nationality 1 - Belgium	N/I	N/I	N/I	18	14	16	20	11	29	21	N/I	
EU nationality 2 - Bulgaria	N/I	N/I	N/I	2	3	0	3	3	8	8	N/I	
EU nationality 3 - UK	N/I	N/I	N/I	2	0	5	4	1	1	7	N/I	
EU nationality 4 - Netherlands	N/I	N/I	N/I	0	0	3	5	2	1	5	N/I	
EU nationality 25 - Romania	N/I	N/I	N/I	3	1	1	1	5	5	5	N/I	
 <b>Additional Information</b>	<i>Data source: FPS Justice, central criminal record, extraction at 30/04/2018</i>											


53. This refers to the nationality of the facilitators. EU nationalities can be provided in the second part of the table.

54. Facilitators of the unauthorised entry, transit and residence - intentionally assisting a person who is not a national of an EU Member State either to enter or transit across the territory of a Member State in breach of laws on the entry or transit of aliens, or, for financial gain, intentionally assisting them to reside within the territory of a Member State in breach of the laws of the State concerned on the residence of aliens (see Article 1(1)(a) and (b) of Council Directive 2002/90/EC).

55. Information to be provided by inserting national data as gathered by competent authorities.

56. All nationalities apply, to calculate the proportion out of the total number of identified facilitators of unauthorised entry, transit and residence.

**Table 3.2.9:**  
Total number of nationals found to be illegally present from the visa-free countries

INDICATOR	PERIOD OF INTEREST (2007-2017)											
	2007	2008	2009*	2010*	2011	2012	2013	2014*	2015	2016	2017*	
Total number of nationals found to be illegally present from the visa-free countries												
<b>FYROM</b>	N/I	55	70	80	125	130	145	140	160	105	105	
<b>Montenegro</b>	N/I	5	0	0	10	10	15	30	25	5	5	
<b>Serbia</b>	N/I	325	225	215	460	385	420	395	420	380	340	
<b>Albania</b>	N/I	205	190	145	380	600	705	740	965	585	670	
<b>Bosnia and Herzegovina</b>	N/I	20	65	70	85	125	125	80	90	65	60	
<b>Moldova</b>	N/I	50	45	45	30	30	35	55	85	40	60	
<b>Georgia</b>	N/I	140	110	125	90	125	115	180	160	85	155	
<b>Ukraine</b>	N/I	115	150	145	130	165	135	225	250	210	180	
<b>TOTAL</b>	<b>N/I</b>	<b>915</b>	<b>855</b>	<b>825</b>	<b>1310</b>	<b>1570</b>	<b>1695</b>	<b>1845</b>	<b>4170</b>	<b>1475</b>	<b>1575</b>	
Total number of third-country nationals found to be illegally present <sup>57</sup>	N/I	13800	13710	12115	13550	15085	15075	15540	16275	19320	18285	
 Additional Information	<i>Data source: Eurostat database</i>											

57. All nationalities apply, to calculate the proportion out of the total number of third-country national found to be illegally present.

# IV. MEASURES PUT IN PLACE TO DEAL WITH POSSIBLE MISUSE OF VISA FREE REGIMES

## 4.1 DESCRIPTION OF NATIONAL SITUATION

### OVERVIEW OF THE MAIN MEASURES

#### **WESTERN BALKANS - FYROM, MONTENEGRO, SERBIA, ALBANIA, BOSNIA AND HERZEGOVINA:**

The main measures that have been taken concern, on the one hand, a series of information and prevention campaigns in FYROM, Serbia, Bosnia and Herzegovina and Albania with a view to discourage asylum applications for economic reasons and pointing out the risks of irregular stay.

In addition, the efforts to return persons in irregular residence were intensified. This was the case for voluntary return, but certainly also for forced return, in particular for Serbia (from 38 returns in 2009 to 123 in 2011) and for Albania (from 95 in 2010 to 420 forced returns in 2012). The number of forced returns for both countries is still very high to this day, with Albania being the leading country over the past four years for which the most enforced returns were organized for all nationalities (visa-exempt countries and others). Serbia was also almost always in the top 5 for forced returns in the past 4 years (see Table 3.2.4 b).

Furthermore, measures were taken to speed up the handling of asylum applications from the Western Balkan countries. This, on the one hand through additional staffing, as well as through the introduction of the safe countries of origin concept in national legislation, making it possible to handle the cases in accelerated procedures.

#### **EASTERN PARTNERSHIP - MOLDOVA, GEORGIA, UKRAINE:**

For Ukraine and Moldova, no special measures had to be taken as there were no clear indications of misuse of visa liberalisation or increased number of unfounded applications for international protection. Although it should be noted that the number of people from Ukraine found in illegal residence is not negligible (a figure of 200 per year) and that the number of people who voluntarily return to Ukraine is remarkably high (almost 1000 persons in 2017). The rise in the number of applications for international protection seems to be most problematic for Georgia. As a result, information and prevention campaigns were organised in Georgia, the most recent one in June 2018. In addition, Georgia was added to the list of safe countries of origin in 2016, anticipating the upcoming visa liberalization.

## MEASURES TO INCREASE VOLUNTARY RETURN

People apprehended in irregular stay are encouraged to return voluntary. An interesting element here is the dual effect of the return and reintegration support. On the one hand, it serves as an incentive to return, but it can be a pull factor at the same time, in particular due to the relative proximity of the visa exempted countries in scope of this report. For all the countries in scope of this report, return and reintegration support was not ended immediately after the visa liberalisation, but several months or more than a year later.

