



ANNUAL REPORT ON MIGRATION AND ASYLUM IN BELGIUM 2021

May 2022



The European Migration Network Belgium is a multi-institutional entity composed of experts from the Immigration Office, the Office of the Commissioner General for Refugees and Stateless Persons (CGRS), Myria - the Federal Migration Centre and Fedasil - the Federal Agency for the Reception of Asylum Seekers. It is coordinated by the Federal Public Service Home Affairs.

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EXECUTIVE SUMMARY



OVERARCHING CHANGES

The year was marked by several unpredictable events, including the floods in Wallonia, the evacuation from Afghanistan, a sharp rise in the number of asylum applications and the hunger strike among people in irregular stay. The ongoing COVID-19 pandemic also had a significant impact on asylum and migration services and return policy.

In 2021, a number of overarching changes began: an external audit of the Asylum and Migration Services, a Commission to establish a Belgian Migration Code, and a website providing information on asylum and migration to enhance 'evidence-based' policy. Extra funding was granted to the State Secretary to deal with the shortage of reception places and to recruit staff for the Asylum and Migration Services. An Inter-Ministerial Conference on Migration and Integration was set up to establish greater coherence across policy levels.

LEGAL MIGRATION

Work-related migration

After the COVID-19 pandemic, the economy is recovering, thus leading to an increase in demand for labour. Measures to facilitate legal migration are being taken to attract more talent, both on the federal and regional level.

- In Flanders, changes to labour migration policy included administrative simplification and policy changes. Furthermore, the policy

on foreign self-employed persons was modified (to take effect in 2022).

- In the Flemish and Walloon Region, the lists of shortage occupations was modified.
- A new platform 'Working in Belgium' was launched, implementing a single platform to launch an application for a single permit.

Students and researchers

Belgium partially (at the time of writing) transposed the EU Directive on Students and Researchers. The most notable change is the introduction of a search year permit, giving international students one year to find (self-)employment in Belgium upon completion of their studies.

INTERNATIONAL PROTECTION

Belgium faced an unprecedented shortage of reception places for applicants for international protection due to the increase in applicants, an increase in the length of stay in reception caused by the longer duration of the asylum procedures, loss of reception capacity due to flooding in Wallonia, the evacuation from Afghan nationals (Operation Red Kite) and the inoperability of reception places that had to be kept as a reserve for COVID-19 isolation capacity. New reception places have been created, but the shortage remained throughout the end of the year.

In order to find a sustainable solution to the saturation of the reception network, Fedasil has advocated



a global approach. Simply creating additional reception places will not suffice. Fundamental actions in various fields are necessary, in particular regarding the processing time for applications for international protection, the outflow from reception facilities, age tests for minors, reception by the Communities (Youth Care Services), emergency reception or cooperation with local authorities.

To relieve the pressure on the reception network of Fedasil, the CGRS implemented targeted actions to reduce processing times of applications for international protection and to maximise its output.

In view of the situation in Afghanistan, from 16 August 2021 till end February 2022, the CGRS decided to temporarily and partially suspend the notification of decisions to Afghan applicants.

Several projects in the field of digitisation were initiated or further developed: the CGRS launched a new website www.asyluminbelgium.be providing specific information on the asylum procedure in Belgium. The Immigration Office launched their new website and delivered their new registration system 'InqAs'.

RELOCATION AND RESETTLEMENT - INCLUDING HUMANITARIAN ADMISSION PROGRAMMES

Belgium considers relocation to be an important tool, but believes it should be imbedded in a more structural solution, for this reason, Belgium did not make any new pledges for 2022.

Due to the saturation of the reception network, it proved impossible to carry out all planned resettlement transfers in 2021. In order to achieve the resettlement objective and provide extra places for resettled refugees within the network of Local Reception Initiatives, Fedasil organised online information sessions for local authorities. In April 2021, a new reception centre, with 50 places allocated to resettled refugees, opened.

The Belgian State Secretary for Asylum and Migration and the Christian association Sant'Egidio signed a letter of intent to begin a humanitarian corridor for 250 refugees in the period 2022-2024.

For 2022, Belgium included a quota for Emergency Cases within its annual resettlement programme.

Belgium pledged 500 places for Humanitarian Admission under the AMIF pledging exercise for 2022 of which 425 are allocated to Afghan nationals.



UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

In 2021, the number of unaccompanied minors applying for asylum in Belgium rose sharply, impacting identification and age assessment, appointment of guardians and availability of reception places for unaccompanied minors.

INTEGRATION AND INCLUSION

Coordination of integration policies

An Inter-Ministerial Conference on Integration and Migration was established as a consultation platform where migration and integration issues that fall under different competences and policy levels can be discussed and thus to contribute to an efficient, global and coherent policy.

Furthermore, a new (third) federal plan on gender mainstreaming for the period 2020-2024 was approved, integrating the gender dimension in the domain of equal opportunities and diversity as well as in migration policy and administration.

A new (sixth) national action plan to combat gender-based violence for the period 2021 – 2025 was approved.

Education and training of adults, labour market and skills

A new action plan (2021-2024) to combat illiteracy was adopted by the Inter-Ministerial Conference on literacy, including literacy courses, awareness-raising campaigns, studies to gain an understanding of illiteracy and support for socio-cultural activities carried out by illiterate people. Several organisations involved in the reception and social cohesion of migrants are involved specifically targeting third-country nationals.

The French-speaking Brussels Community Commission pledged in its policy declaration to increase the availability of French language courses in Brussels for newcomers.

Basic services

Covid-19 vaccinations were available but not mandatory for third-country nationals staying legally and irregularly in the territory.

Active participation of migrants and receiving societies in integration

A new civic integration programme has been established in Flanders. With these changes, the Flemish government wants to make the integration policy more effective, with a view to increased economic self-reliance, rapid active social participation, thorough language acquisition and knowledge of Flemish values and society. The legislation will come into effect in March 2022.



Furthermore, the French speaking Brussels Community Commission pledged in their policy declaration to reinforce the reception and guidance conditions for newcomer migrants, including expanding welcoming offices, increasing availability of French language courses and introduction of a compulsory integration programme starting January 2022.

Fighting racism and discrimination

Wallonie-Bruxelles Enseignement, the most important educational organising authority in the French Community, approved greater tolerance for religious symbols in graduate schools. From September 2021, religious symbols were authorised provided they did not interfere with safety or hygiene rules. This decision opened a greater range of schools to Muslim women.

The Flemish Government approved the preliminary draft of the decree establishing a Flemish Human Rights Institute. This institution will end the cooperation agreement between the Flemish government and Unia, the independent public institution fighting discrimination and promoting equal opportunities. Considerable criticism, as well as many substantive and practical matters meant the decree will not enter into effect until 2023.

CITIZENSHIP AND STATELESSNESS

Acquisition of citizenship

The acquisition of Belgian citizenship underwent several changes. On the procedural level, the reimbursement of procedural costs in case of successful opposition to the public prosecutor's negative advice was the biggest development. On the regulatory level, a new article in the Belgian nationality code entered into force. As a consequence, and given the fragmented competence on integration, French-speaking foreigners in Brussels could prove their social integration by taking a 'welcome programme', organised by one of the non-profit organisations recognised by the COCOF, after the amendment, this is no longer the case. Finally, on the administrative level, a new card was introduced to recognise legal residence for British citizens and to facilitate their declaration of nationality.

Statelessness determination, status and rights granted

Following an appeal court decision, the Belgian Cassation Court clarified that the oPt must be considered a state on the basis of international customary law. The exact consequences of the ruling are unknown, as the Cassation Court fell short of recognising that Palestinian nationality legislation exists and, therefore, leaves the question on the statelessness of Palestinian nationals open.



BORDERS, VISA AND SCHENGEN

External borders

In December 2021, the European Border and Coast Guard Agency (Frontex) started a Joint Operation with France and Belgium to prevent the rising number of illegal sea crossings to the UK. According to the Agency, the operation helps authorities in both countries to detect people who plan to cross the border towards the UK in an unlawful way, dismantle criminal activities such as smuggling, as well as prevent people from risking their lives.

Schengen governance

Several Ministerial Decrees were adopted in 2020 and 2021 in response to the COVID-19 pandemic. One measure was the temporary reintroduction of internal border control, including from 27 January to 18 April 2021, to ensure compliance with non-essential movement and social distancing measures.

IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

Preventing and tackling irregular migration in legal migration channels

The number of students visa applications from Cameroonians was high for many years, with some 10 to 15% of applications including false documents. In order to reduce the number of fraudulent student visa applications from Cameroonians, the Immigration Office's Director General engaged in an online debate with

Cameroonian students to highlight the dangers of unlawful stay and the possibilities for legal stay.

Preventing facilitation of irregular migration and irregular stay

The Brussels Court of Appeal clarified the crime of smuggling of human beings, as described in Article 77bis of the Immigration Act. The Court of Appeal ruled that providing accommodation, lending a mobile phone or giving access to a laptop to a person without legal residence or in a precarious situation does not mean that the person concerned is guilty of smuggling as a perpetrator or accomplice.

TRAFFICKING IN HUMAN BEINGS

National strategic policy developments

In June 2021, Belgium adopted its 4th action plan on trafficking in human beings for the period 2021-2025. The plan addresses legislation and regulations, training, victim protection, awareness raising and coordination, including actions to be taken by the regional authorities.

In March 2022 the Federal Parliament adopted a bill on the decriminalisation of sex work. According to experts, the law may have a positive impact on the detection of victims of human trafficking for the purpose of sexual exploitation. However, it may limit their access to the protection status, as criminal investigations and prosecutions may be based on the new crime of "abuse of prostitution" instead of trafficking.

Identification and information provision to victims

Belgium has been an active member of the Eurojust Focus Group on Migrant Smuggling since 2019. In November 2021, the scope of the group was extended to trafficking in human beings.

RETURN AND READMISSION

Main national developments in the field of return

On 28 October 2021, the Immigration Office opened its first regional return desk (ICAM desk) in Brussels. ICAM stands for Individual Case Management Support. ICAM coaches will inform irregularly staying migrants about their situation, look into possible new residence procedures, and help and encourage to return voluntarily. This fits into the implementation of the 'adherent policy' in order to increase the return rate. The 'adherent policy' is a Belgian policy using a wide range of possible measures to strengthen an effective return policy. In the near future ICAM return desks will open in other Belgian cities.

Forced return

Within the Immigration Office, a new department was established on 1 June 2021 in order to meet the objectives formulated in the Federal Government's Coalition Agreement and the Policy Statement. The new 'Alternatives to Detention' Department is responsible for the development and application of alternative measures to avoid the detention of persons residing unlawfully on the Belgian territory.

MIGRATION AND DEVELOPMENT COOPERATION

In 2021, Belgian actors were involved in several Skills Mobility Projects that aim to test different components of international labour mobility and improve synergies between migration and development in third countries. Most notably, the PALIM-project was concluded, while the THAMM and MATCH-projects are still ongoing and the new PEM-project was launched. Additionally, Belgium endorsed two regional Team Europe Initiatives on migration (one for the Atlantic and Western Mediterranean routes and one for the Central Mediterranean route).





01

OVERVIEW OF ASYLUM AND MIGRATION POLICY DEVELOPMENTS



1.1. MIGRATION CODE

In Belgium, the main legal provisions on migration and asylum are set out in the Law of 15 December 1980 regarding the entry, residence, settlement and removal of foreign nationals.⁽¹⁾ The Immigration Act has been revised dozens of times ever since its adoption. The multiple amendments and changes have rendered the law overly complicated and unreadable.

The current federal government announced that it would replace the Immigration Act by a new Migration Code. By means of this Code, the government intends to ensure greater clarity in Belgian asylum and migration law, to safeguard legal certainty and to avoid inconsistencies. In March 2021, an expert commission, including academics, government officials, lawyers and practitioners, started working on the reform of the Belgian migration legislation.⁽²⁾

1.2. OVERHAUL OF THE MIGRATION & ASYLUM POLICY

The State Secretary, together with the Asylum and Migration Authorities, has adopted various structural measures that aim at laying the foundations for a more sustainable asylum and migration policy. Over the years, the system has been criticized for being inefficient. Extra funding and an audit must improve the functioning of the system, with a

focus on efficient Asylum and Migration Services, the implementation of quicker procedures and an 'adherent' return policy.

- The first regional individual case management return desk (ICAM desk) of the Immigration Office – where ICAM coaches will inform migrants in irregular stay about their situation, look into possible new residence procedures and help and encourage to return voluntarily – opened its doors in Brussels on 28 October 2021.
- A new recruitment campaign for some 700 new employees at the Asylum and Migration Services was launched.
- The decision was taken to provide 5 400 buffer reception places in the reception facilities. In 2021, the State Secretary was awarded an additional budget to realise these plans.
- On 7 May 2021, an external audit of the Asylum and Migration Services (Immigration Office, CGRS, Fedasil and CALL) was launched aiming to optimise the function of the services, improve the cooperation between the services and thus to ameliorate the asylum, migration and reception chain in its entirety. At the end of October 2021, Capgemini Belgium was confirmed as the external auditor after which it started its work.

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

2 EMN Belgium launched an ad hoc query (AHQ) in 2021 enquiring on the structure of law regarding migration and asylum in other EU Member States in order to inspire and spur discussions of the expert commission.



1.3. INTERMINISTERIAL CONFERENCE ON MIGRATION AND INTEGRATION

An Inter-Ministerial Conference (IMC) on Migration and Integration has been established on 12 February 2021. The successive state reforms have transferred competences or parts of competence on migration and integration policy to the federated states, complicating the cooperation between the various policy levels. In order to be able to coordinate the policy of the federal government and the federated states, the IMC has been set up.

The intention is to contribute to an efficient, global and coherent policy across policy levels. To this end, the IMC wants to provide a consultation platform where issues that fall under different competences and policy levels can be discussed. A working group consisting of representatives of each member of the IMC has been set up to prepare the meetings. The representatives in the IMC are Ministers and State Secretaries of the different governments tasked with policies that pertain to migration and integration. In addition, specific Ministers can join if it is about their particular competence (e.g. Ministers of Education if it is about education/unaccompanied minors).

1.4. EXTRA FINANCIAL RESOURCES

At the Council of Ministers on 23 April 2021, the government granted a budget injection for the asylum and migration policy of € 50 million in additional funds for 2021. Part of this budget is intended to speed up the processing of asylum applications by recruiting personnel at the Immigration Office and the Office of the Commissioner General for Refugees and Stateless Persons. The Federal Agency for the Reception of Asylum Applicants (Fedasil) also received a portion of this budget injection (nearly € 15 million) to increase the reception capacity for unaccompanied minors, to cover the costs related to COVID-19, to extend the measure of meal vouchers for residents who voluntarily leave the reception network, but also to finance the creation of 5 400 buffer reception places.

1.5. SHORTAGE OF RECEPTION CAPACITY

In 2021, Belgium faced an unprecedented shortage of reception places for applicants for international protection due to the increase in applicants, an increase in the length of stay in reception caused by the longer duration of the asylum procedures, loss of reception capacity due to flooding in Wallonia, the evacuation from Afghan nationals (Operation Red Kite) and the inoperability of reception places that had to be kept as a reserve for COVID-19 isolation capacity. New reception places



have been created, but the shortage remained throughout the end of the year.

In order to find a sustainable solution to the saturation of the reception network, Fedasil has advocated a global approach. Simply creating additional reception places will not suffice. Fundamental actions in various fields are necessary, in particular regarding the processing time for applications for international protection, the outflow from reception facilities, age tests for minors, reception by the Communities (Youth Care Services), emergency reception or cooperation with local authorities.

1.6. HUNGER STRIKE OF PEOPLE IN IRREGULAR STAY

On 23 May 2021, some 400 undocumented migrants started a hunger strike in Brussels, demanding a collective regularisation with valid residency papers to be able to stay in Belgium. This led to high political tension with some political parties threatening to resign in case of casualty. Subsequently, the Commissioner General for Refugees and Stateless Persons was appointed to defuse the situation. On 21 July 2021, the strike was lifted. People were informed about the existing residence procedures and their cases would be examined and handled individually, in a 'neutral zone' set up for that purpose. The announcement of the neutral zone caused an influx of undocumented migrants from all over the country in the first few days. Due to chaos, this zone was

quickly dismantled, but the files continued to be processed.

Activists called for a reform of the regularisation policy. Such a reform would mean establishing formal and well-defined criteria. Whereas now, regularisation remains an exceptional procedure, with a discretionary power for the State Secretary.

