

BELGIUM

EMN COUNTRY FACTSHEET

2017

MAIN DEVELOPMENTS IN MIGRATION AND INTERNATIONAL PROTECTION, INCLUDING LATEST STATISTICS



LEGAL MIGRATION AND MOBILITY

PROMOTING LEGAL MIGRATION CHANNELS

In 2017, a first part of the Law of 18 December 2016 inserting a new general residence condition into the Immigration Act entered into force.¹ Hence, foreign nationals who applied for a residence permit after 25 January 2017 need to provide evidence of their willingness and efforts to integrate into Belgian society. If a foreign national does not make “reasonable efforts” to integrate, the Immigration Office may take this into account when making a decision on **ending his/her residence permit**. However, this decision must comply with the principle of proportionality.

A second part of the law has not yet entered into force: certain foreign nationals applying for a residence permit will have to sign a declaration indicating that they “understand the fundamental values and norms of society and will act accordingly” (the **‘newcomers’ declaration**). Signing this declaration will be a condition of admissibility for the application for a residence permit.

In 2017, Belgian authorities worked on the draft legislation to transpose the provisions of the **Students and Researchers Directive (2016/801/EU)**² into national law. Among others, the provisions related to the length of stay, grounds for refusal, withdrawal and non-renewal of residence permits should be modified and

¹ Law of 18 December 2016 inserting a general residence condition into the Immigration Act, *BG*, 8 February 2017.

² Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country

KEY POINTS



A reform of the Belgian legislation on international protection was adopted in 2017 to – inter alia – finalise the transposition of the **Asylum Procedures Directive** and **Reception Conditions Directive**. This will have implications for all stages of the asylum procedure.



Certain foreign nationals now need to provide evidence of their willingness and efforts to integrate into society. If a foreign national does not make “reasonable efforts” to integrate, this may lead to a termination of his/her residence permit.



Two laws modified the Immigration Act and introduced changes regarding the procedure to end a third-country national’s residence right and to organise his/her removal for reasons of public order and national security.

completed, if necessary. Intra-European mobility of third-country researchers and students should also be facilitated. Finally, students should be allowed to reside in Belgium for an additional year following the completion of their studies in order to seek employment

nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.

– provided they have the necessary resources to sustain themselves.

ECONOMIC MIGRATION

In 2017, the transposition of **different EU directives (i.e. Single Permit,³ Intra-Corporate Transfers (ICT)⁴ and Seasonal Workers⁵)** was a central focus of the competent Belgian entities. However, the transposition of the above-mentioned Directives was not finalised in 2017 as it coincided with the ongoing institutional reform of the policy on economic migration following the sixth state reform and led to different entities (federated and federal) to be involved in this process.

In the framework of the **transposition of the Single Permit Directive**, the different competent Belgian entities (i.e. Federal State, Regions and German-speaking Community) drafted a **cooperation agreement** on the coordination of the policies on work permits and residence permits and the norms regarding the employment and residence of foreign workers, which was adopted by the federal state and the competent federated entities on 2 February 2018. This cooperation agreement will need to be approved by the different Parliaments in 2018. This cooperation agreement will represent the legal basis for all applications by third-country nationals to reside in Belgium for a period of time **exceeding 90 days** in order to work.

A **cooperation agreement implementing the cooperation agreement on the Single Permit procedure** (focusing on the creation of specific new residence permits and on the distribution of costs between the Federal State and the federated entities) should also be adopted, as well as other legislative texts.

As the deadlines for the transposition of the **Seasonal Workers Directive and ICT Directive** expired in 2016, the Commission opened up **infringement procedures** against Belgium for these two Directives. A reasoned opinion was addressed to Belgium regarding the [Seasonal Workers Directive](#) on 13 July 2017 and regarding the [ICT Directive](#) on 4 October 2017.

³ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.

⁴ Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer.