For FYROM voluntary increased from 25 in 2009 to 179 in 2010 and 219 in 2011. For Serbia there was a remarkable increase in 2011 (143 persons) compared to 2010 (37) and 2009 (37). For Albania there was a particular strong increase in 2012 (207 persons returned voluntary) compared to 2011 (10 persons returns) and 2010 (12 persons returned). Voluntary returns for Albania decreased again in 2014 and 2015, but then increased again in 2016 (225 returns). For Bosnia and Herzegovina and Montenegro the number of voluntary returns was overall low, with an exception in 2014, when 90 voluntary returns to Montenegro were counted.

As regards the Eastern Partnership countries, the numbers for Moldova are low, considerable for Georgia and in particular high for Ukraine, especially in recent years (see table 3.2.3 b)). The high number of voluntary returns for Ukraine is somewhat surprising due to the relative low number of applications for international protection and the fact that the number of persons apprehended in irregular stay and return decisions are not particularly high. It remains to be seen whether numbers will drop in the course of 2018 due to the fact that return and reintegration support for Ukraine and Georgia came to an end in July 2018.

## MEASURES TO FIGHT ILLEGAL EMPLOYMENT

The Belgian authorities competent in the field of employment at the federal and regional level and various organisations and NGO's in Belgium provide information on their websites regarding the possibilities for legal employment and under which conditions. However, there were no structured and sustained information campaigns to prevent illegal employment specifically targeted at third country national nationals of the countries in scope of this report. However, the information and prevention campaigns organised to various visa exempted countries focus on the risks related to irregular migration, including labour exploitation.

To address specific issues of illegal employment in certain sectors, the State Secretary for combating social fraud organised several roundtables in 2015 and 2016 leading to the signing of protocols of cooperation between social partners, labour inspection services, the Social Information and Investigation, the Federal Public Service Social Security and other stakeholders. Furthermore, there were also some recent legislative changes such as the reorganisation of competences for legislative initiatives, sanctions and enforcement due to the sixth state reform. Another legal change is that since 1 May 2016 an illegally employed worker can be sanctioned with an administrative fine and that since 1 October 2016 payment of wages in cash are no longer allowed.<sup>58</sup> However, these legislative changes and protocols of cooperation are not specifically targeted to third country nationals from visa exempted countries, but are targeted to fight all illegal employment (involving nationals and third country nationals).

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58. EMN, *illegal employment of third country nationals in Belgium, July 2017*.

The Belgian social Criminal Code provides for four different levels of violations of employment and social security provisions. Employers found to be illegally employing third-country nationals can be prosecuted by the Labour Prosecutor and face a heavy sanction that should have a dissuasive effect. Yet again, the sanctions for employers are general provisions that could also involve employers are employees from visa exempted countries in scope of this report and are not specifically linked with the visa liberalisation of specific countries of origin.

## **MEASURES TO FIGHT SMUGGLING AND/OR TRAFFICKING**

The actions taken and legislative framework to address human smuggling and trafficking in human beings are not specifically targeted towards persons from the visa-free countries. The fact that people from visa exempted countries can more easily enter the Belgian territory compared to the period preceding the visa liberalisation probably takes away the incentive for many migrants from these countries to appeal to the services of human traffickers. This, with the exception of some categories, such as people from the visa exempted countries to whom an entry ban was issued. It is likely that these people apply to the services of human traffickers, in particular to obtain false identity documents.

There is no information available assessing the impact of specific actions targeted towards facilitators from the visa exempted countries.

## **MEASURES TO DEAL WITH ADMINISTRATIVE BURDENS**

Additional staff member were contracted to handle the increased number of applications for international protection and additional reception capacity was created. Besides, the services responsible for handling applications for international protection and involved in implementing return procedures and border controls can reallocate staff to handle cases from visa exempted countries instead of other nationalities.

## **MEASURES TO DEAL WITH THE POSSIBLE MISUSE OF VISA LIBERALISATION**

As already mentioned the most important measures to counter misuse of visa liberalisation concern preventive measures such as the organization of information and prevention campaigns in the countries of origin as well as measures focused on law enforcement. The law enforcement measures refer to intensified border controls resulting in a sharp increase in the number of refusals of entry (in particular for Albania), increased apprehensions of people in irregular residence and a substantial increase in the number of implemented return procedures. Furthermore also some legislative changes took place, such as introduction of the concept of safe countries of origin in national legislation and application of this concept for Western Balkan countries and for Georgia since 2016.

The whole of certain of the above measures have clearly led to certain results, in the sense that the number of asylum applications for most countries has decreased again significantly after a sharp increase in the first few months and years. Also the information and prevention campaigns can be considered as a success, both as regards the dissuasive effect as well to ensure good cooperation with the visa exempted countries regarding readmission. One of the conclusions is that coor-



dinated approach, both in terms of information campaigns and prevention on the one hand and law enforcement (such as increased efforts to implement returns) on the other hand, leads to results and can be considered as a best practice.

Nevertheless, the fact cannot be ignored, despite all the measures taken and prevention campaigns and despite good cooperation with the authorities of the country of origin, misuse of the visa liberalisation can sustain. This is for example the case for Albania. The number of applicants for international protection from Albania continues to be quite high, as well as the number of persons found in irregular residence. The number of people who do not meet the entry conditions and who were refused entry at the border also continues to be high and even increases in recent years. As far as the countries of the Eastern Partnership in scope of this report are concerned, Georgia seems to be the country where a sustained and coordinated approach in terms of prevention and law enforcement will be required to fight the misuse of visa liberalisation.