In November 2021, the rejection of 15 of the 20 regularisation files of the ex-hunger strikers already processed by the Immigration Office caused a commotion. According to representatives of the undocumented migrants, the State Secretary for Asylum and Migration was not keeping the promises made. However, according to government officials, no arrangements were made about exceptions in the existing regularisation procedures.





02

LEGAL MIGRATION



2.1. WORK-RELATED MIGRATION

2.1.1. New platform 'Working in Belgium'

In the framework of the 'one stop shop' mechanism of the Single Permit Directive, a new platform 'Working in Belgium'⁽³⁾ was established on 31 May 2021.⁽⁴⁾ This digital platform allows employers to start an application for a work permit and consult its status, irrespective of their location and 24/7. The new platform allows for a harmonisation of the single permit procedure and administrative simplification. Before the launch of the platform, each federated entity (Flemish Region, Brussels Capital Region, Walloon Region and German-speaking Community) had their own website and application procedure.

2.1.2. Intra-corporate transferees

In November 2021, the Intra-Corporate Transferees Directive was transposed and implemented into Belgian legislation.⁽⁵⁾ As of 16 December 2021, the regional authorities have started issuing ICT permits. The ICT permit has several benefits for intra-corporate transferees, such as a shorter processing time (90 days) than the standard single permit process as well as providing both short-

term and long-term mobility rights to holders of an ICT permit.

2.1.3. New labour migration policy in the Flemish region

In January 2021, the Flemish Region adapted its policy on labour migration through a series of measures.⁽⁶⁾ The aim of these changes is three-fold: attracting foreign talent, simplifying the administrative process and tackling abuse. The measures include: a work permit for less than 90 days can now be granted for a period of 90 days within 180 days (instead of a consecutive 90 days), an employer sanctioned for misconduct has to wait 12 months before being able to apply for a new work permit and to ask for an exemption from the labour market test for certain types of applications for renewal.

2.1.4. New policy for self-employed third-country nationals in the Flemish Region

On 15 October 2021, the Flemish Government approved a Decree on professional activities performed in a self-employed capacity for third-country nationals⁽⁷⁾ in order to attract innovative start-ups and entrepreneurial talent. The new regulatory framework took effect on 1 January 2022, thus rolling out a

3 www.workinginbelgium.be

4 Cooperation Agreement of 5 March 2021 implementing the Cooperation Agreement of 2 February 2018 between the Federal State, the Walloon Region, the Flemish Region, the Brussels-Capital Region and the German-speaking Community, *Belgian Official Gazette*, 16 March 2021.

5 Royal Decree of 26 November 2021 modifying the Royal Decree of 8 October 1981, *Belgian Official Gazette*, 6 December 2021.

6 Decision by the Flemish Government of 8 January 2021 modifying the Decision of 7 December 2018, *Belgian Official Gazette*, 8 February 2021.

7 Decree of the Flemish Government of 15 October 2021, *Belgian Official Gazette*, 12 November 2021.



new economic migration policy for foreign self-employed persons. The Decree introduces a simplified and digital application, processing and appeal procedure so that the entrepreneurial talent can apply for and obtain the professional card in a simple manner.

2.1.5. Minimum salary thresholds

On 1 January 2021, the minimum salary thresholds for third-country nationals working in Belgium were adapted to inflation. In Flanders, the threshold increased with 1,94%. In Brussels-Capital Region and Wallonia, the threshold increased with 1,23%.

The Flemish Region changed its policy concerning the salary threshold for seasonal workers to facilitate the recruitment of seasonal workers.⁽⁸⁾ Initially, seasonal workers could not earn less than the average guaranteed monthly minimum income (cf. other employed workers from third countries). The Flemish government decided this is a too strict threshold and abolished this requirement. However, the salary of seasonal workers still needs to comply with the applicable sectoral scales and be sufficiently high to enable them to meet their needs and those of their families.

2.1.6. Labour market needs

In both the Flemish Region and the Walloon Region, the list of shortage occupations was updated. These lists define the medium-skilled occupations for which an exemption from the labour market tests exist, thus facilitating labour migration in order to fight shortages on the labour market.

- On 1 April 2021, a new list of shortage occupations in the Flemish Region was implemented.⁽⁹⁾ Four new shortage occupations were added. The list is updated every two years.
- On 1 October 2021, a new list of shortage occupations in the Walloon Region was implemented.⁽¹⁰⁾ Compared to the previous list, the number of occupations on the list was increased from 10 to 42, in a variety of sectors. The list is updated every year.

In December 2021, the Federal State Secretary for Asylum and Migration launched a new action plan 'Asylum applicant seeks match'.⁽¹¹⁾ Asylum applicants are allowed to work from four months after the registration of their application for international protection and throughout the duration of their procedure. However, many of them do not find their way to the labour market. The new plan aims to better connect applicants for international protection with em-

8 Decree of the Flemish Government of 8 January 2021 modifying the Decree of 7 December 2018 concerning the implementation of the Law of 30 April 1999, *Belgian Official Gazette*, 8 February 2021.

9 Decree of the Flemish Government of 31 March 2021, *Belgian Official Gazette*, 15 April 2021.

10 List of shortage occupations, *Wallonie Emploi*, 1 October 2021. Consulted via: <https://emploi.wallonie.be/home/travailleurs-etranagers/permis-de-travail/metiers-en-penurie-pour-travailleurs-etranagers.html>

11 Asielzoeker zoekt Match, *Sammy Mahdi*, 1 December 2021. Consulted (in dutch) via: <https://www.sammymahdi.be/post/persbericht-asielzoeker-zoekt-match-wie-mag-werken-moet-dat-ook-kunnen>



employers. The action plan was set up to meet labour market needs and to facilitate integration for potential beneficiaries of international protection.

2.1.7. Circular migration

In 2021, Enabel, the Belgian Development Agency, launched the 'Pilot Project for Entrepreneurial Mobility (PEM) Wecco' between Belgium and Senegal. Furthermore, the THAMM-Enabel project concretely started in March 2021. Both projects fit within circular mobility.⁽¹²⁾

2.2. STUDENTS AND RESEARCHERS

2.2.1. Transposition of the students and researchers directive

On 11 July 2021, Belgium changed its legislation with regards to international students.⁽¹³⁾ The Law, partially transposing the Students and Researchers Directive (EU/2016/801), changes certain provisions for students including the abolition of a suspensive appeal, the conditions to pay the administrative fee and the extension of a number of grounds for refusal or withdrawal. The most notable change is the introduction of a 12-month search year permit⁽¹⁴⁾, allowing third-country national students graduating from universities in Belgium to seek employment or pur-

sue self-employment. Search year permit holders are able to seek and start employment with no restrictions regarding their employer, salary level or position.

Belgium only partially transposed the Students and Researchers Directive. For researchers with a hosting agreement who want to apply for a search year after completing their research, there are no legislative provisions yet.⁽¹⁵⁾ The Council for Alien Law Litigation stated in two judgements in early February 2021⁽¹⁶⁾ that art. 25 of the Directive has direct effect. Researchers may therefore invoke the direct effect of art. 25 to apply for a search year permit and to look for employment within a period of nine months upon completion of their research.

2.2.2. International lecturer in the Flemish Region

In January 2021, the Flemish Region adapted its policy on labour migration (cf. supra) through a series of measures. This includes adding a new category of 'international lecturer' (replacing the guest lecturers). They can obtain an exemption on the work permit if they are liased with a Belgian recognised research institution for a period of maximum 90 days within each period of 180 days. International lecturers who wish to work longer than 90 days have to apply for a single permit,

12 This is further explained in section 11: 'Migration and Development Cooperation'.

13 Law of 11 July 2021 modifying the Law of 15 December 1980, *Belgian Official Gazette*, 5 August 2021.

14 The Directive lays down a minimum of 9 months to search for employment, however Belgium chose to extend this timeframe to 12 months.

15 During the Ministerial Council of 18 March 2022, a proposal for a law change was approved in order to transpose the provisions of Directive EU/2016/801 for researchers, trainees and volunteers.

16 Judgement 248 519 and judgement 248 551, *Council for Alien Law Litigation*, 1 February 2021.

falling under the rules of high-skilled employed workers.

2.3. OTHER ASPECTS OF LEGAL MIGRATION

2.3.1. New electronic residence cards for third-country nationals

In order to modernise the electronic residence cards for foreigners with legal residence, a new uniform European model for residence permits is gradually being introduced.⁽¹⁷⁾ On 10 May 2021 the first phase started with the modernisation of the residence documents of EU citizens. In a second phase, on 11 October 2021,⁽¹⁸⁾ the D card for a long-term resident was changed into an L card and the F and F+ card had an update in their description.

17 Royal Decree of 12 June 2020 modifying the Royal Decree of 8 October 1981, *Belgian Official Gazette*, 29 June 2020.

18 Ministerial Decree of 6 October 2021, *Belgian Official Gazette*, 11 October 2021.





03

INTERNATIONAL PROTECTION



3.1. THE ASYLUM PROCEDURE

3.1.1. Access to the asylum procedure

Due to the shortage of reception places since mid-October 2021, access to the asylum procedure was impacted. For several weeks, the number of persons able to register an application for international protection was limited to the places available in the reception network. The situation affected mainly single men, as priority for registration was given to families with minor children and unaccompanied minors.⁽¹⁹⁾

In a judgement of 19 January 2022, the Brussels Court of First Instance ordered the Belgian State to ensure access to the asylum procedure.⁽²⁰⁾ In the period following the judgement, all applicants could immediately register their asylum application.

3.1.2. Registration of applications

In 2021, 25 971 persons applied for international protection in Belgium, including 19 590 first time applications and 949 persons who arrived in Belgium through resettlement. This number is significantly higher than in 2020, when 16 910 persons submitted an application (increase of 53,6%), and almost amounts to the pre-COVID number of applications in 2019, when 27 742 applications

were registered.

The number of applicants gradually increased from January till July. From then on, the monthly number of applicants greatly exceeded the 2 000 mark, with a peak of 3 326 applicants in September. This peak can mainly be explained by the Red Kite evacuation operation, during which many Afghans came to Belgium and applied for international protection and the arrival of persons through the resettlement procedure.

In 2021, 72,4% of applicants were men and 27,6% women. For some countries such as Afghanistan, the proportion of male applicants is higher, for other countries such as Syria and Somalia, there is a more even balance.

In 2021, the main countries of origin are Afghanistan (6 506 applicants⁽²¹⁾), Syria (2 874 applicants⁽²²⁾), Palestine (1 662 applicants⁽²³⁾), Eritrea (1 558 applicants⁽²⁴⁾) and Somalia (1 116 applicants⁽²⁵⁾).

The number of subsequent applications for international protection, 5 432, is in terms of percentage⁽²⁶⁾ comparable to the previous year.

3 219 applicants for international protection declared to be unaccompanied minors of whom the vast majority were boys (almost 96%) and Afghan (almost 76%). After exam-

19 <https://asylumineurope.org/reports/country/belgium/asylum-procedure/access-procedure-and-registration/registration-asylum-application/>

20 https://www.myria.be/files/20211124_PV_r%C3%A9union_contact_-_contactvergadering.pdf

21 Including subsequent applications

22 Including subsequent applications

23 Including subsequent applications

24 Including subsequent applications

25 Including subsequent applications

26 The proportion of subsequent applications compared to the total number of applications.



ination by the Guardianship Service, 1 976 of them were considered to be actual minors. Eurostat figures show that Belgium, together with Austria, has registered the highest number of unaccompanied minors from Afghanistan in 2021⁽²⁷⁾.

Secondary migration within the EU (for both persons with a protection status and persons without a status) continues to increase. Belgium, together with its neighbouring countries and Austria, appears more popular than other EU Member States.⁽²⁸⁾

3.1.3. Dublin procedure

The Immigration Office needs to determine whether Belgium or another Member State is responsible for examining an application for international protection under the Dublin III Regulation. The applications for international protection for which Belgium is responsible according to the Dublin Regulation are transferred to the CGRS to be examined on their merits.

In 2021, the caseload of the Dublin Unit augmented due to an increase of the number of applications for international protection lodged in 2021. The number of outgoing take charge (1, 511) and take back (8,297) requests increased by almost 62%⁽²⁹⁾.

However, the actual transfer rate remained low (429 from Belgium to other Member States). This was due to, i.a., travel restrictions related to COVID-19 and difficulties in

COVID-19 testing.

In October 2021, the Benelux tried to remedy this issue and concluded an administrative agreement to strengthen the operational cooperation and information exchange in the application of the Dublin procedure and transfers (a swift reply to requests, information demands, etc.)⁽³⁰⁾.

3.2. FIRST INSTANCE PROCEDURE

3.2.1. Prioritisation and efficiency measures

In order to reduce the backlog and relieve the pressure on the reception network of Fedasil, the CGRS implemented several action plans to reduce processing times of applications for international protection and therefore maximise its output.

In the processing of the applications, priority was given to specific categories of applicants (e.g. applicants from countries with a high protection rate) residing in the centres of Fedasil.

Targeted actions were developed for certain profiles from a number of countries of origin with a high recognition rate (e.g. the personal interview was omitted for certain applicants of Syrian nationality where the need for international protection was clearly established, based on documents and the intake interview),

27 Statistics derived from www.cgvs.be

28 www.cgvs.be

29 Statistics derived from Immigration Office

30 [Joint declaration of the Benelux Summit | Alexander De Croo \(premier.be\)](#)



along with actions to accelerate the processing of manifestly unfounded cases (e.g. clear indications of fraud).

As regards the safe country of origin concept, the list of safe countries of origin was updated in the Royal Decree of 14 December 2020⁽³¹⁾, entered into force on 18 January 2021. At present, the following countries are considered as safe countries of origin: Albania, Bosnia and Herzegovina, Republic of North Macedonia, Kosovo, Montenegro, Serbia, India and Georgia.

These are the same countries as mentioned in the Royal Decree of 15 December 2019⁽³²⁾.

In June 2021, due to the highly evolving situation in most of the territories or countries from which most Palestinians originate, the CGRS decided to temporarily suspend the notification of decisions of refusal of international protection to applicants coming from the oPt. The suspension of decisions of refusal was lifted a month later.

On 16 August 2021, the CGRS decided to temporarily and partially suspend the notification of decisions on international protection applications to applicants from Afghanistan. In view of the situation in Afghanistan, the country of origin information (COI) and the processing policy note

were no longer relevant. The organisation of personal interviews continued as before and a decision could be taken or notified in case of (i) recognition of refugee status, (ii) inadmissibility decision for an applicant with protection in another EU MS. The assessment of the need for subsidiary protection and the decision on subsequent applications were generally suspended. The temporary suspension of the assessment of the subsidiary protection was lifted at the end of February 2022.

3.2.2. Access to information

In March 2021, in order to comply with the legal obligation to supply information regarding the asylum procedure tailored to the applicant, the CGRS launched the new website 'Asylum in Belgium'⁽³³⁾ providing specific information on the Belgian asylum procedure in nine languages (English, Dutch, French, Spanish, Arabic, Pashto, Farsi, Tigrinya and Somali). The information is tailored to the needs of applicants for international protection, with a strong focus on the treatment of applications by the CGRS. All texts are audio-supported. Furthermore, the website presents a video following the itinerary of an applicant for international protection that enables an applicant to visualise the different stages of the international protection

31 Royal Decree of 14 December 2020 for implementation of article 57/6/1, § 3, fourth section, of the Act of 15 December 1980 regarding access to the territory, residence, settlement and the removal of foreign nationals, establishing the list of safe countries of origin, *Belgian Official Gazette*, 18 January 2021.

32 Royal Decree of 15 December 2019 for implementation of article 57/6/1, § 3, fourth section, of the Act of 15 December 1980 regarding access to the territory, residence, settlement and the removal of foreign nationals, establishing the list of safe countries of origin, *Belgian Official Gazette*, 3 February 2020.

33 www.asylumbelgium.be



procedure. The general website of the CGRS⁽³⁴⁾ remains the reference for recognised applicants for international protection, legal representatives, procedure guides, the press and the general public.

In 2021, the Immigration Office launched their renewed website⁽³⁵⁾.

3.2.3. Staff Reinforcement

To achieve shorter and faster procedures for all aspects related to asylum and migration procedures, new personnel is needed. Therefore, the migration services launched a recruitment website⁽³⁶⁾ where all vacancies at the various asylum and migration services (Immigration Office, Fedasil, CGRS and CALL) are listed. The migration services were initially aiming to recruit 700 persons.