FAMILY REUNIFICATION

A [Royal Decree](#) of 8 October 2017 modifying the Royal Decree of 9 June 1999 regarding the employment of foreign nationals was adopted. It introduced changes regarding the requirement to obtain a work permit for family members of foreign nationals who obtained a long term resident status in another Member State and reside in Belgium. Those family members are **exempted from the requirement to obtain a work permit** when the long term resident is himself/herself exempted from this requirement (i.e. after having worked for an effective and uninterrupted period of 12 months in a shortage occupation). However, family members will still need to obtain a work permit as long as the long term resident also requires one.

MANAGING MIGRATION AND MOBILITY

Following the **operationalisation of the Visa Information System (VIS)⁶**, the Federal Public Service (FPS) Foreign Affairs organised a **regional conference** in March 2017 in Abidjan (Ivory Coast) for the consuls, visa agents and Document Verification Officers of the Belgian diplomatic posts of Western and Central Africa. The conference focused on evaluating the functioning of the VIS, including the link with irregular migration and the use of fraudulent documents.

In 2017, an **electronic system of appointments** in the framework of visa applications was linked to the visa-on-web application (in principle, all visa applications have to be registered electronically via the official website). This electronic system of appointments should be of benefit to the service dealing with visa applications and should facilitate the processing of these applications.



INTERNATIONAL PROTECTION INCLUDING ASYLUM

A major legal development in the field of asylum is the adoption of the [Law](#) finalising the transposition of the **Asylum Procedures Directive (2013/32/EU) and the Reception Conditions Directive (2013/33/EU)** by the Federal Parliament on 9 November 2017. The new law has implications for all stages of the asylum procedure and is presumed to come into force at the

⁵ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.

⁶ The Visa Information System (VIS) was installed in the last seven regions in 2015 (i.e. the Eastern neighbourhood countries; the Russian Federation; China, Japan and neighbouring countries; India, Pakistan and neighbouring countries; the European microstates; Ireland and the United Kingdom; and the Schengen Member States). The 13 Belgian Schengen external border posts were equipped with the VIS in February 2016.

beginning of 2018. In addition, a [Law](#) was adopted modifying the terminology and the time limits for the appeal procedure with the Council for Aliens Law Litigation (CALL) against a decision of the Commissioner General for Refugees and Stateless Persons (CGRS).

In the second half of 2017, the question of Sudanese nationals in Brussels who returned to Sudan following an identification mission by a Sudanese delegation was at the heart of political, parliamentary and public debate. They were part of a group of hundreds of transits migrants who were irregularly staying in the Maximilian Park in Brussels without requesting asylum. According to information collected by the Tahrir Institute for Middle East Policy, some of the Sudanese nationals were tortured after return to Sudan. On 22 December 2017, the Commissioner General for Refugees and Stateless Persons was asked to carry out an independent enquiry regarding the risk in case of return to Sudan.

In 2017, 895 persons (506 from Greece and 389 from Italy) were relocated. The vast majority relocated from Greece are Syrians, while most relocations from Italy concern Eritreans.

As regards resettlement, 1 309 refugees were resettled to Belgium. These resettlements mainly concern Syrian refugees, but also include 118 Congolese refugees who were resettled from Uganda. They were selected within the framework of the 20 July 2015 Justice and Home Affairs Council Decision and the 1:1 mechanism with Turkey where Belgium committed to resettle an additional 600 Syrian refugees from Turkey in 2017.



UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

Human resources allocated to the Commissioner General for Refugees and Stateless Persons (CGRS) and the Immigration Office increased in 2017. The CGRS' team of specialised protection officers for unaccompanied minors increased to a total of 100 officers specialised in handling applications for international protection of unaccompanied minors.

In April 2017, the last private operator active in the reception of applicants for international protection, among which unaccompanied minors, closed its reception facility.