### **SPECIFIC FEATURES OF RETURN PROCEDURES**

As mentioned above, the return and reintegration support for the visa exempted countries was stopped shortly after the visa liberalisation of the different countries.

For what concerns forced return the identification procedures for irregularly persons coming from the Balkans are in principle less challenging due to wider availability of (identity) documents compared to many Asian and African nationalities and due to better cooperation with the countries of origin. The countries in scope of this report generally cooperate well to identify the person apprehended in irregular stay to be able to organise the return, also if travel documents or identity documents are lacking and it is clear it concerns a national of their country.

Cooperation on readmission is successful for all Western Balkan and Eastern Partnership visa-free countries with overall high return rates. All of these countries first signed an agreement on readmission to have at a later stadium the visa liberalisation. Cooperation on readmission was streamlined and structured with the signing of these readmission agreements and after visa liberalisation the countries involved scrupulously applied the readmission agreements.

It is also worth mentioning that return can be organised at low cost by bus, this in contradiction to expensive return flights to most other countries of origin.

### **COOPERATION WITH THE AUTHORITIES OF VISA-FREE COUNTRIES**

Belgium organised many information campaigns in the countries of origin to address the issue of misuse of the visa liberalisation and increased asylum applications. The authorities of the countries of origin have always shown full collaboration with the activities aimed at curbing the negative effects through information campaigns and messages through media. Besides, the authorities of the countries of origin have undertaken police actions and actions on judicial level to tackle the organised groups/agencies who help the migrants to organise their journey through transport, false documents, etc.

The following information campaigns were organised in the different countries in scope of this report:

#### **FYROM**

- In 2010 Belgium organized intensive information campaigns with the message that applying for international protection for economic reasons has no chance on success. These missions were carried out by the Prime Minister, the Secretary of State for Asylum and Migration and the Director-General of the Immigration Office.
- In May 2011, the Immigration Office organised a mission to Skopje to dissuade people to come to Belgium to apply for asylum. The message was delivered through press conferences and various meetings with national and local authorities.
- From December 2011 to August 2012, an information campaign financed by Belgium and Germany was organized in collaboration with IOM. The campaign 'Preventing Irregular Migration through Outreach and Education' took place Macedonia (and in Kosovo), targeting in particular Roma, Ashkali and Egyptian (RAE) minorities and young people.
- From 2012 onwards, the number of applications from FYROM nationals decreased significantly and there was no necessity to organize more information campaigns.

#### **SERBIA**

- As a reaction to the increased asylum influx following visa liberalization, Belgium organized information campaigns in 2010 (2), 2011 (2), 2012 and 2013, also with the message that applying for asylum in Belgium has no chance of success. These missions were high level and carried out by the Prime Minister, Minister of Foreign Affairs, the Secretary of State for Asylum and Migration and the Director-General of the Immigration Office. The focus was on Belgrade, Presjevo and Bujanovac (Southern Serbia).
- In 2011 and 2012, Belgium financed a 4 month enduring information campaign carried out by the local NGO Praxis, specializing in legal assistance to marginalized groups in Serbian society.
- In April 2015, the State Secretary for Asylum and Migration visited Serbia. The visit came at the invitation of the Serbian Minister of Home Affairs and was mainly aimed at perpetuating good relations with Serbia. At the same time, the mission was used to repeat the abuse of the asylum procedure again. In July 2015, a technical meeting took place in Belgrade between Belgian and Serbian governmental officials on readmission.
- Because asylum applications have continued to decrease in recent years, there has been no recent initiatives or information campaigns.

## ALBANIA

- Since 2011 no less than 9 information campaigns have been organized to Albania, in which press conferences were held in cooperation with the Albanian national and local authorities to provide information on the asylum procedure, rights and obligations related to visa liberalization, risks and consequences of irregular migration, forced return, etc.
- Four missions were carried out by an immigration officer from the Immigration Office (2011, 2012, 2014 and 2017) and 1 mission carried out by Director-General of the Immigration Department (2011). The competent Secretary of State for Asylum and Migration visited Albania in 2012, (January) 2015, (June) 2016 and recently in April 2018.
- In addition to these missions, Belgium financed a 6 month project in 2015 that was carried out by IOM including various activities such as information sessions in schools and factories, meetings with the community, information campaigns via internet and social media, etc.

## BOSNIA AND HERZEGOVINA

- After visa liberalization and, and in particular, from June 2011 onwards the number of applications for international protection increased significantly. The Immigration Office organised a prevention and information campaign to Sarajevo in September 2011. Information was provided through meetings with national and local authorities and a major national press conference was held in Sarajevo.
- The number of applications for international protection quickly fell back to the level preceding the visa liberalisation and there was no need for new initiatives or campaigns.

## GEORGIA

- A public prevention campaign on the risks of irregular migration was organized in the framework of the EU-funded Targeted Initiative project (2011-2013). Belgium was part of the consortium of countries that participated in the implementation. The project was launched as one of the key initiatives of the Mobility Partnership.
- In June 2015, the Secretary of State for Asylum and Migration paid a visit to Tbilisi to send a dissuasive message regarding the abuse of the procedure for international protection. Recently, in June 2018 the Secretary of State traveled again to Georgia with the same mission.
- Besides, in 2016 Belgium financed a prevention campaign to fight irregular migration. The campaign ran for 6 months and was carried out by IOM for an amount of € 30,000. Through face-to-face meetings with local communities, via TV and radio spots and information leaflets, the misconception about asylum procedures in Europe was tackled and the dangers of irregular migration were highlighted.