In 2021, the CGRS recruited 33 new protection officers and 10 administrative staffers. For 2022, the CGRS is planning to recruit an additional 44 protection officers. These new recruitments bring the number of CGRS staff to the highest level ever. For the first time, the CGRS will have more than 500 FTEs.

Every newly appointed protection officer is duly trained. The training programme is composed of theoretical and practical session based, in particular, on the EUAA training modules for a period of one month. After this month, they are intensive-

ly coached by their supervisor for the next five months. It is assumed that a new protection officer is fully operational after that period.

3.2.4. Backlog

Despite a higher number of decisions taken in 2021, due to a strong increase of applications for international protection, the case load⁽³⁷⁾ of the CGRS amounted to 15 685 cases⁽³⁸⁾ of which 11 485 cases can be considered as backlog and 4 200 cases as a normal work reserve. In addition to the influx, the COVID context and the temporary partial suspension of the notification of decisions for applicants from Afghanistan contributed to the backlog. For instance, of the 18 371 personal planned interviews, only 14 888 could actually take place. A significant part of the personal interviews had to be cancelled due to illness or quarantine of staff members, applicants and interpreters. The Immigration Office's caseload amounted to 8 510 cases.

3.2.5. Quality measures and training

The CGRS continued to offer a continuous learning environment by developing trainings both online and in person, such as the training programme for newly appointed case workers, leadership training for the wellbeing of teams and intervision sessions on stress management. The Immigration Office offers an internal

34 www.cgvs.be

35 www.dofi.ibz.be/en

36 www.werkenbijasielenmigratie.be

37 Number of cases for which the CGRS still has to take a decision.

38 18 835 individual persons.



training programme for new employees and efforts are made to provide a continuous learning environment by offering training on various themes. Some case workers of the Immigration Office's International Protection Department took part in the EUAA training on 'Inclusion' and 'Interview Techniques' at CGRS.

3.2.6 Country of Origin Information

In 2021, the Documentation and Research Centre (Cedoca) of the CGRS delivered 367 COI Focus reports, more than 200 COI Cases and published minimum monthly new blogs on 29 countries. Cedoca continued to provide trainings, country briefings, conferences with external speakers and new media and online search trainings.

Due to the COVID-19 situation, Cedoca could not conduct Fact Finding Missions. Cooperation with other EU Member States and within EUAA remains an important aspect of its approach. Cedoca drafted and reviewed several EUAA reports (i.e. Iraq, Pakistan, Afghanistan, Somalia), drafted a joint report with Norway and Switzerland on Criminal procedures in Iran, translated the COI Focus on Sudan and Ethiopia (available on the EUAA website) and reviewed the Dutch IND-report. The New Media Unit played an important role in the assessment of resettlement dossiers and cases in normal procedures by answering 375 queries. Cedoca was particularly challenged by the situation in Afghanistan (no contact network, great difficulty to gather objective information and find new

reliable sources) and an increasing number of contact persons who want to remain anonymous.

3.2.7 Digitisation

In 2020, after the decision of the then Minister for Asylum and Migration to establish a new digitalisation service within the Immigration Office, various digital projects were initiated. In January 2021, the Immigration Office delivered their new registration system called 'Inqas'. Inqas is the first part of the new application 'e-migration' (that eventually will replace the current Immigration Office database 'Evibel'). At the time of writing, only the registration of the application is done in Inqas. The actual lodging of the application is done in Evibel (creating and managing the administrative dossier). There is no information stored in Inqas, as it is not 'linked' to a database.

The Immigration Office further developed several projects in the field of digitisation and data management:

- The further development of a 'planning module' facilitates the submission of an application for international protection. A high-level requirement analysis as well as market research was carried out.
- The Immigration Office started a comprehensive business analysis for the Common Identity Repository for both core and extended identity management.
- The creation of a data warehouse to process data on third-country



nationals that aims to create adequate statistics, including in the context of asylum.

- The start of a project for the re-development of the Dublin application.

The CGRS geared up the project 'Electronic File', a multi-year project aiming to convert the paper file into a full electronic file in 2024, by expanding its project team, the set-up of a steering group and the employment of a 'change manager'. Additionally, the budget for the next three years was secured. A provisional planning was made, based on the budget.

3.3. PROTECTION GRANTED AT FIRST INSTANCE

In 2021, the CGRS took a decision for 23 248 persons⁽³⁹⁾ (increase of 29,7% compared to last year) of which 10 093 persons⁽⁴⁰⁾ were granted an international protection status: 9 222 were granted refugee status according to the Geneva Refugee Convention and an additional 871 persons received subsidiary protection status.

Whereas in previous years the protection rate kept decreasing (50,7% in 2017, 49,1% in 2018, 36,9% in 2019 and 34,1% in 2020), in 2021, the protection rate significantly in-

creased (43,5%). The increase is mainly due to (i) the number of persons arriving in Belgium by way of resettlement⁽⁴¹⁾, (ii) the temporary partial suspension of the notification of decisions for applicants from Afghanistan, which took effect in mid-August, implied that almost exclusively recognition status was taken regarding Afghan nationals and (iii) a substantial number of decisions were taken for UNRWA Palestinians and applicants from Eritrea and Burundi in the context of special actions, in many cases protection status.

Leaving aside the number of inadmissibility decisions⁽⁴²⁾, representing 23,8% of all decisions and treated as a priority, the protection rate amounts to 58,3%.

3.4. RECEPTION OF ASYLUM APPLICANTS

3.4.1. Saturation of the reception network

In the course of 2021, 20 211 applicants were registered in Fedasil's reception network, an increase of 48% compared to 2020.

The increase in the number of asylum applicants entering Fedasil's reception network coincided with a decreased outflow from the reception

39 18 513 decisions.

40 7 528 decisions.

41 949 persons in 2021 compared to 176 persons in 2020. As their application has already been fully assessed before their departure and a positive advice regarding the need for international protection is given, the CGRS generally grants refugee status upon arrival in Belgium without further investigation.

42 Mainly for subsequent applications and for applications of persons already possessing a protection status in another EU Member States.



centres, due to the longer duration of the asylum procedure⁽⁴³⁾ and a temporary suspension of decisions for applicants from Afghanistan by the CGRS since mid-August 2021. Consequently, in 2021, while 20 211 applicants entered the reception network, only 17 030 left the network, resulting in an in/out balance of +3 181 applicants.

The pressure on the reception network also increased due to the floods in Wallonia at the end of July, rendering about a 1 000 reception places temporarily unavailable and causing Fedasil to offer a number of reception places to inhabitants of the municipalities affected by the heavy rainfall and rising water. Furthermore, around 1 200 places in the reception centres were reserved for COVID-19 isolation capacity and in August, 201 repatriated Afghan nationals (Operation Red Kite) were accommodated in Fedasil's reception network.⁽⁴⁴⁾

In September 2021, Fedasil announced that the reception network was under pressure with the occupancy rate on 9 September 2021 being at 96% (with 94% being the saturation threshold).

Fedasil therefore switched to 'crisis mode', requiring crisis consultation

on multiple levels (Cabinet of the State Secretary for Asylum and Migration, Asylum and Migration Services, the Council of Ministers). The need to provide for additional reception places was paramount.

The situation was of particular concern in the Arrival Centre in Brussels, where employees held two trade union actions in October 2021 to address the saturation of the reception network and the deteriorating working conditions in reception centres.⁽⁴⁵⁾

Since 19 October 2021, Fedasil was no longer able to accommodate all the people waiting in line in front of the Arrival Centre. From then on, each day, applicants for international protection – mainly single men – did not receive access to a reception place, often for various days or even weeks. Applicants with vulnerabilities (unaccompanied minors, families with children, single women and applicants with disabilities and health conditions) were still provided reception.

In an attempt to help single men who could not access the reception network, Fedasil staff referred them to the Croix-Rouge de Belgique day centre 'PSA'. This orientation, day

43 The average length of the first instance procedure, counting from the moment the case was transferred to the CGRS until its first decision – thus not considering the period between the lodging of the application before the Immigration Office and the moment the Immigration Office sends the file to the CGRS – was 266 days. In August 2021, a temporary suspension of decisions for applicants from Afghanistan was decided, but processing of applications, such as the organisation of personal interviews, continued. It always remained possible to issue decisions to grant refugee status and to declare an application inadmissible for persons with a protection status in another EU member state.

44 Pressure on the reception network had already been building up since 2018, and new procurement procedures were launched in 2019. However, with fewer applicants in reception in 2020 due to the COVID-19 pandemic, reception places were closed in 2021 without knowing that the numbers would rapidly rise in the second-half of the year.

45 Nouvelle action syndicale au centre d'arrivée, *Fedasil*, 27 October 2021. Consulted via : <https://www.fedasil.be/fr/actualites/accueil-des-demandeurs-dasile/nouvelle-action-syndicale-au-centre-darrivee>.



care and meal distribution centre does not offer overnight shelter, but does offer daytime support.⁽⁴⁶⁾ They were also given a telephone number of the Brussels 'Samusocial' homeless centres. Unfortunately, Samusocial did not have any available places for single men either.

Mid-December, the Citizen's Platform, with the financial aid of the City of Brussels, and Médecins sans Frontières opened 100 emergency accommodation places for applicants of international protection who, after registration, did not get access to the reception network.

Fedasil decided to open a new reception centre in Brussels on 4 January 2022, able to accommodate up to 140 applicants for international protection - for whom there was no accommodation available in the Arrival Centre. Initially, the centre will only offer night accommodation. The residents will be accommodated, for one night, between 5 pm and 10 am.

In a judgment of 19 January 2022⁽⁴⁷⁾, the Court of First Instance of Brussels condemned the Belgian State and Fedasil for not ensuring access to the asylum procedure and to re-

ception conditions and ordered both parties to ensure the respect of these fundamental rights. Nevertheless, access to the reception system remained precarious after 19 January 2022 and limited to available reception places.

3.4.2 Creation of additional reception capacity

In this context, Fedasil was looking for ways to rapidly increase its reception capacity in order to be able to offer accommodation to all those entitled.

In addition to adding beds in existing centres, ten reception centres opened their doors in 2021, including six federal centres in the towns of Geel, Glons, Koksijde,⁽⁴⁸⁾ Lombardsijde, Lommel and Auderghem Oudergem, a reception centre in Evere operated by Croix-Rouge de Belgique and three centres managed by private operators.⁽⁴⁹⁾⁽⁵⁰⁾

Although, in July 2021, the government approved the creation of 5 400 buffer places, by the end of the year only 1 100 buffer places were in place in the new reception centres in Koksijde, Auderghem, but also in

46 This centre offers a 7 days a week day-care with shower facilities and a laundry service, access to hot drinks, the possibility of resting, recharging one's telephone, etc. The staff also refers to specific services when necessary. More information available in French on <https://accueil-migration.croix-rouge.be/aide-premiere-necessite/>.

47 Belgium Court of First Instance [Tribunal de première instance], *L'Ordre des barreaux francophones et germanophones de Belgique et al. v Belgian State and Fedasil*, 2021/164/C, 19 January 2022 <https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=2361>

48 The reception centre in Koksijde was first used during the reception crisis of 2015 (October 2015 to November 2016) and a second time from February to July 2020. Since August 2020, the centre served as a buffer centre, which was activated in September 2021, with the first residents arriving on 27 September.

49 Operated by G4S Care & Justice and Svasta, a cooperative company with a social purpose.

50 A number of reception centres had to close their doors in 2021 for reasons such as the end of the rental agreement (in Theux on 11 June 2021) and the absence of the required planning permission to expand the capacity to the number of contracted reception places (in Kalmthout on 7 May 2021). Some reception centres were closed to be reopened the same year, but managed by another reception partners such as the centres in Marcinelle and Etterbeek.



a number of existing centres such as the one in Spa.⁽⁵¹⁾⁽⁵²⁾

By the end of 2021, the network had 29 446 reception places, compared to 28 187 places at the beginning of 2021.

Despite the creation of additional reception places, there was not enough capacity to accommodate all of the asylum applicants and therefore Fedasil continued to look for new sites. Openings of new centres are planned in the coming months.⁽⁵³⁾ Through the support of the European Union Agency for Asylum (EUAA) residential containers will be placed on the sites of a number of existing reception centres⁽⁵⁴⁾.

Moreover, creating reception places is only part of the solution, the outflow of residents from the reception network must also follow.

3.4.3 Operating Plan for the provision of technical and operational assistance by EUAA⁽⁵⁵⁾

On 16 December 2021, at the request of the Belgian authorities, EUAA agreed to provide reception assets and equipment (containers), interpreters, personnel and technical expertise. As of January 2022, EUAA

will assist Fedasil in terms of increasing short and medium-term capacity while ensuring that reception standards are in line with the Common European Asylum System.

EUAA will provide up to 150 habitable units in order to support an increase of reception capacity. This may be supplemented by additional units in the medium term, based on a further needs assessment in respect of the development of a modular emergency reception centre. Up to 100 EUAA personnel may be deployed throughout the period, including site management experts, information provision experts, social workers, trainers, child protection experts, a reception centre designer and interpreters. In the short term, 46 people will arrive to provide support, including 25 interpreters. The first reception units (habitable containers) are expected to be installed in April 2022 on the premises of five federal reception centres. The operational plan will run until 31 December 2022.⁽⁵⁶⁾

3.4.4 Recruitment of staff for Fedasil

The recruitment of staff remained a major obstacle to the rapid start-up

51 Fedasil estimated that 5.400 of these buffer places were needed to provide sufficient security in different scenarios (increased inflow, delay in processing of asylum applications, COVID-19 isolation places, etc.).

52 Since July 2021, Fedasil identified 1 500 buffer places. But because of the floods, Fedasil lost 400 of these places in Wallonia. These were either rendered unusable by the flooding or used to accommodate victims of the disaster.

53 It concerns reception centres in Dilbeek managed by Fedasil (April 2022), in Liège by Croix-Rouge de Belgique and in Boom by Rode Kruis Vlaanderen (both in April 2022) and in Machelen by Fedasil (May 2022).

54 This is further explained in section 3.4.3

55 On 19 January 2022, Regulation (EU) 2021/2303 on the establishment of a European Union Agency for Asylum (EUAA) entered into force, transforming the European Asylum Support Office (EASO) into a full-fledged agency with a broadened and enhanced mandate.

56 More information on Operating Plan 2022, agreed by EASO and Belgium: https://euaa.europa.eu/sites/default/files/BE_OP_2022_16122021_Final_1.pdf.



of the new reception centres.

The start-up of new centres often relies on staff from existing centres working temporarily in the new centres pending the entering into service of newly recruited staff. As a provisional measure, an agreement was reached with the Immigration Office to temporarily second employees to the new Fedasil reception centres, pending the start-up of new recruited staff. More than 30 employees of the Immigration Department have provided support in the reception centres of Geel, Glons, Koksijde, Lombardsijde and Lommel.

Fedasil launched a large-scale recruitment campaign via social media. The campaign also paid specific attention to certain regions and positions for which it is difficult to find enough suitable candidates. The job offers were also posted on the recruitment website⁽⁵⁷⁾ launched by the migration services (CGRS, Immigration Office, Fedasil and CALL).

3.4.5 Survey on cooperation with municipalities hosting a reception centre

In November 2021, Fedasil published the results of a survey inquiring about mayors' experiences with the operators of reception facilities which was launched in March 2021. According to the results of the survey, the cooperation between reception centres, the police, schools and local residents was strongly appreciated. The survey also found that

the longer a centre operates in a locality, the more positive its image becomes. However, as Fedasil opens and closes centres rapidly, misunderstandings with municipal authorities can occur. There also seems to be a link between awareness of asylum, the increasing fake news on social media, and mayors' and residents' opposition or lack of support to reception centres. The current pressure on the Belgian reception system also had an impact on this cooperation.⁽⁵⁸⁾

3.4.6 Profile of beneficiaries of reception

The top five countries of origin of residents entering the reception network in 2021 were Afghanistan (29%), Syria (12%), Palestine (7%), Eritrea (7%) and Somalia (5%).

At the end of 2021, 43% of the persons accommodated in the reception network were families with children. Single men made up 42% of the reception network, single women 6% and unaccompanied minors 9%. By gender, 67% of the population were men and 33% women. Almost one in three residents was under 18 years old (31%). Applicants for international protection, including unaccompanied minors, whose application is still pending, made up 92% of the reception network, followed by persons with a residence permit (6%) and resettled refugees (2%).