A substantial part of the funding by AMIF (2016–2017) and Fedasil (2017) was aimed at **projects to improve the protection and care for unaccompanied minors**. Under national funding by Fedasil, new priorities were added. One of them was 'increasing the

participation of beneficiaries of reception in **social life**', implemented inter alia, by facilitating memberships for sports and leisure associations. The second new objective for 2017 was to 'strengthen the knowledge of applicants for international protection on **values and standards** of Belgian society'. In this framework trainings were organised on gender equality and sexual harassment for Afghan men and women (15 year and older).

Initiatives geared at improving the **matching and guidance of unaccompanied minors and foster families** and at enhancing the culture sensitivity of the foster care received special attention and support in 2017.

In 2017, there was also a focus on **victims of sexual and gender related violence**. Both in the context of the application for international protection with training sessions and guidelines on sexual violence and sexual orientation for interpreters and protection officers and in the reception network with the introduction of a trajectory to support and refer girls and women who are victims (or in danger of becoming victims) of female genital mutilation and the development of an e-learning module on LGBTI.



INTEGRATION

The adoption of the Decree of 11 December 2017 made the **Integration programme of the German-speaking Community mandatory** for certain third-country nationals as of 1 January 2018. It consists of four modules: primary reception, language classes, integration classes and a social and professional orientation. Furthermore, a centre was accredited by the government of the German-speaking Community as the reference centre for integration: the **"Info-Integration" centre**. It accompanies participants in the integration programme from start to finish.

The Ordinance of 11 May 2017 also **made the integration programme in the Brussels-Capital Region mandatory** for certain third-country nationals. However, this ordinance has not yet entered into force. Participation in an integration programme in the Brussels-Capital Region is still currently on a voluntary basis.

Various measures and projects to facilitate the integration into the labour market of third-country nationals were started or continued to be implemented by different actors. For example, on 29 August 2017, a **cooperation agreement** was signed by the State Secretary for Asylum Policy and Migration and the

Walloon Minister for Employment to establish a structural cooperation between the **federal reception agency Fedasil and the Walloon Public Employment Agency (Forem)**. The agreement's main aim is to increase the cooperation between the organisations involved in order to prepare applicants for international protection/ beneficiaries of international protection for employment as early as possible.



IRREGULAR MIGRATION

On 18 July 2017, the Royal Decree on the obligations of air carriers was adopted in execution of the **Belgian Passenger Name Record (PNR)** law of 25 December 2016. The Belgian government decided not to limit the scope of the law to airlines, but also to include other international modes of transport such as international travel by bus, high-speed train and boat. Royal Decrees still need to be written for these other transport sectors for a full transposition of the PNR and API Directive.

In June 2017, the authorities started a **campaign to inform irregularly staying migrants** about the possibility to request asylum and the option of return.

The law on the fight against **false declarations of parenthood** of 19 September 2017 makes it possible for registrars to postpone or to refuse the registration of a declaration of parenthood. This law also introduces penalties for falsely declaring parenthood. In October 2017, the Immigration Office has created a special unit for coordinating the fight against this phenomenon.



RETURN

The **law of 24 February 2017⁷** and the **law of 15 March 2017⁸**, modifying the Immigration Act, introduced significant changes regarding return in terms of **ending the right of residence** of certain third country nationals and **issuing removal orders**.

One goal of these laws is to facilitate the procedure when **ending a foreign national's residence right** and organising his/her removal for reasons of public order or national security. The provisions of the law of 24 February 2017 foresee the possibility to end the residence of a third-country national (who has been admitted or authorised to stay in Belgium for a

limited/unlimited period of time) for **reasons of public order or national security** (even without a criminal conviction). Furthermore, the residence of certain categories of third-country nationals (e.g. long-term residents) can be ended for **serious reasons of public order or national security**. Decisions to end the residence of a third-country national must be based on the individual behaviour of the concerned person and cannot be justified on economic grounds. The behaviour of the concerned person must represent a genuine, real and serious enough threat to society. The length of the third country national's stay in Belgium, his/her ties with the country of residence and the consequences of the removal to his/her family life must be taken into account during the decision making.