For **Montenegro** and **Moldova** there seemed to be no clear and important negative consequences of the visa liberalisation. This is also the case for **Ukraine** (as far as this can yet be assessed due the recent visa liberalisation for Ukraine).

As explained, for FYROM, Serbia, Albania, Bosnia and Herzegovina and Georgia there were clear indications of misuse of visa liberalisation, which was in particular reflected in the increased number of (unfounded) applications for international protection. The number of applications for international protection, after a sharp increase, quickly decreased again for FYROM, Serbia and Bosnia and Herzegovina. These visa exempted countries cooperated well in organising the prevention and media campaigns and the cooperation could be considered as effective and successful. For what concerns the number of persons found in irregular stay however, the drop was less spectacular for most of the visa exempted countries. Despite a good cooperation with Albanian and Georgian authorities, the prevention campaigns for these two countries seems to be less effective, although this is a bit more difficult to assess for Georgia due to recentness of the visa liberalisation.

### **MEASURES TO RESPOND TO THE INCREASED ASYLUM INFLUX**

Besides the organisation of prevention and information campaigns to convince the people that an application for international protection on economic grounds has no chance on success, Belgium also introduced the concept of safe countries of origin in national legislation on 24 November 2011. The first list of safe countries of origin adopted in 2011 included the following seven countries: Albania, Bosnia and Herzegovina, FYROM, Serbia, Montenegro and two countries who are not visa exempted: Kosovo and India. The Royal Decree of 3 August 2016 adds Georgia to the list of safe countries of origin and in the royal decree there is referred to the visa liberalisation process.

On an operational side, it can be mentioned that additional reception capacity was created and additional staff was contracted to deal with the increased asylum influx.

### **EU ASSISTANCE AND COOPERATION WITH OTHER MEMBER STATES**

In the course of 2010 and 2011 a significant increase in the number of applications for international protection took place, partly due to an increased number of applications from the visa exempted Western Balkan countries. Belgium applied for and received European Emergency Funding (ERF) to deal with the increased number of applications of international protection. In the course of 2011, 4.75 million Euro was allocated to Belgium of which 20% concerned national co-financing. These resources were allocated to create additional reception capacity (70% of the resources) and to reinforce the asylum instances: the Immigration Office, the CGRS and the Council for Alien Law Litigation (30% of the resources).

In 2016, the Netherlands decided to organise a prevention campaign in Albania, organised by IOM, taking the Belgian prevention campaign of 2015 as an example. Belgium assisted the Netherlands in developing a project fiche and provided financial contribution (10,000 EUR on a total budget of 72,000 EUR).

## V. CONCLUSIONS

This report attempts to assess the impact of visa liberalisation agreements with **Serbia, FYROM and Montenegro (visa waiver agreement in 2009), Albania, Bosnia and Herzegovina (2010), Moldova (2014), Georgia and Ukraine (2017)**. The analysis in this report is data-driven, analysing statistical data on many aspects related to migratory trends and to some extent also data referring to economic relations with these visa exempted countries.

It is no surprise that the number of **short-stay visa applications** for all third countries fell down after the visa waiver agreement (for example for Albania 2,691 short stay visa applications were lodged in 2010, while there were only 38 in 2011). It should be noted however that the number of short stay visa applications for all the countries in scope of this report were not reduced completely after the visa waiver agreement, because of the fact that the visa waiver was only applicable for holders of biometric passports.

### CHALLENGES RELATED TO THE VISA LIBERALISATION

Due to the fact that Belgium has no external land borders, it is not possible to have a view on the number of people from visa exempted countries who enter the Belgian territory over land by bus or car, nor on the number of irregular border crossings over land. Only for those who travel by airplane and fly on a Belgian airport there are numbers available on the number of persons who were refused entry because they do not fulfil the entry conditions and to assess the impact of the visa liberalisation in this respect. The conclusion is that there was a particular strong **increase in the number of refusals of entry** for Albania since 2011 (462 cases in 2011) compared to the years preceding 2011 (17 cases in 2010, 3 cases in 2009). According to the federal police most of these refusals of entry at the airport since 2011 concern refusals of entry due to an unclear travel purpose. A similar but more modest trend was noticed for FYROM (87 refusals of entry in 2010 compared to 5 in 2009) and for Serbia (99 refusals of entry in 2010 compared to 16 in 2009). The number of Moldavian nationals refused entry at a Belgian external borders gradually increased from 18 persons in 2014 up to 135 refusals of entry in 2017. For Georgia there was an increase from just one refusal of entry in 2016, to 32 in 2017 and for Ukraine 55 persons were refused entry at the airport in 2017 compared to 23 persons in 2016. These numbers are quite modest, but it is not unlikely that the trend observed at the Belgian airports succeeding the visa waiver agreement also manifested itself, or even more manifestly, for land arrivals. The increase in the number of refusals of entry can be explained by the fact that it probably concerns persons for whom the visa would have been refused in the period preceding the visa liberalisation.

However, it was in particular the **increased number of (mostly unfounded) applications for international protection** from the visa exempted countries that raised most concern and led to a number of measures to counter the misuse of visa liberalisation. For what concerns **applications for international protection** there was a sharp increase due to the visa waiver agreement of applicants coming for FYROM (from 305 in 2009 to 1,740 in 2010), Serbia (1,020 in 2009 to 2,220 in 2010), Albania (from 245 in 2010 to 1,290 in 2011) and Bosnia and Herzegovina (from 145 in 2010 to 540 in 2011). The number of applicants coming from FYROM decreased gradually since 2011 onwards and amounted around

250 applicants in 2017. A similar trend was noticed for Serbia (decrease from 2,220 applicants in 2010 to 230 in 2017) and Bosnia and Herzegovina (from 540 in 2011 to 45 in 2017). For Albania however the number of applicants for international protection did not take a similar decrease and continued to be high (880 applications in 2017). For Moldova and Ukraine, the number of applications for international protection continued to be low and there was no significant increase in the number of applications for international protection in the years following the visa waiver agreement. For Georgia on the other hand, there does seem to be an impact of the visa waiver agreement of April 2017 on the number of applications for international protection. In 2017, 470 applications were lodged, which is a significant increase compared to 240 applications in 2016. During the first 7 months of 2018, already about 540 applications for international protection were lodged in Belgium by Georgian nationals.