57 www.werkenbijasielenmigratie.be.

58 More information and the report is available in French and Dutch on <https://www.fedasil.be/fr/actualites/sensibilisation/resultats-de-lenquete-des-bourgmestres>.



3.5 RESETTLEMENT AND RELOCATION

3.5.1 Relocation

Since the implementation of the two Council Decisions on Relocation, Belgium has participated in two ad hoc relocation operations following the pledge made at the European Council in 2018. In the first semester of 2020, the Belgian government pledged to relocate 18 unaccompanied minors under the voluntary relocation scheme of unaccompanied minors from Greece and again for 12 unaccompanied minors after the fire in the Moria refugee camp. Those two pledges have been implemented in 2020 and early 2021 (last transfer in January 2021). In 2020, following the fire in the Moria camp, Belgium as well pledged to relocate 150 asylum applicants from Greece. To date, Belgium has agreed to relocate 117 persons, of which 43 have now been transferred. Due to the saturation of the Belgian reception network, a number of transfers had to be postponed to 2022.

Belgium considers relocation to be an important tool, but believes it should be imbedded in a more structural solution (as articulated in the negotiations on the EU pact). Belgium is therefore not in favour of ad hoc relocation operations and has, for this reason, not made any new pledges for 2022.

3.5.2 Resettlement

On 31 December 2021, the previous AMIF pledging period ended.⁽⁵⁹⁾ Belgium pledged to resettle 2 758 refugees during that period (2 000 for 2018-2019; 758 for 2020, no additional pledge 2021). In view of the saturation of the reception network, it proved impossible to carry out all planned transfers in 2021. 391 planned transfer, scheduled for the end of 2021 had to be cancelled. These transfers will be taking place as soon as possible in 2022.

Belgium pledged to resettle 1 250 refugees in 2022 (operation quota 859 as the non-executed transfers of 2021 (391) have to be deducted), 1 400 refugees in 2023 and 1 500 refugees in 2024. For 2022, Belgium included a quota for Emergency Cases within its annual programme. For 2022, this quota is set at 50.

In 2021, due to the COVID-pandemic, all selection missions were conducted remotely. Most of the pre-departure orientation programmes were also conducted online. Two of the six medical screening missions were outsourced to IOM.

The saturation of the reception network in 2019 and the COVID-pandemic in 2020 led to a low number of resettlement transfers. In 2021, the Belgium government wanted to make up arrears by transferring 1 463 persons from Egypt, Jordan, Lebanon, Niger, Rwanda and Turkey and thus needed a large number of reception places in the first and sec-

⁵⁹ Originally 3-year period, extended due to Covid-19 to 31 December 2021.



ond reception phase. In April 2021, the reception centre in the town of Morlanwelz became Fedasil's fifth reception centre to accommodate resettled refugees.⁽⁶⁰⁾ Fifty of the 225 reception places in this centre are allocated to resettled refugees. In March 2021, to meet the reception need in the second phase, Fedasil organised online information sessions on the resettlement programme for local authorities aiming at the creation of 500 extra reception places for resettled refugees within the network of Local Reception Initiatives.

3.5.3 Humanitarian Admission

On 23 December 2021, the State Secretary for Migration and Asylum and Sant'Egidio (a catholic association), signed a letter of intent to begin a humanitarian corridor for 250 refugees in the period 2022-2024.

The target group are vulnerable persons residing in Lebanon, Syria, Libya and Afghanistan who are eligible for international protection. Sant'Egidio will vouch for the identification. Refugees will be subject to a security vetting by the security services. After identification, the file will be transmitted to the CGRS who will then submit an advice for selection to the State Secretary. The latter will take the final decision on the granting of a humanitarian visa. Upon arrival, the beneficiaries will have to submit an asylum application. Contrary to the resettlement procedure, in which the CGRS will in principle automatically grant refugee status,

there is no specific or simplified procedure for these persons (the State Secretary will solely instruct to prioritise these files). A refusal decision remains possible. The reception, accommodation and support will be organised by the religious communities active in the project (and thus not Fedasil).

3.6 WITHDRAWAL OF INTERNATIONAL PROTECTION

In 2021, 215 persons were notified of the cessation or withdrawal of the protection status due to the fact that they constituted a threat to public order or national security, committed fraud or because their personal behavior indicated they were no (longer) in need of protection.

⁶⁰ After their arrival in Belgium and for an initial reception phase of six weeks.





04

UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS



4.1. UNACCOMPANIED MINORS

4.1.1. Identification and registration

Measures to decrease the duration of the identification procedure⁽⁶¹⁾

The high influx of unaccompanied minors since mid-2020 led to an increase in the number of young people undergoing an identification procedure. Consequentially, and also due to COVID-19 restrictions in hospitals, the duration for unaccompanied minors' age assessment augmented. At the end of 2021, unaccompanied minors residing in the first reception phase had to wait on average 16 days for an age test and unaccompanied minors already residing in the second reception phase, 35 days. At the end of 2021, 147 unaccompanied minors were waiting for an invitation to undergo an age assessment and 159 were awaiting the result of their age assessment.

The Guardianship Service has taken several measures to increase the number of age tests and thus reduce the processing time. These measures include i.a. the recruitment of attendants whose role is to accompany unaccompanied minors to the hospital, and throughout the medical examination to ensure that the examination takes place in the best possible conditions. The attendants also provide additional explanations if necessary and act as a link between the medical team, the minor and the Guardianship Service. Other measures are an increase in the number of places available for age

tests at hospitals and the collaboration with an additional hospital.

The number of age tests performed almost doubled compared to the period prior to the health crisis, 1 343 tests in 2019 compared to 2 515 tests in 2021.

Task Force Disappearances of Unaccompanied Minors

In June 2021, the Task Force on Disappearances of Unaccompanied Minors, composed of the Guardianship Service, Immigration Office, Fedasil, Police, Prosecutor's Office, Child Focus and the Youth Care Services and directed by the Cabinet of the State Secretary for Asylum and Migration, met with the aim to develop a shared reporting of disappearances instead of a reporting by each organisation separately.

The taskforce was requested to provide: (1) a legal analysis, per service, of the data exchange and sharing between services; (2) the collection and sharing of relevant information on a common sharepoint with the aim of drafting a roadmap for disappearances of unaccompanied minors; and (3) a proposal for a national protocol for disappearances of unaccompanied minors. Given its operational experience in this field, the latter was specifically requested from the Unaccompanied Minors Unit of Fedasil. However, due to the reception crisis and the related work pressure, no proposal for a national protocol on disappearances of unaccompanied minors was available yet at the end of 2021.

61 See also age assessments section 4.1.5



4.1.2. Human trafficking

Evaluation of the Circular Letter regarding victims of human trafficking

In 2021, the Federal Public Service Justice (Criminal Policy Service) resumed the evaluation of the Circular Letter of 23 December 2016 on the implementation of a multidisciplinary cooperation on victims of human trafficking and/or certain aggravated forms of human smuggling⁽⁶²⁾ together with the French and the Flemish Community and, more specifically, with their Youth Care Services.

A first evaluation of the Circular Letter had shown that stakeholders in some sectors did not correctly identify or were not aware of trafficking situations concerning minors. Even if, for example, the minor was perceived to be in danger and protection measures were taken, they were not specifically identified as victims of human trafficking. Furthermore, there is a cross-over between the guidelines of youth protection and those of protection of victims of human trafficking that needs to be harmonised.

An electronic questionnaire was sent out to all actors (e.g. Fedasil) working with victims of human trafficking and/or certain aggravated forms of human smuggling. Based on these results, the Circular Letter will be amended.

Better detection of minor victims of human trafficking - tool to support guardians

In 2021, the Guardian Ship service started the development of a new handbook to support guardians, financed by AMIF to replace the previous, outdated version. The handbook is being developed in cooperation with different experts (legal, psychosocial, etc.). Experienced guardians complemented the texts with practical tips and tools (checklists, diagrams, discussion framework, etc.).

This handbook will contain a chapter on human trafficking focusing on the detection and the procedure for minor victims of human trafficking and will be available in 2022.

Adoption of the Action Plan Fighting Human Trafficking (2021-2025)

In June 2021, Belgium adopted its fourth Action Plan on Trafficking in Human Beings for the period 2021-2025. The plan contains specific points regarding the training and informing of youth magistrates on aspects related to trafficking in minors, the development of a child-friendly tool to inform minors about the human trafficking procedure and raising awareness of the issue of human trafficking and trafficking in minors in particular among the school sector and young people.

Information and training will be provided to the youth care sector and the institutions with jurisdiction in this area. The training will be organised in a multidisciplinary way so

62 <https://www.myria.be/fr/traite/legislation>.



that the various actors in the sector are represented: reception centres, magistrates, police officers, etc. The aim is to ensure that a minor who is a potential victim of human trafficking is properly identified and directed to the appropriate structures.

4.1.2. Reception

Creation of additional reception places for unaccompanied minors

In 2021, due to the continuous rise in the number of arrivals of unaccompanied minors in Belgium since the summer of 2020 and the COVID-19 situation - causing Fedasil, the asylum authorities and the Guardianship Service to take special measures heavily impacting the number of available reception places - the saturation of the reception places for unaccompanied minors remained. Therefore, Fedasil has taken several measures to address this shortage.⁽⁶³⁾

1. Capacity expansion in the first phase reception phase (orientation and observation) for unaccompanied minors by:

- extending the capacity of the three regular Observation and Orientation Centres to 247 places;⁽⁶⁴⁾

- extending the capacity of the specific Observation and Orientation Centre in Sugny for unaccompanied minors not applying for asylum to 46 places;
- extending the capacity of the Observation and Orientation places located in the second phase reception centre of Overijse to 29 places;
- opening a fourth regular Observation and Orientation Centre in Auderghem (60 places);
- extending the first phase crisis capacity in the Arrival Centre of Fedasil (80 places), in the reception facility of Samusocial in Etterbeek (26 places) and Samusocial in Molenbeek (Dubrucq) (25 places);
- preparing the opening of temporary first phase places by the Croix Rouge Belgique in Evere (28 places) and by Fedasil in Ixelles (40 places).⁽⁶⁵⁾

2. Extension of Fedasil's instruction on the creation of reception places for autonomous unaccompanied minors to newly arriving non-vulnerable unaccompanied boys, declaring to be at least 16 years of age and meeting the minimum criteria for autonomy, enabling direct allocations from the Dispatching Service

63 More information on the three phases of the reception trajectory for unaccompanied minors is available in French and Dutch on: <https://www.fedasil.be/fr/asile-en-belgique/mineurs/trajet-daccueil-des-mena>.

64 The three regular Observation and Orientation Centres are located in the towns of Woluwe-St-Pierre, Steenokkerzeel and Neder-over-Heembeek.

65 The first unaccompanied minors arrived at the Croix-Rouge reception centre in Evere on 6 January 2021. The centre (the former Mercure hotel) can accommodate 400 people, including 28 first phase reception places for unaccompanied minors. On 17 January 2022, Fedasil received the first unaccompanied minors in a youth hostel in Ixelles (Brussels). The building can accommodate up to 40 minors. Fedasil is responsible for their supervision and works together with the youth hostel's staff and Caritas International for the social support. It offers the minors an initial short stay (usually between 4 and 6 weeks). Some of them wait for the result of their age test. The reception in Ixelles is planned for a period of three months.



at the Arrival Centre to the second reception phase.⁽⁶⁶⁾

3. Temporary instruction to assign male unaccompanied minors already residing in the reception network reaching adulthood between 6 December 2021 and before 7 March 2022 (or the end of the spring school holiday), who meet the minimum criteria for autonomy and are not considered to be vulnerable, to an adult place in the same reception facility.⁽⁶⁷⁾

4. The second and third phase reception capacity for unaccompanied minors was further increased in 2021 by 413 places in the centres of Fedasil and the Red Cross (Rode Kruis Vlaanderen and Croix-Rouge Belgique) and in the Local Reception Initiatives of the Public Social Welfare Centres.

5. As in 2020, in 2021, Fedasil continued to apply vulnerability criteria to restrict the access of 'non-vulnerable' unaccompanied minors to Observation and Orientation Centres after office working hours. As a result, only girls, minors with a disability, psychological or medical problems, boys up to and including 15 years old, boys who are not allowed on the territory (at the airport, at the border) and potential victims of human trafficking were entitled to reception in the Observation and Orientation Centres when applying after office hours.

Reaction of field organisations on Fedasil's vulnerability criteria

In September 2021, the field organisations SOS Jeunes, Doctors of the World, The Citizens' Platform for Refugees and Médecins Sans Frontières raised the alarm. They noted an increasing number of unaccompanied minors wandering around Brussels and considered that this increase was due to a structural lack of resources for appropriate reception and assistance. According to them, making a distinction between vulnerable and non-vulnerable unaccompanied minors is in violation of the Reception Act and furthermore violates - among others - the Convention on the Rights of the Child and the Charter of Fundamental Rights of the European Union. Terrain workers tried to find solutions for the young people who did not meet the 'vulnerability criteria', but often failed to do so, leaving these youngsters to spend the night on the street or in squats. The organisations pointed out that minors who have to survive in such conditions are exposed to many dangers, not the least, the risk of becoming a victim of human trafficking or ending up in other exploitative networks. These organisations advocated the need for a kind of pre-reception for this underage target group and the guarantee that all unaccompanied minors who report to the authorities are taken into the custody of the Guardianship Service, at all hours of the day or night

66 Fedasil's instruction on the creation of reception places for autonomous unaccompanied minors in the second phase reception centres of 29 October 2020 was extended on 20 September 2021.

67 Fedasil's instruction on the allocation of an adult reception place for unaccompanied minors approaching the age of majority of 14 December 2021 (effective 15 December 2021).



in accordance with the law and are given appropriate shelter.⁽⁶⁸⁾

In total, the reception capacity for unaccompanied minors increased with more than 600 places in 2021.

4.1.3. Guardianship

Prioritising the appointment of guardians and the recruitment of new guardians.

In 2021, the high numbers of reported unaccompanied minors caused a shortage of guardians and prompted the Guardianship Service to prioritise the appointment of a guardian to certain categories of unaccompanied minors.

As a result, priority was given to unaccompanied minors with additional vulnerabilities (e.g. young age, serious medical or psychological issues, suspected victim of trafficking), leaving unaccompanied minors with no particular vulnerabilities to wait for several weeks before a guardian was assigned to them.

To address the lack of guardians, in 2021, the Guardianship Service launched a recruitment campaign for new candidate guardians and selected 74 new guardians (35 Dutch-speaking and 39 French-speaking guardians). After completion of the basic training at the end of 2021 - begin-

ning of 2022, the Guardianship Service could appoint these guardians to unaccompanied minors.

Update and amelioration of the support available for guardians and of the information provided to unaccompanied minors.

As mentioned above, in 2021, with the financing of AMIF, the Guardianship Service worked intensively on the development of tools to support guardians.⁽⁶⁹⁾ A handbook (also called the vade mecum) for guardians and an e-learning tool on psychosocial counselling of unaccompanied minors will be available in 2022. The e-learning is part of a training provided for guardians on psycho-social well-being of unaccompanied minors and consists of different modules, accompanied by training sessions in small groups. The Guardianship Service also developed an animation video in different languages (available in March 2022) and a board game for unaccompanied minors to better understand the mission and role of the guardian. By the end of 2021, the game was tested in several reception centres.⁽⁷⁰⁾

68 This position was also signed by the Association pour le droit des étrangers (ADDE), Coordination et Initiatives pour Réfugiés et Étrangers (CIRÉ), Défense des Enfants International - Belgique, Ligue des droits humains, Nansen, Ordre des barreaux francophones et germanophones de Belgique (Avocats.be), Platform Kinderen op de vlucht, SB Overseas. Service Droit des Jeunes de Bruxelles and Vluchtelingenwerk Vlaanderen.

69 The AMIF project 'Strengthening the guardianship system for unaccompanied minor asylum applicants, through better support and follow-up of the guardians' was extended until 31 March 2022.

70 Within the framework of the aforementioned AMIF project, 'feedback conversations' were held in the reception centres in recent years, where unaccompanied minors could provide feedback on the guardianship system and also receive information on the mission of the guardian and the Guardianship Service.



