

ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN BELGIUM OVERVIEW

LAST UPDATED ON 15 JANUARY 2024



INTRODUCTION

This document provides an overview of how asylum and migration policies are organised in **Belgium**, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection.

It is based on the information provided by EMN Belgium in January 2024.



OVERVIEW OF ORGANISATION OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

THE INSTITUTIONAL CONTEXT

Belgium is a **federal state** with a complex structure: the federal level and federal entities (Communities and Regions) all have their competences. Hence, in the field of migration and international protection there are **many levels and actors**, each with their autonomous role. However, most responsibilities and departments in this field are at a federal level.

The **State Secretary for Asylum and Migration** is responsible for the entry, stay and return of foreign nationals, as well as for the reception of asylum seekers.

The public administrations involved include:

- the Federal Public Service **Home Affairs**, incl. the **Immigration Office**, responsible for i.a. entry, stay and return of foreign nationals;
- the **Federal Agency for the Reception of Asylum Seekers** (Fedasil), responsible for the reception of applicants for international protection and the voluntary return and reintegration programme;
- the Federal Public Service **Justice**, responsible for Belgian citizenship, the guardianship of unaccompanied minors, and the prosecution related to trafficking and smuggling of human beings;
- the Federal **Police**, responsible for return, border control, ...;
- the Office of the **Commissioner General for Refugees and Stateless Persons**, mainly responsible for refugee status determination and resettlement;
- the Federal Public Service **Foreign Affairs**, Foreign Trade and Development Cooperation, responsible for i.a. visas (embassies and consulates) and for policy coherence for development;
- the **Regions** and the Federal Public Service **Employment**, Labour and Social Dialogue, responsible for labour policy.

Myria, the Belgian Federal Migration Centre, is an independent public body. It analyses migration, defends

the rights of foreigners and combats human smuggling and trafficking.

Implementation of economic migration is the competence of the three **regional governments**: the Flemish Region, the Brussels-Capital Region and the Walloon Region, as well as the German-speaking Community.

Integration is the competence of the three **Communities**: the Flemish Community, the French Community and the German-speaking Community.



INSTITUTIONAL CHART

Please see annex.

THE LEGAL SYSTEM

The most relevant law is the **Law of 15 December 1980** on entry, stay, settlement and return of foreign nationals, which has been modified several times. The law also governs the asylum procedure. Third country nationals' access to work is mainly regulated by the relevant decrees of the Regions. The access to work for young au pairs is regulated on the federal level, by the Law of 30 April 1999.¹ A set of other laws, Royal Decrees and Circular Letters complete the legislation.

The **Council for Alien Law Litigation** (RvV /CCE) is an independent administrative court responsible for appeals against the decisions of the Commissioner General for Refugees and Stateless Persons, the Immigration Office, and other decisions pursuant of the Law of 15 December 1980.

Appeals against detention can be lodged with the **Tribunal of First Instance**.

Decisions of Fedasil regarding the reception of applicants for international protection can be appealed in the **Labour Courts**.

LINK WITH OTHER POLICY AREAS

Migration policy is linked to **labour market policy** in the sense that economic migration has a role to play vis-à-vis (individual) labour demands of employers, not least with respect to highly skilled professionals. The fight against racism and **discrimination** on all levels of society is of course also linked with migration and asylum policy. Foreign Affairs is involved in tackling **human trafficking and smuggling** and in promoting stabilisation of certain regions.

¹<https://emploi.belgique.be/fr/themes/international/travailleurs-etrangers>