Another identified challenge is that for the Western Balkan countries there was a clear increase in the **number of persons found on the Belgian territory in irregular residence**. This increase is strongest two years after the visa waiver agreement date, which can be explained by the fact that it takes some time to assess the asylum application. For Serbia, this represents an increase from 225 persons found in irregular stay in 2009 up to 460 persons in 2011. For FYROM, it concerns an increase of 70 people found in illegal stay in 2009 to 125 persons in 2011. For Albania there was an increase from 145 persons apprehended in irregular stay in 2010 to 600 persons in 2012 and for Bosnia and Herzegovina an increase was noted from 70 cases in 2010 to 125 cases in 2012. For Moldova (visa waiver agreement 28/4/2014) there was increase from 55 cases in 2014 to 85 cases in 2015, but the number decreased again in 2016. For Georgia (28/3/2017) and Ukraine (11/6/2017) the visa waiver agreement date is too recent to analyse a possible impact of the visa liberalisation on the number of persons found in irregular stay.

The Federal Police provided an analysis of data since 2008 on **criminal offenses** in the national police database and came to the conclusion that there is an increase in offenses with suspects of Albanian nationality since 2011. For Serbia, FYROM, Bosnia and Herzegovina, Montenegro and Moldova there seems to be no striking evolution in the number of offenses detected that can be linked with the visa waiver agreement. For Georgia and Ukraine it is still early to identify possible trends linked with the visa waiver agreement. Yet, there seems to be a significant increase in the number of offenses involving Georgian nationals in 2017 compared to 2016, although this increase was already noted during the months preceding the visa liberalisation. The analysis of the federal police is supported by findings of the Immigration Office, who reports that in particular for Albania and Georgia the percentage of persons involved in public order issues on the total number of persons found in irregular stay is notably high.<sup>59</sup> As regards final convictions, data on final convictions for human traffickers were available and illustrate that in recent years Albanians represent about 10% of the total number of convicted facilitators for human trafficking.<sup>60</sup> Albania is also the country of the visa exempted countries among the main nationalities of the foreign prison population in Belgium. As regards persons found in **illegal employment** only partial data disaggregated by nationality could be obtained and only for recent years. These partial data illustrate that the number of persons found in illegal employment are only for Ukraine, Albania and FYROM noteworthy.

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59. About 36% of the Albanians apprehended in irregular residence in 2017 were involved in public order issues and no less than 66% for Georgians apprehended in irregular stay in 2017

60. It concerns 13 convicted Albanian facilitators in 2015 and 18 in 2016 on a total of 124 convictions in 2015 and a total of 163 convictions in 2016. The total refers to all nationalities (visa-exempted countries and other nationalities)

## POSITIVE CONSEQUENCES OF THE VISA LIBERALISATION

To analyse a possible positive **impact on tourism** to Belgium of the visa liberalisation, the number of visitors staying in hotels or other accommodation facilities of the past ten years were examined. The data illustrate that in particular Ukraine (19,246 visitors in 2017) and Albania (11,449 visitors in 2017) are important for Belgium in terms of tourism, in particular in recent years. The analysis allows to conclude that except for Ukraine<sup>61</sup>, for most countries of origin there was no very significant increase in the number of people staying in hotels and other accommodation facilities immediately after the visa waiver agreement date. However, for some countries such as for Albania, FYROM, Montenegro and Moldova the number of visitors is anno 2017 significantly higher compared to the years preceding the visa liberalisation date. It is not unlikely that the visa waiver agreement has had an impact, but the increase occurred gradually over years and it remains unclear to what extent this is merely a consequence of the visa liberalisation. For Serbia, Bosnia and Herzegovina and Georgia numbers of visitors have remained relatively stable and there seems to be no impact of the visa waiver agreement on visitors staying in hotels and other accommodation establishments for these countries.

For some countries such as FYROM, Bosnia and Herzegovina, one can notice a substantial increase in the total value of incoming and/or outgoing trade over the past ten years, with a growth particularly in recent years making it difficult to link it directly to the visa waiver agreements. Also for Serbia there was a substantial increase and what is more is that for Serbia the strongest increase took place in the years right after the visa liberalisation. The trend seems to be less outspoken for Albania and Montenegro, who are not very important trading partners for Belgium.<sup>62</sup> As regards Eastern Partnership countries, Ukraine is obviously the most important trading partner for Belgium of all the countries in scope of this report. There may be a lot of potential in further improving trading relations with Ukraine and the stimulating role the visa liberalisation may have in this respect. Nonetheless, it seems to be extremely difficult to establish causal links between visa liberalisation and growing import or export due to the fact that several other factors can be of a much greater impact on the trade between two nations than the visa liberalisation. It is not unlikely that other factors such as the signing of major contracts between private companies, trade agreements or trade missions, general macro-economic trends, general economic developments in the partner country or even indexation have had a bigger impact on the total value of incoming or outgoing trade with the countries in scope of this report.