Development of a new asset report for guardians

Guardians of unaccompanied minors must submit at least twice a year a report on the personal and financial situation of their pupils to the Justice of the Peace and the Guardianship Service who supervise the work of the guardian.⁽⁷¹⁾ The two folded report consists of a narrative part (e.g. residence, reception, health, education, durable solution) and a part on asset management. Because a larger group of unaccompanied minors now receive family benefits (the so-called Grow Package) and an annual school allowance, the asset management exercised by the guardians became more complex.

Therefore, the Guardianship Service, in cooperation with the Justice of the Peace and some experienced guardians, developed a new asset report allowing for a more adequate monitoring of the work and asset management of guardians.

Creation of a specific guardian pool for street children

In 2021, the Guardianship Service created a specific pool of guardians for street children and youth to support the growing group of street children in Belgium living in very precarious circumstances (squatting, substance abuse, victims of sexual violence and exploitation). For this purpose, the Guardianship Service

developed a guideline on the context of the problem of street children, the tasks expected from a guardian in (e.g. trying to build trust, cooperating with first line organisations, reporting concerns to Youth Care Services) and an overview of useful contact addresses (first-line organisations, shelters).

Beginning of July 2021, a first information session took place at which street workers of the city of Anderlecht, an experienced guardian and the Guardianship Service spoke. A field visit took place in October 2021.

4.1.4. Procedural safeguards

Use of sound recording of the interviews of children below the age of 12 years in the context of international protection

In the summer of 2021, the CGRS initiated a pilot project regarding the sound recording of the interviews of children below the age of 12 years. The aim of this project is to improve the connection between the child and the protection officer by removing the computer, used to type a verbatim transcript of the hearing, as a barrier during the interview. This way, the protection officer can fully focus on the interaction with the child and actively use tools like Duplo and drawings as an interview technique.

71 Art. 13 and Art. 19 of the Guardianship Act (I) (art 479) - Title XIII - Chapter VI: "Guardianship of unaccompanied foreign minors" of 24 December 2002: "At least twice a year, the guardian shall submit to the Justice of the Peace a report on the financial situation of the minor and on the evolution of his personal situation, in particular as regards his state of residence and the tracing of his family or of reception structures in his country of origin as well as his education. The report shall also mention the duties performed by the guardian and any problems the minor may have. A copy of the report is given to the Guardianship Service."



After the interview, the recording is typed out and the interview report is added to the case file. A letter explaining the aim and the procedure as well as the formal agreement to record the interview, is sent to the child, the guardian and the legal representative before the interview. The option to refuse the recording of the interview was possible, but all children involved in the project accepted. The interviews of six children were recorded and the general evaluation of the project was very positive. The CGRS wishes to implement this project as soon as possible, however a deadline is not yet foreseen.

4.1.5. Age assessment

Increase in the number of age assessments performed⁽⁷²⁾

To cope with the influx of unaccompanied minors, the Guardianship Service has taken several measures to increase the number of age tests carried out and to reduce the time taken to process cases. These measures include recruiting new attendants to accompany minors during the medical exam, increasing the number of places available for age tests at hospitals and collaboration with a new hospital. A high number of applicants claiming to be minors, turned out to be adults (69%).⁽⁷³⁾

The number of age tests performed has almost doubled compared to

2019 (1 343 tests in 2019 compared to 2 515 tests in 2021).

Improving and harmonisation of the medical age assessment

In June 2019, the Guardianship Service set up an advisory council chaired by the Universities of Leuven and Ghent to improve and standardise age assessment processes, ensuring that all hospitals carry out the examinations in the same manner.

A first meeting took place on 15 October 2021. A next meeting is planned for early 2022. After this second meeting, an advice will be drawn up and presented to the Children's Rights Commissioners and to NGOs concerned in order to give it a broad social basis in addition to a medical-scientific base.

4.1.6. (Alternatives to) detention

Individual Case Management (ICAM) for families with minors

On 1 June 2021, a new department 'Alternatives to Detention', responsible for the development and implementation of alternatives to detention within the Immigration Office, was established in order to meet the objectives formulated in the September 2020 Coalition Agreement.⁽⁷⁴⁾

The department consists of a General Coordination Unit and Individual Case Management (ICAM) coaches in five regions, who will assist

72 See 4.1.3 for measures to decrease the duration of the identification procedure of unaccompanied minors.

73 On the basis of the age tests, the Guardianship Service took 2 435 decisions on age determination. In these decisions 1 686 young people were declared to be of age. Source: Guardianship Service.

74 Coalition Agreement 30 September 2020, p. 95, available at http://belgium.be/sites/default/files/Accord_de_gouvernement_2020.pdf.



third-country nationals in irregular stay towards a durable perspective.

The return coaching for families with minor children residing at a private address and the return counselling in the open return places of Fedasil by staff of the Immigration Office now fall under the ICAM procedure.

4.1.7. Voluntary return

Multidisciplinary approach to the return of unaccompanied minors after the issuance of an Annex 38

The Immigration Office introduced a multidisciplinary approach involving guardians, Fedasil, the ICAM coaches of the Immigration Office (see above) and IOM to enhance the follow-up of unaccompanied minors after the issuance of an Annex 38.⁽⁷⁵⁾

The Immigration Office's Minors and Vulnerable Persons Unit (MINTEH) and the new Alternatives to Detention Department created a workflow whereby an ICAM coach will be appointed in those cases where (i) the MINTEH Unit is of the opinion that a return to the parents/legal representatives is the most durable solution and (ii) the unaccompanied minor is residing with a family member in Belgium. It was agreed that unaccompanied minors still residing in the reception network of Fedasil fall under the follow-up competence of Fedasil.

After the issuance of an annex 38, the ICAM coach will contact the guardian. The intervention of an ICAM coach relieves the responsi-

bility from the guardians to discuss voluntary return and return options with their pupils.

The first coaching sessions with the guardians, the minors and their (family) entourage started in 2021.

Contrary to the return coaching for adults and families in irregular stay, the coaching ends if the minors and their relatives are prepared to sign for voluntary return. From this point onwards, the file is transferred to a return counsellor of Fedasil.

This coordinated approach between the different stakeholders aims to make the return process much more efficient; enhances the involvement of the unaccompanied minors and their family in the return process; allows for a more open discussion on return; less jeopardises the bond of trust between the guardians and the minors and their families and supports the guardian in the execution of the decision and provides for a clear transparency between the different stakeholders regarding the different steps taken on return.

4.1.8. Integration

Language screening at the start of compulsory education

On 16 July 2021, after advice from the Council of State, the Flemish Government definitively approved the decision on language screening at the start of compulsory education in mainstream education and on the sufficient presence of five-year-olds

⁷⁵ Annex 38 is the order to bring the unaccompanied minor to the border, issued by the Immigration Office and notified to the guardian.



in nursery schools.⁽⁷⁶⁾ The reduction of the starting age of compulsory education, at the age of 5 years (instead of 6 years), since the 2020-2021 school year, offers the opportunity to screen all pupils for knowledge of the language of instruction at the start of their compulsory education.

From the school year 2021-2022 onwards, all pupils will be subject to a Dutch language screening at the start of compulsory education.⁽⁷⁷⁾ Pupils who do not sufficiently master the Dutch language are obliged to follow a language integration trajectory. For this language screening, the decree now lays down which instrument will be used. In addition, the decree lays down the formula for converting the 290 half-days of attendance required for five-year-olds in nursery education, necessary to be admitted to mainstream primary education at the age of six, for schools with a different timetable.

Foreign-language newcomers (maximum of one year of uninterrupted residence in Belgium and Dutch is not the home language or mother tongue) are not screened since they receive in any case, an active Dutch language integration trajectory (in principle, a language bath or a fully-fledged alternative that achieves the same results).

Access to psychological support: creation of a transcultural psychiatric day care unit in combination with residential care for minor refugees

Since 2018, supported by a grant from AMIF, the Transcultural Refugee Trauma Care Service, PraxisP at the Faculty of Psychology & Educational Sciences of the University of Leuven and the Child & Adolescent Psychiatry Unit at the University Psychiatric Centre (University of Leuven), in close collaboration with Fedasil and the Flemish Agency for Child & Youth Care (Agentschap Opgroeien), developed a novel transcultural psychiatric day care unit for minor refugees called PASO.⁽⁷⁸⁾

The psychiatric day care unit, operational since January 2021, has capacity of 12 minor refugees, aged 12 to 18 years, in day treatment. PASO provides specialised psychiatric transcultural trauma treatment for refugee minors with psychiatric profiles of posttraumatic distress and (often comorbid), complex psychosomatic symptoms, depressive functioning or externalising problem behaviour.

The day care unit collaborates with three residential youth care organisations which ensure the accommodation of PASO-patients during evenings, nights and week-ends.⁽⁷⁹⁾

76 Decision of the Flemish Government on the language screening at the start of compulsory education in mainstream education and on the sufficient presence of five-year-olds in nursery education in schools that have a different timetable of 16 July 2021, *Belgian Official Gazette*, 10 August 2021.

77 The language test is named the Koala test, and was created by the Centre for Language Education of the Catholic University of Leuven.

78 Paso meaning 'step' in Esperanto.

79 Residential care is organised by Hejmo - SOS Children's Villages in Kessel-Lo (Leuven), Juneco - Emmaus in Mechelen and Major - Minor Ndako in Brussels.



Limitation of Growth Package (Groeipakket) pay-outs to unaccompanied minors accommodated in Fedasil's reception network⁽⁸⁰⁾

Depending on whether a minor was staying in the Fedasil's reception network or in a reception structure organised by the Flemish Community (Youth Care) they received a different treatment regarding to benefits. The former received the full amount of the Growth Package, while the latter only received one third of this amount, based on the reasoning that the majority of the costs are already borne by the reception offered by facilities of the Flemish Community.

On 17 December 2021, the Flemish government approved in principle a regulatory amendment limiting family benefits (the so-called Groeipakket) for children who benefit from reception and care provided by the state, irrespective of whether the reception is organised at federal, regional or local level, to one-third of the family benefits, by analogy with the measures applicable to children placed by the Youth Care Services of the Flemish Community. The relevant decree will be submitted to the Flemish Parliament. The regulation of school allowances remains unchanged.

4.2 OTHER VULNERABLE GROUPS (EXCLUDING VICTIMS OF TRAFFICKING)

4.2.1 Special reception facilities for vulnerable groups

Opening of an accommodation centre for LGBT+ applicants

To provide accommodation and support for LGBT+ applicants for international protection who feel unsafe in regular reception centres and to meet their specific needs, on 10 December 2021, the non-profit organisation Midnimo, founder of Le Refuge Bruxelles/Opvanghuis Brussel opened an accommodation facility with a capacity of 14 places, Centre d'Accueil pour Demandeurs d'Asile LGBTQIA+ (CADAL).

Fedasil was not involved in the set-up of this accommodation facility.

Opening of an accommodation centre for homeless and isolated persons

On 15 November 2021, the non-profit organisation Samusocial opened a new permanent centre for vulnerable people in Anderlecht (Brussels). This centre is not specifically aimed at migrants.

The centre has a capacity of 160 places and is open all year round to

80 Every child in Flanders is entitled to benefits, known as Groeipakket. It concerns a package of financial benefits tailored to each child in each family. In doing so, the Groeipakket (formerly known as kinderbijslag or child benefits) contributes towards the cost of raising children. The Groeipakket consists of a birth benefit of € 1 144,44 for each child; a basic monthly amount of € 166,46 per child and a yearly school bonus of which the amount depends on the child's age (0 - 4 years: € 20,81; 5 - 11 years: € 36,41; 12 - 17 years: € 52,02; 18 - 24 years: € 62,42). The amounts apply to 2021. Other benefits, such as the social allowance, the participation allowances (f.ex. childcare allowance), the care allowances (f.ex. foster care allowance), depends on the situation of the child and their family. For more information: <https://www.groeipakket.be/en/compensations-groeipakket/moving-to-flanders>.



accommodate, care for and support homeless persons in need of care and isolated people - single men and women - who are particularly vulnerable.

The new centre is home to a medical accommodation programme, MediHalte, which provides medical care to 45 people. Of the 45 medical places, 30 beds are for short stays (from a few days to 2 months) for people with acute conditions and 15 beds for long stays (2 months and more) for people with chronic conditions. 115 places are reserved for isolated people - 70 women and 45 men - who are considered particularly vulnerable and need a safe and stabilising environment.

In order to provide comprehensive and appropriate care and support, multidisciplinary - medical, psychological and social - skills are required. A doctor, nurses, care assistants, social workers and educators are responsible for guiding and monitoring the residents of this centre in their search for long-term solutions to leave the life on the streets.

[Optimising the accessibility of the reception network for deaf and hard of hearing applicants for international protection.](#)

In Belgium, there is a desperate lack of appropriate services tailored to the needs of non-native deaf and hard of hearing people. There is a great need for expertise on deafness within services and organisations which come into contact with migrant deaf and hard of hearing people. The deaf and hard of hearing beneficiaries of

reception experience problems in the accessibility of assistance. The staff of the reception facilities and organisations that come into contact with them also experience difficulties. For this reason the assistance provided to this vulnerable group must be improved, and the care providers must be made aware of the adjustments this requires. Being aware of possible barriers and knowing who to call upon to overcome certain barriers can prevent many negative experiences in the provision of services. For this reason, in 2021, Fedasil financed the project of the non-profit organisation Doof Vlaanderen (Deaf Flanders), the Federation of Flemish Deaf Organisations, on optimising the accessibility of the reception network for deaf and hard of hearing applicants for international protection by drafting a manual for counsellors working with this target group.





05

INTEGRATION AND INCLUSION



5.1. INTEGRATION STRATEGY

5.1.1. Inter-Ministerial Conference on Integration and Migration

The successive state reforms have transferred various competences or parts of competence on migration and integration policy to the federated states, complicating the cooperation between the various policy levels. In order to be able to coordinate the policy of the federal government and the federated states, an Inter-Ministerial Conference on Integration and Migration has been set up on 12 February 2021. In order to contribute to an efficient, global and coherent policy across policy levels, the IMC wants to provide a consultation platform where issues that fall under different competences and policy levels can be discussed. A working group consisting of representatives of each member of the IMC has been set up to prepare the meetings. The representatives in the IMC are Ministers and State Secretaries of the different governments tasked with policies that pertain to migration and integration. In addition, specific Ministers can join if it is about their particular competence (e.g. Ministers of Education if it is about education).

5.1.2. Federal Plan Gender Mainstreaming (2020-2024)

The third Federal Plan Gender Mainstreaming for the period 2020 to 2024 was adopted by the Council of Ministers on 11 June 2021.⁽⁸¹⁾ ⁽⁸²⁾ The plan includes more than 180 measures to integrate the gender dimension in all areas of competence of the federal government. Measures include integration of the gender dimension in the fight against all forms of discrimination, as well as within policy and practice of the asylum and migration services such as in the protection of the well-being of the residents of the reception centres of Fedasil and in their access to social life, the management of relations between staff and residents in the closed centres of the Immigration Office and the reform of the legislation on family reunification. The plan also imposes that gender-disaggregated statistics must be available at Fedasil, the CGRS and the Immigration Office.

Furthermore, a gender coordinator was appointed at the Immigration Office and Fedasil.

5.1.3. National Action Plan to Combat Gender-based Violence (2021-2025)

On 26 November 2021, the Council of Ministers adopted the sixth National Action Plan to Combat Gen-

81 Federal Plan Gender Mainstreaming (2020-2024), *Council of Ministers*, 11 June 2021, available on https://igvm-iefh.belgium.be/fr/activites/gender_mainstreaming/mise_en_oeuvre_de_la_loi/plan_federal_gender_mainstreaming_et.

82 Following up on the Act of 12 January 2007 on monitoring the application of the resolutions of the World Conference on Women held in Beijing in September 1995 and integrating the gender dimension into all federal policies, *Belgian Official Gazette*, 13 February 2007.



der-based Violence (2021-2025) proposed by the State Secretary for Gender Equality, Equal Opportunities and Diversity.⁽⁸³⁾ It includes 201 measures for the Federal State, the Communities and the Regions. For the first time, a specific budget of € 2,5 million has been allocated to the execution of the plan. Pillar 6 of the action plan specifically focuses on gender-based violence within asylum and migration. This includes measures to improve the residence status of victims of gender-based violence residing in Belgium in the context of family reunification and the reception of, and adequate response to the specific needs of migrants affected by gender-based violence.