Changes were also introduced regarding the procedure for issuing **removal orders**. When someone subject to a removal order is granted a temporary residence permit, the removal order is no longer withdrawn but only **temporarily suspended** during the period covered by the temporary residence permit. If the application for residence or international protection is rejected, the suspension of the removal order is lifted. The possibility to appeal against the removal order is only possible one time. Therefore, once the suspension of the removal order is lifted, it is often no longer possible to appeal against it (as the delay for appeal has lapsed since then). A new removal order will be only issued if new elements are available to justify the removal.



ACTIONS AGAINST TRAFFICKING IN HUMAN BEINGS

A new residence permit - issued to potential victims during the reflection period - was introduced: The Law of 30 March 2017 and the subsequent Royal Decree of 30 March 2017⁹ replaced the order to leave the territory - previously issued to potential victims during the so-called reflection period - by a **temporary residence document** which is valid for 45 days.

A new **National Action Plan 'Enterprises and Human Rights'** was released. Measures taken within the framework of this Action Plan aim to promote decent work for all and to prevent human rights violations in enterprises. For example, certain companies and groups are required to report non-financial and diversity

⁷ Law of 24 February 2017 modifying the law of 15 December 1980 on the entry, residence, settlement and removal of foreign nationals in order to reinforce the protection of public order and national security, *Belgian Official Gazette*, 19 April 2017.

⁸ Law of 15 March 2017 modifying article 39/79 of the law of 15 December 1980 on the entry, residence, settlement and removal of foreign nationals, 19 April 2017.

⁹ Law of 30 March 2017 modifying article 61/2 of the law of 15 December 1980 on the entry, residence, settlement and removal of foreign nationals in order to replace the order to leave the territory by a temporary residence document in the framework of procedures of trafficking in human beings, *Belgian Official Gazette*, 10 May 2017.

information. Actions are also being taken to allow victims to access effective remedy. For instance, a brochure was released to increase awareness about remediation mechanisms, including judicial, administrative, legislative or other appropriate means to access effective remedy in Belgium.

The **integrated approach against organised crime at the local level** has also been reinforced. Relevant partners, including from administrative, judicial and fiscal institutions, have engaged in structural and ad-hoc information exchange and multidisciplinary (flexi) actions to fight illegal activities in various sectors. In this context, a **new project - CONFINE** 'Towards operational cooperation on local administrative financial investigations in the fight against trafficking in human beings' – was launched in January 2017. In addition, the Arrondissement Information and Expertise Centre (ARIEC) was launched on 5 December 2017. It supports the integrated approach at province level, testing the possible roll-out of this approach across the country.

migration, return and visas. Where statistics are not yet available, this is indicated in the Annex as “N/A”



MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

Since March 2017, Belgium holds the **presidency of the 'Rabat Process'**, a regional migration dialogue for political cooperation amongst the countries along the migration route between Central, Western, Northern Africa and Europe. The priorities of the Belgian Presidency mainly focused on the preparation of a new Programme of Action 2018-2020 that will be adopted at a Ministerial Conference in May 2018 in Morocco. One of Belgian concerns has been to reflect the added value and specificity of the Rabat Process in this new programme and its complementarity with other migration instruments such as the EU Trust Fund for Africa. Belgium also integrated the issue of the Global Compact on Migration in the Rabat Process Dialogue.

Regarding developments on the **EU Emergency Trust Fund for stability**, projects approved in 2016 started in 2017 and two additional projects were approved, one in Guinea and one in Ivory Coast. A project advocating the legal empowerment of migrants in Morocco was also approved in 2017 and will be executed by the Belgian Technical Cooperation.