During the past ten years, the number of first **residence permits issued for employment related reasons** to nationals from the eight visa exempted countries in scope of this report was rather limited. Only for Ukraine, and only in 2015 and 2017, more than 100 first residence permits were issued for employment related reasons. During the past two years there was also an increase for Albania<sup>63</sup>. But overall the number of employment related permits for the visa exempted countries remains limited, in particular compared to the total number of permits issued to nationals from these countries on other grounds. Similarly, the number of first **residence permits issued for educational reasons** to persons from the eight visa exempted countries in scope of this report is very limited and there seems to be no actual impact of the visa liberalisation. It concerns each year about 80 persons from Ukraine, about 50 from Albania and Serbia, about 20 from Georgia and a handful from FYROM, Montenegro and Moldova to whom a first residence permit for educational reasons is granted.

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61. The data on the numbers of visitors staying in hotels illustrate that almost 50% of these 19,246 visitors from Ukraine in 2017 concern overnight stays for business purposes, conferences or meetings.

62. for a more detailed analysis per country see reply to Q.2.2.7

63. 85 first residence permits for employment related reasons in 2016 and 86 permits in 2017, compared to only 15 employment related permits in 2010.



Furthermore, one should not forget that visa liberalisation is more a political process than an economic instrument with huge importance for **improved diplomatic relations** and bilateral cooperation in general. These elements are hard to quantify, but the **fruitful cooperation on readmission** leading to high return rates for most Western Balkan and Eastern Partnership visa-free countries is clearly an illustration.

## MEASURES TAKEN TO ADDRESS MISUSE OF VISA LIBERALISATION

The most important measures to counter misuse of visa liberalisation concern preventive measures such as the organization of information and prevention campaigns in the countries of origin as well as measures focused on law enforcement.

A series of **information and prevention campaigns** were organised in FYROM, Serbia, Bosnia and Herzegovina, Albania and Georgia with a view to discourage asylum applications for economic reasons and pointing out the risks of irregular stay.<sup>64</sup> The law enforcement measures refer to **intensified border controls** resulting in a sharp increase in the number of refusals of entry (in particular for Albania), **increased apprehensions of people in irregular residence** and a **substantial increase in the number of voluntary and implemented forced returns**. In particular for Serbia (from 38 returns in 2009 to 123 in 2011) and for Albania (from 95 in 2010 to 420 forced returns in 2012) the increase was remarkable. The number of forced returns for both countries is still very high to this day, with Albania being the leading country over the past four years for which the most enforced returns were organized for all nationalities (visa-exempt countries and others). Serbia was also almost always in the top 5 for forced returns in the past 4 years, while Ukraine being on top of the list for voluntary return for the past four years when taking into account all nationalities (visa-exempted countries and other third countries).

Furthermore also some legislative changes took place, such as **introduction of the concept of safe countries of origin** in national legislation and application of this concept for Western Balkan countries since 2011 and for Georgia since 2016. This accelerated procedure, along with the deployment of additional staff for asylum instances to handle these applications, made it possible to deal with these applications for international protection from visa exempted countries in a shorter timeframe.

The whole of the above measures have clearly led to certain results, in the sense that the number of asylum applications for most countries has decreased again significantly after a sharp increase in the first few months and years after the visa waiver agreement. Also the information and prevention campaigns can be considered as a success, both as regards the dissuasive effect as well to ensure good cooperation with the visa exempted countries regarding readmission. One of the conclusions is that coordinated approach, both in terms of information campaigns and prevention on the one hand and law enforcement (such as increased efforts to implement returns) on the other hand, leads to results and can be considered as a best practice.



Nevertheless, the fact cannot be ignored, despite all the measures taken and prevention campaigns, and despite excellent cooperation with the authorities of the country of origin, misuse of the visa liberalisation can sustain. This is for example the case for Albania. The number of applicants for international protection from Albania continues to be quite high, as well as the number of persons found in irregular residence. The number of people who do not meet the entry conditions and who were refused entry at the border also continues to be high and even increases in recent years. As far as the countries of the Eastern Partnership in scope of this report are concerned, Georgia seems to be the country where a sustained and coordinated approach in terms of prevention and law enforcement will be required to fight the misuse of visa liberalisation.

## **GENERAL CONCLUSION**

Overall, we can conclude that certain negative consequences of the visa liberalisation for Belgium are more obvious than the assumed positive effects. For most countries in scope of this report there is a clear and direct link between the increase in the number of mostly unfounded applications for international protection in the years following the visa waiver agreement. Also the increase of the number of interceptions in irregular stay, refusals of entry and public order issues for some nationalities is likely to be linked to visa liberalisation. As regards the positive effects for Belgium of the visa waiver agreements of the countries in scope of this report, the assessment is much more complex. For a number of aspects, there seems to be no or hardly any impact, such as for example the impact of the visa waiver agreement on first residence permits issued for educational reasons or employment related reasons. For other aspects such as the increase in foreign trade or the increase in tourism over years, there may have been a positive effect of the visa waiver agreements, but the causal link is less clear or only manifests itself in the longer term. Moreover, many factors play a role in evolutions regarding trade figures, tourism and foreign investments, making the impact of the visa exemption in this regard particularly difficult to assess. In addition, certain assumed positive effects cannot be quantified or measured, such as the positive impact of people to people contacts, as well as for improved bilateral political and diplomatic relations. Although the aim of this study is to assess the impact of the visa waiver liberalisation on EU Member States it is utterly important not to disregard the huge political importance and benefits for the population of the visa exempted countries. Also the potential effect of people to people contacts stimulating democratisation, development and mutual understanding, and the positive impact this may have for EU Member States on the longer term should not be overlooked.