5.2. EDUCATION & TRAINING OF ADULTS

5.2.1. Action plan on the fight against illiteracy

The Inter-Ministerial Conference dedicated to literacy met on 3 June 2021 and adopted a new action plan in order to better coordinate and harmonise policies in the Walloon-Brussels Federation, the Walloon Region and the French Community Commission of the Brussels-Capital Region in order to effectively combat illiteracy.⁽⁸⁴⁾ The new 2021-2024 Action Plan on the fight against illiteracy mainly takes the form of lit-

eracy courses organised by schools for social promotion, public services and some 230 associations. It furthermore involved awareness-raising campaigns, analyses and studies to gain a better understanding of the phenomenon of illiteracy, as well as support, training and socio-cultural activities carried out by illiterate people so that they can participate in cultural life and democratic debate. Several organisations involved in the reception of migrants and social cohesion are involved targeting specifically third-country nationals.

5.2.2. French language courses in Brussels for newcomers

The French-speaking Brussels Community Commission (COCOF)⁽⁸⁵⁾ made a general policy declaration on 29 October 2021. The policies announced concern the future of the Brussels residents, notably within the context of integration and support for social cohesion. One of the notable changes is an increase in availability of French language courses in Brussels for newcomers.

5.3. BASIC SERVICES

5.3.1. Access to housing

In its government declaration, the Flemish government states that it wants to thoroughly reform the social housing policy.⁽⁸⁶⁾ This change will take place in two phases, with

83 Action Plan on Gender-Based Violence (2021-2025), Council of Ministers, 27 November 2021 available on <https://igvm-iefh.belgium.be/fr/activites/violence/pan>.

84 Action Plan on Literacy (2021-2024), Inter-Ministerial Conference On Literacy, 3 June 2021.

85 The institution charged with regulating sectors linked to the daily life of the French-speaking Community in Brussels

86 Policy Note 'Housing', Flemish Government, November 2019.



a first update on the Housing Codex in 2021⁽⁸⁷⁾ - laying out the foundations for the foreseen policy changes - and a completion of the new policy by 2023. The plan is that by 2023, the Flemish social housing companies (sociale huisvestingsmaatschappijen) and social rental agencies (sociale verhuurkantoren) should merge into a single housing company. The allocation criteria, which determine who gets priority in receiving social housing, will also change. The criterium 'local commitment' is tightened, thus people who wish to claim social housing must have lived in the municipality continuously for at least five of the preceding ten years. Furthermore, the point system used by the social rental agencies to ensure that people with a high housing need and low income are given priority will also be abolished. However, the plan is to allocate 20% of the social housing to households in urgent need. The reason behind the changes is a simplification of the administration and more transparent, predictable and uniform allocation of social housing in Flanders.

The announced policy changes sparked public debate and unrest among practitioners in the field regarding the right to access to housing. Especially the criterium 'local commitment' is worrying for newcomers in Belgium, as it excludes them from the social housing market.

5.3.2. Access to COVID-19 vaccination

The COVID-19 vaccinations in Belgium were available but not mandatory for third-country nationals staying legally and irregularly in the territory. Legally staying migrants can obtain a vaccination through the various vaccination centres set up throughout the country. Asylum applicants can access the vaccination through the medical services of the reception centres. Third-country nationals staying irregularly in the country can access vaccination via a BIS-number⁽⁸⁸⁾.

5.4. ACTIVE PARTICIPATION

5.4.1. Major changes to Flanders' civic integration programme

The Flemish authorities wanted to render the (civic) integration policy more effective, with a view to increasing economic self-reliance, rapid active social participation, thorough language acquisition and knowledge of Flemish values and society. In order to do so, the Flemish government amended the civic integration programme.⁽⁸⁹⁾

The integration programme has two new aspects content-wise, added to the existing language component and social orientation (norms and values) component. The third pillar of the programme aims to

87 [Decision of the Flemish Government regarding the execution of the Flemish Housing Codex of 2021](#), *Belgian Official Gazette*, 11 September 2020.

88 BIS stands for Belgian Identification Number, which is a unique identification number for individuals who are not registered in the National Register but who still have a relationship with the Belgian government.

89 [Decree of 9 July 2021 modifying the Decree of 7 June 2013](#), *Belgian Official Gazette*, 11 August 2021.



make newcomers economically independent as quickly as possible, by a mandatory inscription⁽⁹⁰⁾ in the competent employment agency.⁽⁹¹⁾ Furthermore, the fourth pillar will have newcomers take part in a participation or networking programme lasting 40 hours. This can be done in various ways: in the form of a buddy project, an introductory internship at a company, association, organisation or local government, an initiation into voluntary work, etc.

Furthermore, the civic integration programme will no longer be accessible to applicants for international protection.⁽⁹²⁾ The programme will also no longer be free of charge: each candidate will be required to pay a fee of € 360. To obtain the mandatory attestation, the persons integrating will have to pass a standardised test on social orientation and a standardised test Dutch as a second language. They will have to be registered at an employment agency and have to complete the 40-hours network trajectory. Finally, persons integrating who are not working or studying two years after obtaining their civic integration certificate will have to obtain the Dutch language level B1 speaking.

These changes enter into force on 1 March 2022.⁽⁹³⁾

5.4.2. Expansion of newcomer welcoming offices in Brussels

The French-speaking Brussels Community Commission (COCOF) made a general policy declaration on 29 October 2021. The policies announced concern the future of the Brussels residents, notably within the context of integration and support for social cohesion (cf. supra). The main change in this regard is a substantial reinforcement of the reception and guidance conditions for newcomer migrants, including an expansion of newcomer welcoming offices to a capacity of 6 000 people (previously 5 000 people).

5.5. FIGHTING RACISM AND DISCRIMINATION

5.5.1. Improving the collection and processing of equality data in Belgium

'Improving Equality Data Collection in Belgium' (IEDCB) is a project co-funded by the Rights, Equality and Citizenship (REC) programme of the Directorate-General for Justice of the European Commission. It was realised thanks to a partnership between Unia⁽⁹⁴⁾ and the Equal Opportunities Team of the Federal Public Service Justice. The project aims to

90 Only for newcomers allowed to work on the basis of their residence permit and of working age.

91 In Flanders, the Flemish Employment Agency VDAB, for the Dutch-speaking Community in Brussels, the Brussels Employment Agency ACTIRIS.

92 Applicants for international protection remain eligible for a Dutch as language (NT2) course. Fedasil can therefore still refer this target group to the Integration and Civic Integration Agencies and the House of Dutch in Brussels for these language courses. After an intake, these individuals are further referred to the customised NT2 providers. After four months, they can also access the labour market.

93 Except for the retribution for social orientation and the fourth pillar which will enter into force on a later date.

94 Unia is the independent public institution that fights discrimination and promotes equal opportunities ("equality body" according to EU standards).



improve the collection and processing of equality data in Belgium.⁽⁹⁵⁾

Unia made an inventory of the existing equality data in Belgium for three groups of discrimination criteria:

- 'Racial' criteria: so-called 'race', skin colour, nationality, descent and national or ethnic origin;
- Philosophical or religious beliefs;
- Sexual orientation, gender identity, gender expression and sex characteristics.

This online data hub⁽⁹⁶⁾ – compiled with input from civil society organisations, public institutions and research – is freely accessible and makes it possible to search data sources according to different criteria and domains.

Furthermore, Unia published a report with insights and recommendations on the collection and processing of equality data. The report exposes several gaps in the Belgian equality data. For example, there is a lack of reliable figures on access to health care based on 'racial' criteria. Moreover, too little data is collected on sexual orientation or religious and philosophical beliefs. Unia also noted that there is a need for clearer information about the legislation regarding the processing of personal data. Finally, Unia recommended focusing on a coordinated approach

to the collection and processing of equality data.

5.5.2. New Flemish Human Rights Institution in the making

In December, the Flemish Government approved the preliminary draft of the decree establishing a Flemish Human Rights Institute. The establishment of this institution will end the cooperation agreement between the Flemish government and Unia⁽⁹⁷⁾, as announced in the Flemish coalition agreement (2019). This means that the new institution will take over Unia's assignments in Flanders. The Flemish Government has indicated that the new institution will have to cooperate with Unia and with other institutions in an inter-federal context.

According to the Flemish Government, a Flemish Human Rights Institute will have far more resources at its disposal than the resources that Flanders is currently spending on Unia and will be more effective as it has the potential to make progress since it will itself adjudicate in cases of discrimination, through an arbitration board. However, the decisions of this arbitration board will not be compulsory.

There was immediate protest from civil society organisations stating that the mandate of the Flemish institution will not be the same as the

95 Equality data is any piece of information that allows us to describe and analyse the state of equality or inequality in society. 'Data' is used as a general term and can refer to both quantitative and qualitative data. Such data can be collected from a number of data sources such as official data (census, administrative databases), household and individual surveys, victimisation surveys, complaints, discrimination testing, diversity monitoring and qualitative research.

96 available in French and Dutch on: <https://www.equalitydata.unia.be/fr/?lang=fr>.

97 Unia is the independent public institution that fights discrimination and promotes equal opportunities ("equality body" according to EU standards)



mandate of Unia and the protection of human rights hence will be weakened.⁽⁹⁸⁾ At the request of the Flemish Government, nine advisory councils gave their advice on the establishment of the Flemish Human Rights Institution.⁽⁹⁹⁾ Their criticism that the initiative will result in more fragmentation, that the institution will be non-committal and will have too little power was not shared by the competent Minister. There are still many substantive and practical matters to be discussed and settled. In practice, nothing will change until March 2023.

for adult education, affecting 50 000 students), that are under the responsibility of the francophone public administration (WBE). This decision contributes to an education that is more inclusive and more respectful of the rights and freedoms of all, especially impacting those Muslim women who wear headscarves. They should, as a result, be allowed to attend a larger range of schools.

5.5.3. Greater tolerance for religious symbols in graduate schools of the French Community (Fédération Wallonie-Bruxelles)

Until now, religious symbols have been banned in many French-speaking public graduate schools. From September 2021, religious symbols (cross, headscarf, yarmulke) were authorised in higher education institutions of Wallonie Bruxelles Enseignement (WBE) provided they did not interfere with safety or hygiene rules.⁽¹⁰⁰⁾ The change took place in higher education institutions, around 39 schools, of which 29 institutions

98 Unia stressed the many hundreds extrajudicial solutions to discrimination achieved each year. The possibility of bringing the cases to court if the negotiation fails is a critical factor of success of these extrajudicial procedures. More information is available in Dutch and French on: <https://www.unia.be/nl/artikels/gelijkheidsorganen-naar-de-rechtbank>.

99 In January 2022, nine advisory councils gave their advice, the Flemish Disability Advisory Council (Vlaamse Adviesraad Handicap - NOOZO), the umbrella organisation of employers' and employees' organisations (SERV), the Flemish Education Council (Vlaamse Onderwijsraad - VLOR), the Flemish Council for Welfare (Vlaamse Raad Welzijn), Public Health and Family (Volksgezondheid en Gezin - WVG), the Flemish supervisory commission for the processing of personal data (Vlaamse toezichtcommissie voor de verwerking van persoonsgegevens - VTC), the Flemish Council for the Elderly (Vlaamse Ouderenraad) and the strategic advisory council for culture, youth, sport and media (Strategische adviesraad voor cultuur, jeugd, sport en media - SARC).

100 Wallonie-Bruxelles Enseignement is the most important educational organising authority in the French Community (Fédération Wallonie-Bruxelles).





06

CITIZENSHIP AND STATELESSNESS



6.1 ACQUISITION OF CITIZENSHIP

6.1.1. Reimbursement of procedural costs in case of successful opposition to the Public Prosecutor's negative advice

The Public Prosecutor must bear the costs if his/her opposition to the acquisition of nationality is declared unfounded. According to the Constitutional Court⁽¹⁰¹⁾, the Public Prosecutor's Office (*parket or openbaar ministerie / parquet or ministère public*) must pay the legal costs, including the litigation fee, when a court rules that the Public Prosecutor's Office's negative opinion on the acquisition of nationality of a candidate Belgian was unfounded. The Court noted that the Public Prosecutor's negative opinion on a nationality declaration is *de facto* a real decision of opposition, which the foreigner can only challenge by bringing legal proceedings.

During the legal proceedings, the Public Prosecutor's Office intervenes to defend its own (negative) decision. It can add elements to the file and lodge an appeal against the court's decision declaring his/her negative opinion unfounded. It must therefore be considered a full party to the proceedings and its factual role in the proceedings must be taken into account.

6.1.2. New article on the proof of social integration enters into force

To become Belgian after five years of legal residence, persons who cannot prove their social integration by five years of uninterrupted work or a diploma of at least upper secondary education or a vocational training of at least 400 hours, need to have successfully followed a civic integration trajectory or a welcome programme course organised by the respective Communities.⁽¹⁰²⁾

This Article was amended in 2018, in order to unify the means by which the Communities (who are responsible for the integration of foreigners) can prove the latter condition. In August 2021 the new provision entered into force. However, French-speaking foreigners in Brussels who have been residing legally in Belgium for more than three years do not have access to the welcome programme organised by the COCOF (French Community Commission of Brussels-Capital Region). The latter has decided to reserve this route for newcomers. Before the amendment of the Belgian Nationality Code in 2018, French-speaking foreigners in Brussels could prove their social integration by taking a simple "welcome programme", organised by one of the non-profit organisations recognised by the COCOF, after the amendment, this was no longer the case.

101 Constitutional Court, case no. 72/2021 of 20 May 2021, point B.9.1., referring to Doc. parl., Chamber, 1990-1991, no. 1314/7, pp. 4 and 27.

102 Known in the Flemish Community as civic integration trajectory (*inburgeringstraject*), as integration programme (*parcours d'intégration*) in Wallonia and the welcome programme or reception path (*parcours d'accueil*) for French-speaking newcomers in the Brussels-Capital Region.

The COCOF started proceedings before the Constitutional court to have this new provision annulled. However, the Court clarified that the federal legislator has the sole right to determine the conditions for accessing the Belgian nationality. The way the Communities organise the respective civic integration programmes is left to the Communities, which also includes the definition of having 'successfully concluded' of the programme.

The decision of the Constitutional Court⁽¹⁰³⁾, and the reform of Article 12bis of the Belgian Nationality Code, has encountered criticism of civil society⁽¹⁰⁴⁾. More specifically, they denounce the fact that certain groups will be deprived of one of the possibilities they previously had to prove their social integration. These include people who are not newcomers within the meaning of the COCOF Decree or those who are suspended from the obligation to follow a programme even though they meet the decree's conditions.

6.1.3. Application for revocation of nationality: single instance does not violate the principle of non-discrimination

On 23 September 2021, the Belgian Constitutional Court ruled that the absence of a second instance in the case of a revocation of nationality does not violate Article 10 and 11 of

the Belgian Constitution. According to Article 23(3) of the Belgian Nationality Code, the Court of Appeal of the primary residence of the defendant, and in the absence of a primary residence in Belgium the Court of Appeal of Brussels, has sole jurisdiction to decide on the application for revocation of nationality. The single instance does not refer to a possible Cassation appeal.

6.1.4. New card to recognise legal residence for British citizens and to facilitate the declaration of nationality

As of 1 September 2021, the electronic M-card⁽¹⁰⁵⁾ and the electronic M-card stating permanent residence, count for the determination of legal residence within the meaning of article 7bis of the Belgian Nationality Code. This means that they are accepted as prove of legal stay of (i) more than three months prior to the declaration of nationality and (ii) indeterminate duration at the moment of nationality declaration. Annex 56, which is delivered as prove of the application for an M-Card, is accepted as a means of proving legal stay before the declaration of nationality.

103 Constitutional Court, case no 47/2021 of 18 March 2021.

104 Ciré, Citoyenneté et accès à la nationalité: un imbroglio bruxellois, 29 September 2021.

105 Recipients: Beneficiaries of the UK's withdrawal from the EU of 17 October 2019, except for frontier workers. Generally, these are British citizens and their family members who applied for or obtained a right of residence before 1 January 2021. Some family members with whom a relationship already exists before 1 January 2021 and future children are also beneficiaries of the withdrawal agreement.



6.1.5. Reverse discrimination on the basis of EU law for proving the condition of five or ten years' lawful residence

On 27 May 2021, the Constitutional Court⁽¹⁰⁶⁾ decided that, in order to prove that the condition of five or ten years' lawful residence for a nationality declaration is fulfilled, the period between the submission of the application for residence and the issuance of the F-card⁽¹⁰⁷⁾ is taken into account for family members of EU citizens and Belgians who have exercised their right of free movement in the EU, but not for family members of "static" Belgians.