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73. Available at: [https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy\\_en#stats](https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en#stats)

74. Available at: <http://frontex.europa.eu/trends-and-routes/migratory-routes-map/>

75. Available at: <https://www.europol.europa.eu/activities-services/main-reports>

# ANNEXES

## ANNEX 1: DEFINITIONS

The following key terms are used in the Common Template. The definitions are taken from the EMN Glossary 5.0 (2017) and should be considered as indicative to inform this study.

When discussing about illegal or irregular migration there is no unified terminology concerning foreigners. The UN and EU recommend using the term irregular rather than illegal because the latter carries a criminal connotation and is seen as denying humanity to migrants. Entering a country in an irregular manner, or staying with an irregular status, is not a criminal offence but an infraction of minor offences or administrative regulations. As a result, referring to Resolution 1509 (2006) of the Council of Europe Parliamentary Assembly, 'illegal' is preferred when referring to a status or process, whereas 'irregular' is preferred when referring to a person.

- **Asylum seeker** – In the global context, a person who seeks protection from persecution or serious harm in a country other than their own and awaits a decision on the application for protection under the Geneva Convention of 1951 and Protocol of 1967 in respect of which a final decision has not yet been taken.
- **Country of destination** – The country that is a destination for migration flows (regular or irregular).
- **European Border Surveillance System** – A common framework for the exchange of information and for the cooperation between EU Member States and the European Border and Coast Guard Agency (Frontex) to improve situational awareness and to increase reaction capability at the external borders for the purpose of detecting, preventing and combating irregular immigration and cross-border crime, and contributing to ensuring the protection and saving the lives of migrants.
- **Facilitators of the unauthorised entry, transit and residence** – Intentionally assisting a person who is not a national of an EU Member State either to enter or transit across the territory of a Member State in breach of laws on the entry or transit of aliens, or, for financial gain, intentionally assisting them to reside within the territory of a Member State in breach of the laws of the State concerned on the residence of aliens. Definition is based on Article 1(1)(a) and (b) of Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence.<sup>76</sup>
- **Fraudulent travel or identity document** – Any travel or identity document: (i) that has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorised to make or issue the travel or identity document on behalf of a State; or (ii) that has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or (iii) that is being used by a person other than the rightful holder.
- **Illegal employment of third-country nationals** – Economic activity carried out in violation of provisions set by legislation.

- **Illegal employment of a legally staying third-country national** – Employment of a legally staying third-country national working outside the conditions of their residence permit and / or without a work permit which is subject to each EU Member State’s national law.
- **Illegal employment of an illegally staying third-country national** – Employment of an illegally staying third-country national.
- **Irregular entry** – In the global context, crossing borders without complying with the necessary requirements for legal entry into the receiving State. In the Schengen context, the entry of a third-country national into a Schengen Member State who does not satisfy Art. 6 of Regulation (EU) 2016/399 (Schengen Borders Code).
- **Irregular migration** – Movement of persons to a new place of residence or transit that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country.
- **Irregular stay** – The presence on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Art. 5 of Regulation (EU) 2016/399 (Schengen Borders Code) or other conditions for entry, stay or residence in force in that Member State.
- **Overstay(er)** – In the global context, a person who remains in a country beyond the period for which entry was granted. In the EU context, a person who has legally entered but then stayed in an EU Member State beyond the allowed duration of their permitted stay without the appropriate visa (typically 90 days), or of their visa and / or residence permit.
- **Passport** – One of the types of travel documents (other than diplomatic, service/official and special) issued by the authorities of a State in order to allow its nationals to cross borders<sup>77</sup>. All third-country nationals subject to the visa-free regime have to carry a biometric passport to qualify for visa-free travel in the EU (except for UK and Ireland). Non-biometric passport holders from the visa-free third countries require a Schengen visa to enter the EU.
- **Pull factor** – The condition(s) or circumstance(s) that attract a migrant to another country.
- **Push factor** – The condition(s) or circumstance(s) in a country of origin that impel or stimulate emigration.
- **Refusal of entry** – In the global context, refusal of entry of a person who does not fulfil all the entry conditions laid down in the national legislation of the country for which entry is requested. In the EU context, refusal of entry of a third-country national at the external EU border because they do not fulfil all the entry conditions laid down in Art. 6(1) of Regulation (EC) No 399/2016 (Schengen Border Code) and do not belong to the categories of persons referred to in

77. Available at: [http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52011XC0722\(02\)](http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52011XC0722(02))

Art. 6(5) of that Regulation. Regulation (EU) 2017/458 subsequently amended the Schengen Borders Code to reinforce the rules governing the movement of persons across borders and the checks against relevant databases at external borders.

- **Regularisation** – In the EU context, state procedure by which irregularly staying third-country nationals are awarded a legal status.
- **Return decision** – An administrative or judicial decision or act, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return.
- **Schengen Borders Code** – The rules governing border control of persons crossing the external EU borders of the EU Member States.
- **Short - stay visa** – The authorisation or decision of a Member State with a view to transit through or an intended stay on the territory of one or more or all the Member States of a duration of no more than 90 days in any 180-day period.
- **Third-country national** – Any person who is not a citizen of the European Union within the meaning of Art. 20(1) of TFEU and who is not a person enjoying the European Union right to free movement, as defined in Art. 2 (6) of Regulation (EU) 2016/399 (Schengen Borders Code).
- **Third-country national found to be illegally present** – A third-country national who is officially found to be on the territory of a Member State and who does not fulfil, or no longer fulfils, the conditions for stay or residence in that EU Member State.
- **Travel document** – A document issued by a government or international treaty organisation which is acceptable proof of identity for the purpose of entering another country.
- **Visa** – The authorisation or decision of a Member State required for transit or entry for an intended stay in that EU Member State or in several EU Member States.
- **Visa Code** – Regulation outlining the procedures and conditions for issuing visas for transit through or intended stays in the territory of the Schengen Member States not exceeding 90 days in any 180-day period.