6.2 STATELESSNESS DETERMINATION, STATUS AND RIGHTS GRANTED.

6.2.1. Cassation Court: Palestine must be considered a state

Following an appeal court decision, the Cassation Court⁽¹⁰⁸⁾ (Cour de Cassation / Hof van Cassatie) clarified that Palestine must be considered a state, on the basis of international customary law, which sets four conditions for the establishment of a State: a population, a specific territory, a government exercising real and effective authority, and the capacity to enter into relations with other States. Therefore, the Court considers that the existence of a

state does not depend on the recognition of a State by other States. The Court concludes that the criteria set out in Article 1 of the Montevideo Convention, expressing a customary international rule, are met and that Palestine constitutes a State.

The exact consequences of the ruling are still unknown, because the Cassation Court fell short of recognising that Palestinian nationality legislation exists. On the basis of Article 10 of the Belgian Nationality Code, a child is automatically Belgian if he or she is born in Belgium and would have been stateless at any time before the age of 18 or before the emancipation before that age. Therefore, the Cassation ruling could have as a consequence that less children will obtain Belgian nationality on the basis of the above-mentioned provision. Nonetheless, while the case resolves the question of whether the oPt can be considered a state, it does not resolve the question whether somebody of Palestinian origin possesses the Palestinian citizenship. To recognise somebody as possessing the Palestinian citizenship, some legal scholars require the existence of Palestinian nationality legislation.⁽¹⁰⁹⁾ By consequence, if a child of Palestinian origin is born in Belgium, he/she could obtain Belgian nationality on the basis of Article 10, if it is considered that she/he does not possess the Palestinian

106 Constitutional Court, case no. 77/2021 of 27 May 2021.

107 Recipients of an F-Card: Third-country nationals who live in Belgium on the basis of a right to family reunification with a Belgian or Union citizen and whose application for residence has been approved.

108 Cass. 19 november 2021, C.21.0095.F

109 In a case of February 2021, the Cassation Court already annulled a decision of a lower court for having refused to recognize a Palestinian national on the basis that the court did not justify its reasoning by presenting Palestinian nationality legislation (C.20.0428.N).

nationality or, conversely, be refused Belgian citizenship on the basis that it possesses or can possess the Palestinian nationality.

6.2.2. Analysis of the creation of a separate right of residence for stateless persons under the Immigration Act

Following up on his previous policy note, the State Secretary has vowed, in his policy note of 2021,⁽¹¹⁰⁾ to work on the right of residence for stateless people who cannot return to their country of origin through no fault of their own. The aim is to create legal certainty for stateless persons, by not making their right of residence subject to the discretionary power under article 9bis of the Immigration Act, but to create a separate right of residence for stateless persons under the Immigration Act.

110 General Policy Note on Asylum and Migration, 3 November 2021, DOC 55 2294/022, p. 19, available at <https://latribune.avocats.be/sites/latribune/files/55k2294022.pdf>





07

BORDERS, VISA AND SCHENGEN



7.1 EXTERNAL BORDER CONTROL MEASURES/MANAGEMENT

In December 2021, The European Border and Coast Guard Agency (Frontex) started a Joint Operation (JO) with France and Belgium to prevent the rising number of illegal sea crossings to the UK. According to the Agency, the operation helps authorities in both countries to detect people who plan to cross the border towards the UK in an unlawful way, dismantle criminal activities such as smuggling, as well as prevent people from risking their lives.

The Belgian Passenger Information Unit (BelPIU)⁽¹¹¹⁾ processes and stores data on passengers travelling through international transport in the fight against terrorism and serious and organised crime. Since the end of 2021, the Unit collects data from 94% of international air traffic passengers, which is an increase of 8% compared to 2020. As new initiatives are being launched in the EU, including the European Travel Information and Authorisation System (ETIAS), the ETIAS national unit (BelENU) will be set up alongside the BelPIU under a new umbrella: the National Travel Targeting Centre (NTTC)⁽¹¹²⁾.

The BelPIU has requested budget under the Border Management and Visa Instrument (BMVI) fund in order to complete the implementation of the API Directive (2004). An ac-

tion plan has been discussed and submitted to the European Commission.

7.2 IMPLEMENTATION OF EU DEVELOPMENTS AT EXTERNAL BORDERS

In preparation of the implementation of the European Travel Information and Authorisation System (ETIAS)⁽¹¹³⁾ in May 2023, the national unit took several initiatives:

- The appointment of a contractor developing the ETIAS functionalities needed for the ETIAS national unit.
- The recruitment of two full-time equivalents to develop the ETIAS integration layer enabling the exchange between the European central system and the national systems.
- The drafting of a security plan, allowing a security by design development.

In 2021, the Federal Police⁽¹¹⁴⁾ started the preparations for the implementation of the European Interoperability Framework (EIF) and continued the preparations for the implementation of the Entry Exit System (EES).

111 Federal Public Service Home Affairs, Belgian Passenger Information Unit (BelPIU). BelPIU is part of the Crisis Centre of the Federal Public Service Home Affairs, and collects, saves and analysis information of passengers who use international transportation from, to or in Belgium. It became operational in January 2018, in the framework of measures in the fight against terrorism and crime.

112 <https://crisiscenter.be/en/what-does-national-crisis-center-do/belgian-passenger-information-unit/belpiu>
113 Etias.com

114 Federal Police, General Directorate Administrative Police, Directorate of Operations, Migration Unit



7.3 REINFORCED COOPERATION WITH THIRD COUNTRIES ON BORDER MANAGEMENT

In order to strengthen the operational capacity of the DR Congo in combatting irregular migration and control of its external borders, Belgian authorities invested € 230 000 in the IOM project 'MIDAS-v4'.

MIDAS stands for Migration Information and Data Analysis System. It is a user-friendly and customisable border management information system. With the capability to collect, store, and analyse traveller information in real time and across an entire border network, MIDAS aims to enable States to more effectively monitor those entering and exiting their territory while providing a sound statistical basis for migration policy-related planning.⁽¹¹⁵⁾

The system will also be extended with eight Congolese border crossing points.⁽¹¹⁶⁾

7.4 VISA POLICY

On 15 September 2021, Belgium renewed the contract with its two external service providers (ESP), VFS Global and TLS Contact, for the reception of visa and legalisation of applications.

With the new contract, four new countries were added to the list of outsourced visa and legalisation services: Tanzania, Australia, New Zealand and Angola. Also, two new provisions are included: (i) to scan

and digitally transmit long-stay visa applications to the Immigration Office and (ii) the obligation to connect their appointment system to Visa on Web, the Belgian online system used to fill in the visa application form. With these provisions, Belgium aims at accelerating the processing of long-stay visa applications and avoid double registration in both systems.

On 30 April 2020, the European Commission decided to introduce a mandatory digital seal for Schengen visa. The 2D barcode digitally signs the content of a Schengen visa and ensures the authenticity of the data. In 2021, Belgium conducted intensive research on the implementation of this 2D barcode (i.a. cost related) by means of in-depth studies and exchange of views.

7.5 SCHENGEN GOVERNANCE

Several Ministerial Decrees were adopted in 2020 and 2021 in response to the COVID-19 pandemic. One measure was the temporary reintroduction of internal border controls. In 2021 this was the case from 27 January until 18 April. The Belgian authorities deemed the internal border control necessary to ensure compliance with the measures of non-essential movements and social distancing.

Three EU Schengen evaluation missions took place in 2020: return, borders and data protection. In 2021, as a follow-up of the border evalu-

¹¹⁵ iom.int/midas

¹¹⁶ Immigration Office, Ilabel Unit.



ation, an action plan was drafted to mitigate the findings of the evaluation mission.⁽¹¹⁷⁾

The visa Schengen evaluation mission, planned in 2020 and postponed to 2021 due to the COVID-19 pandemic, was again postponed to 2022.

117 Federal Public Service Foreign Affairs.





08

IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING



8.1 TACKLING MISUSE OF LEGAL MIGRATION

The COVID-19 pandemic led to the temporary unemployment of several employees. In this regard, the Belgian authorities approved financial support measures. At the end of 2020, the Immigration Office found out that some third-country nationals falsely claimed to be EU-citizens and used false identity documents, salary slips and employment contracts to benefit from these support measures. In 2021, the Immigration Office alerted the municipalities and informed them about the detection and treatment of such cases. Several complaints were filed against persons abusing this system.⁽¹¹⁸⁾

The number of student visa applications from Cameroonians was high for many years with some 10 to 15% of applications including false documents. In order to reduce the number of fraudulent student visa applications from Cameroonians, the Immigration Office's Director General engaged in an online debate with Cameroonian students to highlight the dangers of unlawful stay and the possibilities for legal stay.⁽¹¹⁹⁾

8.2 FALSE TRAVEL DOCUMENTS

Early 2020, the Federal Task Force "Prevention and combating of identity fraud" a network of experts from the Federal Police, the Federal Public

Service Foreign Affairs, the Immigration Office, and the Federal Public Service Home Affairs (civil registry), developed an information session for municipality staff on different kinds of identity fraud for the purpose of increased detection of counterfeit travel and identity documents. Because of the COVID-19 pandemic, the information sessions had to be postponed to 2021.⁽¹²⁰⁾

The Federal Task Force also provided a training on identity fraud to contact Prosecutors of identity crimes appointed in different Prosecution Offices.⁽¹²¹⁾

8.3 COMBATTING FACILITATION OF IRREGULAR MIGRATION (SMUGGLING)

In 2021, the Interdepartmental Coordination Platform, chaired by the Federal Public Service Justice, adopted the second Action Plan on Smuggling in Human beings, covering the period 2021-2025. The Action Plan contains specific actions to improve the investigation and prosecution of smuggling in human beings, to raise awareness and to strengthen the financial research.

For several years, transmigration (mainly to the UK) has been an important issue in Belgium. On 31 December 2021, the Brussels Government bought a building that will be converted into a reception centre for migrants in transit. In the reception

118 Immigration Office, Investigations Unit

119 Immigration Office, Ilobel unit

120 Immigration Office, Investigations Unit

121 Immigration Office, Investigations Unit



centre, which is planned to open at the end of 2022, the migrants will receive information on i.a. asylum and return.

The Brussels Court of Appeal clarified the crime of smuggling of human beings, as described in Article 77bis of the Aliens Act, in a judgment of 26 May 2021⁽¹²²⁾. The Court of Appeal ruled that providing accommodation, lending a mobile phone or giving access to a laptop to a person without legal residence or in a precarious situation does not mean that the person concerned is guilty of smuggling as a perpetrator or accomplice.

8.4 PREVENTION OF IRREGULAR MIGRATION AND STAY

The Reach Out project was funded and carried out through the European Return and Reintegration Network (ERRIN), with Fedasil as lead partner.⁽¹²³⁾ It aims to increase knowledge about future oriented legal options, including the possibility of an assisted voluntary return, among 'hard to reach' groups (e.g. stranded migrants, migrants in transit). The first phase of the project was implemented in Belgium and France between November 2019 and April 2021. In May 2021 a second phase started, which will end in April 2022. In September 2021 four new staff members joined the Reach Out team of Fedasil. They mainly work in

the Brussels area.⁽¹²⁴⁾

In May and June 2021, the port area of Zeebrugge upgraded their security system in an attempt to counter cross-border migration. Several surveillance cameras, thermal cameras and fences were installed. This security upgrade was co-funded by the UK Border Force and the European Commission.

In October 2021, the State Secretary for Asylum and Migration started an information and dissuasion campaign to halt the increased influx of Albanian asylum applicants. As part of the campaign, the State Secretary travelled to Albania and engaged social media influencers to contradict messages and false success stories.⁽¹²⁵⁾

On 23 May 2021, more than 400 undocumented migrants started a hunger strike in Brussels, demanding a collective regularisation with valid residency papers to be able to stay in Belgium. This led to high political tension with some political parties threatening to resign in case of casualty. On 21 July 2021, the strike was lifted. The strikers were informed about the existing residence procedures and their cases would be examined and handled individually, in a 'neutral zone' set up for that purpose.⁽¹²⁶⁾

122 Judgment no. COR/798/2021, *Brussels Court of Appeal*, 26 May 2021.

123 European Return and Reintegration Network, 'Reach Out, 2020, https://returnnetwork.eu/wp-content/uploads/2019/05/ERRIN-Project-Leaflet_Reach-Out.pdf, last accessed on 8 January 2021

124 Fedasil, Reach Out Unit

125 <https://www.tijd.be/politiek-economie/belgie/federaal/mahdi-hoopt-instroom-uit-albanie-in-ten-dammen-met-ontradingscampagne/10339955.html>

126 This is further explained in section 1.6 'Hunger strike of persons in irregular stay'.



8.5 COOPERATION WITH THIRD COUNTRIES TO PREVENT IRREGULAR MIGRATION

In May 2021 two large groups of Vietnamese migrants in transit were detected in Belgium. For this reason, it was decided to organise an awareness raising campaign in Vietnam about the dangers of irregular migration and the possibilities of legal migration. The campaign is planned for 2022.⁽¹²⁷⁾

127 Immigration Office Investigations Unit





09

TRAFFICKING IN HUMAN BEINGS



9.1 NATIONAL STRATEGIC POLICY DEVELOPMENTS

In June 2021, Belgium adopted its 4th Action plan on trafficking in human beings for the period 2021-2025. The plan addresses legislation and regulations, training, victim protection, awareness raising and coordination, including actions by the regional authorities.⁽¹²⁸⁾

In March 2022 the federal parliament adopted a bill on the decriminalisation of sex work. According to experts, the law may have a positive impact on the detection of victims of human trafficking for the purpose of sexual exploitation. However, the law may limit their access to the protection status, as criminal investigations and prosecutions may be based on the new crime of “abuse of prostitution” instead of trafficking.⁽¹²⁹⁾

9.2 PROVISION OF INFORMATION ON ASSISTANCE AND SUPPORT TO THIRD COUNTRY NATIONAL VICTIMS

9.2.1. Awareness raising campaigns

On 30 July 2021, on the World Day Against Trafficking in Persons, Belgium organised the launch of the Blue Heart Campaign in Bruges.⁽¹³⁰⁾ The focus of the campaign is to raise awareness about the fight against human trafficking and to pay tribute to the work of first responders of human trafficking.

In this context, three leaflets were published by the Federal Public Service of Justice and distributed in libraries, city halls and other public places. The focus was on exploitation in the building sector and beauty parlours, and by lover boys.⁽¹³¹⁾ Other awareness actions included the illumination of various city halls and other iconic buildings in Brussels, Bruges, Mons, Mechelen and Ghent, and the dressing of the statue of Manneken-Pis in a costume inspired by the Blue Heart Campaign.

The “Blind Betting” campaign ran for a week from 18 October 2021, the European Human Trafficking Day. It aimed to shed light on sexual exploitation and especially on the phenomenon of lover boys, who try to seduce and win over young girls with false promises and then exploit them sexually. The campaign was visible in three major Belgian railway stations: Brussels-Midi, Liege-Guillemins and Antwerp-Central. It was organised by the Federal Police, the Federal Public Service Justice, the Federal Migration Centre Myria and the three centres specialised in the reception of victims of human trafficking: Pag-asa, Payoke and Surya. This campaign was elaborated within the framework of the European Commission’s policy cycle to combat organised crime (European Multidisciplinary Platform Against Criminal Threats or EMPACT).

128 The action plan is available here: http://www.dsb-spc.be/doc/pdf/NAP_TIP_2021_2025_ENG.pdf

129 Third-country national victims of trafficking in human beings in Belgium: detection, identification and protection, published by EMN Belgium in April 2022, section 2.1.

130 The Blue Heart Campaign is a global awareness raising initiative to fight human trafficking and its impact on society (<https://www.unodc.org/blueheart/>).

131 The leaflets are available here: https://justitie.belgium.be/nl/publicaties/hoer_mensenhandel_eruit_ziet

9.2.2. Training

In 2021, staff of certain units of the Immigration Office (e.g. detention centres, registration stage of the asylum procedure, interviewers of asylum applicants) received a special training on trafficking, organised by the Trafficking Unit of the Immigration Office. Trainings were also

organised for staff members of other units, who usually don't have direct contact with third-country nationals.

In 2021, a survey conducted among the employees of the federal reception centres established the need to re-launch Fedasil's training on trafficking in human beings for reception centre staff in 2022.

Fedasil's survey on the subject of human trafficking among staff in federal reception centres

During 2021, Fedasil's Research and Policy Unit carried out a survey on the subject of human trafficking among staff in federal reception centres. Conducted in February 2021, via an online questionnaire, the aim of this survey was to understand the different practices of the reception centres with regard to the detection, orientation and support of potential victims of human trafficking. Twenty of the 28 federal reception centres that were active at the time of the survey, participated.

The survey showed that some, but not all, centres have one or more contact persons (SPOC) on staff, responsible on the subject of trafficking in human beings. However, employees are not always aware of the presence of this SPOC in their centre.

The analysis also concluded that the staff in the majority of the reception centres had some knowledge about the detection and referral of victims of human trafficking, but that many respondents considered their skills and level of information to be insufficient. Therefore, many considered that an initiation or follow-up training would be desirable. Another point that came to light is that the extent to which the reception centres contact the specialised centres for victims of trafficking in human beings varies significantly, whether it is for requests for information or for the concrete referral of suspected victims.

Differences in practices and knowledge relating to human trafficking were noted between reception centres that recently opened (meaning within the last three years) and those that have been in operation for a longer time, but also according to the categories of residents they accommodate and the phase in the reception trajectory they cater for. Thus, staff of centres accommodating unaccompanied minors during the first reception phase (Observation and Orientation Centres), tend to have a better knowledge on human trafficking and they show a higher estimate of their detection and orientation capacity.



Taking into account the results of the survey, Fedasil decided, among other things, to re-launch the training on trafficking in human beings for reception centre staff in 2022. Preparatory meetings with actors specialised in the field took place in 2021 and will continue in 2022. At the same time, some reception centres already received training in 2021, organised directly by the specialised centres for victims of human trafficking.

9.2.3 Other

In 2019, the Flemish Government approved the creation of a new shelter for underage victims of trafficking. The shelter is named Meza and opened in March 2022. The shelter is managed by Minor Ndako,⁽¹³²⁾ which collaborates with the specialised centre PAG-ASA (for legal and administrative support to the victims) and the civil society organisation De Wissel (for pedagogic and therapeutic aspects). This small reception structure offers a therapeutic community to a maximum of six unaccompanied underage female foreign nationals who are (presumed) victims of human trafficking for the purpose of sexual exploitation. The reception structure is secured and on a secret location.⁽¹³³⁾

9.3 IDENTIFICATION OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS

9.3.1. Cooperation at national level

To increase the detection of victims of trafficking, a more intense cooperation between two units of the

Immigration Office (the Trafficking Unit and the Asylum Unit) was established in 2021. Experts from the Trafficking Unit were getting more involved in the registration and interviews of applicants for international protection for whom there are indications that they are potentially victims of trafficking. If indications of a potential trafficking victimhood emerge, the trafficking experts are contacted. They will then provide guidance on how to conduct the asylum interview, and will inform the asylum applicant about his or her rights and options.

9.3.2 Cooperation with other Member States

Belgium has been an active member of the Eurojust Focus group on migrant smuggling since 2019. The scope of this group was extended to trafficking in human beings in November 2021.⁽¹³⁴⁾

9.3.3 Other

In the Global Plan for Security and Prevention of the Brussels Government, tackling trafficking in human beings is considered a priority. Its

132 The non-profit organisation Minor-Ndako offers specialised care and help for children and youngsters, including unaccompanied minors, in problematic situations. Minor-Ndako has been recognised

133 Minor Ndako

134 Interview with the Federal Public Prosecutor's Office in the Fall of 2021.

Prevention and Security Unit has to coordinate collaboration between the 19 municipalities of the Brussels-Capital region. The plan also provides funding for projects linked to trafficking in human beings and other forms of crime in the Brussels area.⁽¹³⁵⁾

As the independent national rapporteur on trafficking in human beings in Belgium, the Federal Migration Centre Myria published on 23 December 2021 its independent and public annual report in this regard. The 2021 edition of the report focuses on the in March 2022 adopted law on the decriminalisation of sex work and its possible implications. The report is addressed to the government and parliament, and intends to provide a boost and offer support to the actors in the field.⁽¹³⁶⁾

In 2021 EMN Belgium and 26 other European countries conducted a study on third-country national victims of trafficking in human beings: detection, identification and protection. The study looked i.a. into cooperation at EU and international level, the impact of COVID-19 and main challenges and good practices regarding the identification and detection of victims.⁽¹³⁷⁾

135 Bruxelles Prévention et Sécurité, *Plan Global de Sécurité et de Prévention 2021 – 2024*, available at <https://bps-bpv.brussels/fr/plan-global-de-securite-et-de-prevention-2021-2024>.

136 The report can be consulted here: <https://www.myria.be/fr/publications/rapport-annuel-traite-et-traffic-des-etres-humains-2021-visiblement-invisible>

137 The Belgian study and the EU synthesis report are available on the website of EMN Belgium: <https://emnbelgium.be/publication-type/emn-reports-studies/thematic-studies>





10

RETURN AND READMISSION



10.1 GENERAL POLICY DEVELOPMENTS IN THE AREA OF RETURN

On 28 October 2021, the Immigration Office opened its first regional return desk (ICAM desk) in Brussels. ICAM stands for Individual Case Management Support. ICAM return counsellors will inform irregularly staying migrants about their situation, look into possible new residence procedures, and help and encourage them to return voluntarily.

As a main measure, persons in irregular stay are guided towards a sustainable future perspective by the ICAM coaches of the Alternatives to Detention (ATD) Department at a regional office. The coaching starts from the moment a return decision is issued. All aspects of the legal and administrative residence situation are taken into account. When there are no more residence possibilities, the third-country national in irregular stay will be guided and prepared for voluntary return. In case the third-country national refuses to cooperate, he/she will be informed about the possibility of forced return.

This fits into the implementation of the 'adherent policy' in order to increase the return rate. The 'adherent policy' (Dutch: *aanklampend beleid*, French: *politique proactive*) is a Belgian policy using a wide range of possible measures to strengthen an effective return policy.

10.2 FORCED RETURN AND DETENTION

Within the Immigration Office, a new department was established on 1 June 2021 in order to meet the objectives formulated in the Federal Government's Coalition Agreement and the Policy Statement. The new 'Alternatives to Detention' Department is responsible for the development and application of alternative measures to avoid the detention of persons residing unlawfully on the Belgian territory.⁽¹³⁸⁾ Within the new department, the intended target groups are expanded. The focus is no longer exclusively on families with minor children, but also on individuals staying at a known address, either in a private home or in a reception structure. In addition, the target group also includes people who have been intercepted and who have no known address but for whom no forced removal with detention is envisaged.

Like several other Member States, Belgium suspended returns of Afghan nationals due to the political developments during the second half of 2021.

10.3 IMPLEMENTATION OF EU READMISSION AGREEMENTS

The bilateral protocols implementing the EU readmission agreements with North-Macedonia, Moldova and Bosnia entered into force on 1 August 2021.

¹³⁸ Belgian Immigration Office, Return Unit.





11

MIGRATION AND DEVELOPMENT COOPERATION



11.1 SKILLS MOBILITY PROJECTS

In 2021, Belgian actors were involved in several Skills Mobility Projects that aim to test different components of international labour mobility and improve synergies between migration and development in third countries.

One of Enabel's, the Belgian Development Agency, projects, the 'Pilot Project Addressing Labour Shortages through Innovative Labour Migration Models' (PALIM) was concluded.⁽¹³⁹⁾ The project ran from 1 March 2019 to 30 April 2021 and aimed at testing the Single Permit. The COVID-19 pandemic strongly impacted its international mobility component, between Belgium and Morocco, which was integrated within the follow-up labour mobility project (THAMM-Enabel).

Enabel is still implementing a component of the 'Towards a Holistic Approach to Labour Migration Governance and Labour Mobility in North Africa' (THAMM), within the regional programme financed by the EU Trust Fund.⁽¹⁴⁰⁾ THAMM-Enabel was signed in August 2020 but concretely started in March 2021, with the progressive deployment of the project team in the three countries covered (Belgium, Morocco and Tunisia).

THAMM-Enabel follows-up on the PALIM project and further tests the

'Global Skill Partnership' approach, considering that labour mobility better benefits the parties when talents are able to find a qualified job both in their country of origin and in the country of destination.

Apart from PALIM and THAMM, Enabel launched a new Pilot Project for Entrepreneurial Mobility (PEM), that will test and facilitate entrepreneurial mobility between Belgium and Senegal.⁽¹⁴¹⁾ PEM aims to test the 'Skills Mobility Partnership'-approach and support actors involved in the creation and incubation, acceleration, internationalisation of business. Thanks to circular mobility schemes, innovative small, micro- and nano entrepreneurs from Senegal will be able to establish links with business support mechanisms and enterprises in Belgium, included West African diaspora entrepreneurs, who are interested in internationalising their businesses in Senegal. This win-win approach is operationalised, in its mobility component, through the business visa. By testing this mobility scheme, in partnership with the Belgian Immigration Office, the PEM project strives to improve the governance of human mobility and to contribute to the dialogue of the EU and Senegal on Migration and Mobility.

Finally, IOM Belgium and Luxembourg is involved in the 'Migration of African Talents through Capacity

139 Enabel, *Labour Mobility: Enabel's approach as a blueprint for the EU*, available at: <https://www.enabel.be/content/pilot-projetc-enabel-becomes-european-future-fit-project-model> .

140 European Commission, *Towards a Holistic Approach to Labour Migration Governance and Labour Mobility in North Africa*, available at: https://ec.europa.eu/trustfundforafrica/region/north-africa/regional/towards-holistic-approach-labour-migration-governance-and-labour_en

141 Enabel, *Pilot Project for Entrepreneurial Mobility*, available at: <https://open.enabel.be/fr/SEN/2481/p/pilot-project-for-entrepreneurial-mobility-projet-pilote-pour-la-mobilit-des-entrepreneur-e-s.html>



Building and Hiring' (MATCH) -project, which is a 36 month initiative funded by the European Union (EU) that aims at providing highly skilled talents to private sector companies whose needs for qualified staff cannot be satisfied by the offer available on the EU labour market.⁽¹⁴²⁾ The project 'matches' Belgian, Dutch and Italian employers with Senegalese and Nigerian employees. Additionally, IOM Belgium and Luxembourg is involved in the project 'Displaced Talent 4 Europe', which envisages to provide complementary pathways for refugees to the EU and, more specifically, Belgium. The project is still in its launching phase.

11.2 TEAM EUROPE INITIATIVES (TEI)

Belgium has endorsed two regional Team Europe Initiatives (TEI) on Migration. Spain, together with seven other Member States, amongst which Belgium, sponsored a TEI for the Atlantic and Western Mediterranean routes, that will be implemented in 2022 to provide African partners with the tools to better manage migration and address its root causes, with the ultimate aim to reduce non-voluntary migration and facilitate legal and safe movements.⁽¹⁴³⁾ Furthermore, Belgium has endorsed

the Italian and French TEI on the Central Mediterranean route that addresses the root causes of irregular migration and forced displacement with a focus on Sub-Saharan Africa and further focuses, amongst others, on legal migration and mobility, protection and assistance and complementary pathways. The TEI covers 12 countries: Tunisia, Libya, Niger, Burkina Faso, Chad, Sudan, Ethiopia, Eritrea and Somalia, Côte d'Ivoire, Guinea, and Nigeria.⁽¹⁴⁴⁾

The 2 TEIs are organised on the five Valletta axes⁽¹⁴⁵⁾ and the Belgian DG on Development Cooperation and Humanitarian aid has focused on Legal Migration (pillar 1), Reintegration (pillar 4) and Migration and Development (pillar 5), while also endorsing the second pillar on Protection.

142 IOM Belgium and Luxembourg, *MATCH*, <https://belgium.iom.int/match>

143 European Union, *Team Europe initiative and Joint Programming tracker: Western Mediterranean migration route*, available at: <https://europa.eu/capacity4dev/tei-jp-tracker/tei/western-mediterranean-migration-route>

144 European Union, *Team Europe initiative and Joint Programming tracker: Central Mediterranean migration route*, <https://europa.eu/capacity4dev/tei-jp-tracker/tei/central-mediterranean-migration-route>

145 (i) addressing the root causes of irregular migration and forced displacement, (ii) enhance cooperation on legal migration and mobility, (iii) reinforce the protection of migrants and asylum seekers, (iv) prevent and fight irregular migration, migrant smuggling and trafficking in human beings and (v) work more closely to improve cooperation on return, readmission and reintegration.





ANNEX

ANNEX: PUBLICATIONS BY EMN BELGIUM (2009-2021)

The present annex lists the studies and reports published by EMN Belgium between 2009 and 2021. The other EMN National Contact Points 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.

The reports from the other NCPs as well as the Synthesis Reports are available on:

http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/index_en.htm.

2009	
April 2009	The Organisation of Asylum and Migration Policies in Belgium
June 2009	Annual Report on Asylum and Migration Policy in Belgium – 2008
July 2009	Unaccompanied Minors in Belgium - Also available in French and Dutch
October 2009	Programmes and Strategies in Belgium Fostering Assisted Voluntary Return and Reintegration in Third Countries - Also available in French and Dutch
December 2009	EU and Non-EU Harmonised Protection Statuses in Belgium
2010	
January 2010	Annual Report on Asylum and Migration Policy in Belgium – 2009
August 2010	Satisfying Labour Demand Through Migration in Belgium
2011	
January 2011	Temporary and Circular Migration in Belgium: Empirical Evidence, Current Policy Practice and Future Options

March 2011	Annual Report on Asylum and Migration Policy in Belgium – 2010
May 2011	EU and Non-EU Harmonised Protection Statuses in Belgium (update)
October 2011	Visa Policy as Migration Channel in Belgium
2012	
January 2012	Practical Measures for Reducing Irregular Migration in Belgium
March 2012	Annual Report on Asylum and Migration Policy in Belgium – 2011
April 2012	Misuse of the Right to Family Reunification: Marriages of Convenience and False Declarations of Parenthood in Belgium - Also available in French and Dutch
September 2012	Establishing Identity for International Protection: Challenges and Practices in Belgium - Also available in French and Dutch
September 2012	The Organization of Migration and Asylum Policies in Belgium (update)
October 2012	Migration of International Students to Belgium, 2000-2012
December 2012	Intra-EU Mobility of Third-Country Nationals to Belgium - Also available in French
2013	
May 2013	Annual Report on Asylum and Migration Policy in Belgium – 2012
July 2013	Attracting Highly Qualified and Qualified Third-Country Nationals to Belgium
August 2013	Organisation of Reception Facilities in Belgium
October 2013	Identification of Victims of Trafficking in Human Beings in International Protection and Forced Return Procedures in Belgium
2014	
February 2014	Migrant Access to Social Security – Policy and Practice in Belgium - Also available in French and Dutch
June 2014	Good Practices in the Return and Reintegration of Irregular Migrants: Belgium’s Entry Bans Policy and Use of Readmission Agreements
June 2014	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 - Also available in French
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 with Third Country National Sponsors 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

2018

May 2018	Changing Influx of Asylum-Seekers in 2014-2016
July 2018	Effectiveness of Return in Belgium: Challenges and Good Practices Linked to EU Rules and Standards
August 2018	Annual Report on Asylum and Migration Policy in Belgium – 2017
September 2018	Labour Market Integration of Third-Country Nationals in Belgium
September 2018	Impact of Visa Liberalisation on Countries of Destination
December 2018	Socio-Economic Profile and Socio-Economic Careers of People Granted International Protection in Belgium, 2001-2014

2019

June 2019	Annual Report on Asylum and Migration Policy in Belgium – 2018
July 2019	Beneficiaries of International Protection Travelling to their Country of Origin: Challenges, Policies and Practices in Belgium

2020

May 2020	Comparative overview of National Protection Statuses in Belgium
June 2020	Migratory Pathways for Start-ups and Innovative Entrepreneurs in Belgium
June 2020	Annual Report on Asylum and Migration Policy in Belgium - 2019
July 2020	Pathways to Citizenship for Third-Country Nationals in Belgium

2021

January 2021	Attracting and Protecting the Rights of Seasonal Workers in Belgium
March 2021	Report on Children in Migration
June 2021	Annual Report on Asylum and Migration Policy in Belgium - 2020
June 2021	Accurate, Timely, Interoperable? Data Management in the Asylum Procedure in Belgium



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