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28. Belgian House of Representatives, *General Policy Note on Asylum and Migration*, 3 November 2015, DOC 54 1428/019, p. 19.

29. <https://www.dekamer.be/doc/CCRI/pdf/54/ic362.pdf>

30. [http://www.myria.be/files/Migratie2016-7-Terugkeer\\_detentie\\_en\\_verwijdering.pdf](http://www.myria.be/files/Migratie2016-7-Terugkeer_detentie_en_verwijdering.pdf)

31. *Integral report of the Commission for Internal Affairs of the Belgian Parliament*, CRIV 54 COM 362, 15 March 2016, p. 20.

32. Source: Federal police, Migration Unit.

33. Federal Police, *Debriefing Medusa*, undated.

The following abbreviations and national terms are used in this study:

<b>Immigration Office (IO)</b>	<ul style="list-style-type: none"> <li>• French: Office des étrangers</li> <li>• Dutch: Dienst vreemdelingenzaken</li> </ul>
<b>Office of the Commissioner General for Refugees and Stateless Persons (CGRS)</b>	<ul style="list-style-type: none"> <li>• French: Commissariat général aux réfugiés et aux apatrides</li> <li>• Dutch: Commissariaat-generaal voor de Vluchtelingen en de Staatlozen</li> </ul>
<b>Council for Alien Law Litigation (CALL)</b>	<ul style="list-style-type: none"> <li>• French: Conseil du contentieux des étrangers (CCE)</li> <li>• Dutch: Raad voor Vreemdelingenbetwistingen (RVV)</li> </ul>
<b>Immigration Act</b>	<ul style="list-style-type: none"> <li>• French: Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers /</li> <li>• Dutch: Wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen</li> </ul>
<b>Royal Decree implementing the Immigration Act</b>	<ul style="list-style-type: none"> <li>• French: Arrêté royal du 8 octobre 1981 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers</li> <li>• Dutch: Koninklijk besluit van 8 oktober 1981 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen</li> </ul>

34. Belgian National Contact Point of the EMN, 2015 Annual Report on Asylum and Migration Policy in Belgium, p.28 and pp. 74-75.

35. Source: Immigration Office (Ilobel Unit)

36. <http://febetra.be/fr/publier/give-smuggling-of-people-no-chance/>

## ANNEX 2: STUDIES AND REPORTS OF THE BELGIAN CONTACT POINT OF THE EMN (2009-2018)

The present annex lists the national studies and reports published by the Belgian Contact Point of the EMN between 2009 and 2017. The other EMN National Contact Points (NCPs) produced similar reports on these topics for their (Member) State. For each study, the EMN Service Provider, in cooperation 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.

The Belgian reports mentioned below are available for download on [www.emnbelgium.be](http://www.emnbelgium.be)

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](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 <i>- Also available in French and Dutch</i>
October 2009	Programmes and Strategies in Belgium Fostering Assisted Voluntary Return and Reintegration in Third Countries <i>- Also available in French and Dutch</i>
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

37. Belgian National Contact Point of the EMN, 2016 Annual Report on Asylum and Migration Policy in Belgium, p.93.

38. Source: Immigration Office (Ilobel unit).



## 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 <i>- Also available in French and Dutch</i>
September 2012	Establishing Identity for International Protection: Challenges and Practices in Belgium <i>- Also available in French and Dutch</i>
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 <i>- Also available in French</i>

## 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 <i>- Also available in French and Dutch</i>
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 <i>- Also available in French</i>
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
June 2015	Determining Labour Shortages and the Need for Labour Migration from Third Countries in Belgium <i>- Also available in French</i>
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

## 2016

May 2016	Changes in Immigration Status and Purposes of Stay in Belgium
May 2016	Integration of Beneficiaries of International Protection into the Labour Market in Belgium
June 2016	Annual Report on Asylum and Migration Policy in Belgium - 2015
December 2016	Returning Rejected Asylum Seekers: Challenges and Good Practices in Belgium
December 2016	Resettlement and Humanitarian Admission in Belgium

## 2017

June 2017	Annual Report on Asylum and Migration Policy in Belgium - 2016
July 2017	Family Reunification of Third Country Nationals in Belgium
August 2017	Illegal Employment of Third Country Nationals in Belgium
November 2017	Challenges and good practices for establishing applicants' identity in the migration process in Belgium
December 2009	EU and Non-EU Harmonised Protection Statuses in Belgium

## 2018

May 2018	The changing influx of asylum seekers in 2014-2016
July 2018	The effectiveness of return in Belgium: challenges and good practices linked to EU rules and standards
August 2018	Approaches to Unaccompanied minors following status determination
August 2018	Annual report on migration and asylum in Belgium and the EU - 2017
September 2018	Labour market integration of third-country nationals in Belgium
September 2018	Impact of visa liberalisation on countries of destination



European Migration Network

**Belgian Contact Point of the European Migration Network**

1 rue de Louvain | 1000 Brussels

[emn@ibz.fgov.be](mailto:emn@ibz.fgov.be)

+32 (0)2 500 23 94

[www.emnbelgium.be](http://www.emnbelgium.be)



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