STATISTICAL ANNEX

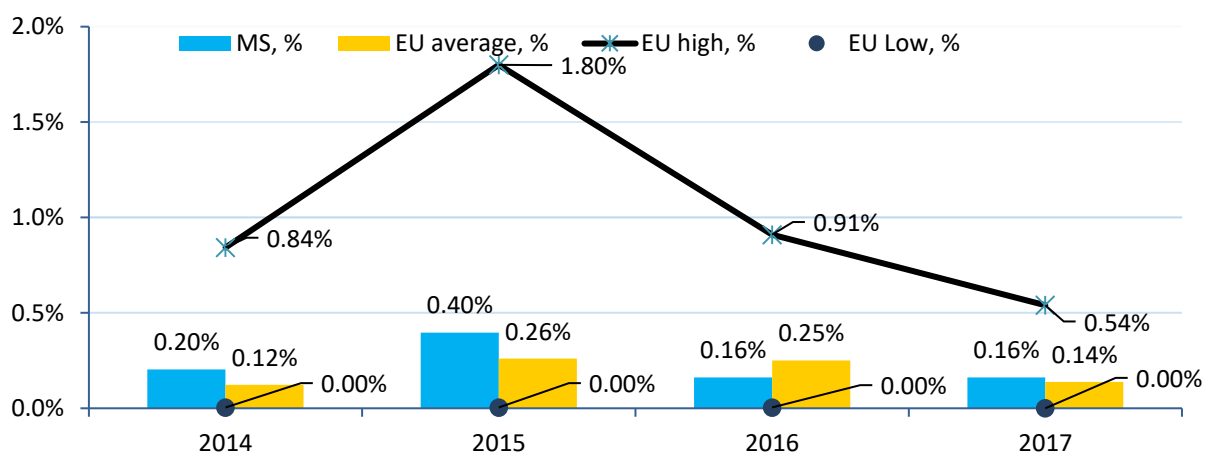
The Statistical Annex provides an overview of the latest available statistics for Belgium on aspects of migration and international protection (2014-2017), including residence, asylum, unaccompanied minors, irregular

STATISTICAL ANNEX: MIGRATION AND INTERNATIONAL PROTECTION IN BELGIUM (2014-2017)



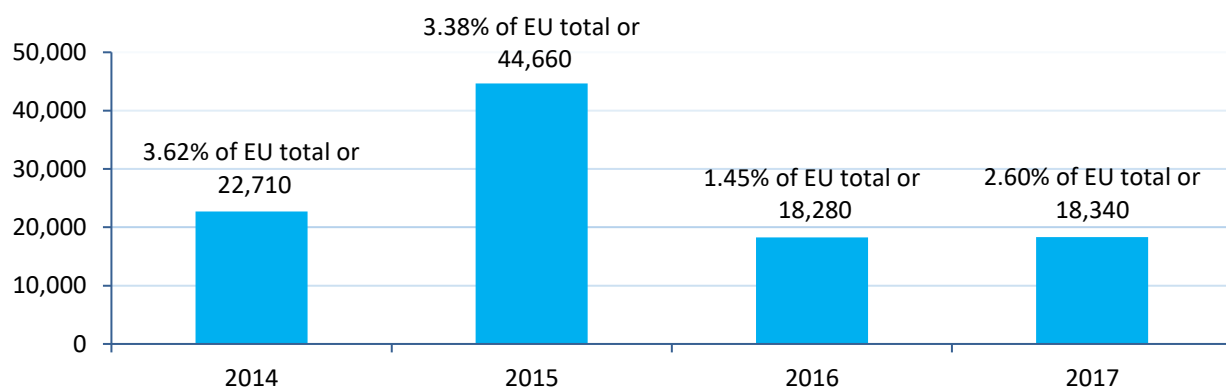
1. INTERNATIONAL PROTECTION AND ASYLUM

Figure 1: Applications for international protection as a share of the total population in Belgium, EU average and EU high and low (2014-2017)



Source: Eurostat migration statistics ([migr_asvappctza](#)), data extracted 30.03.18

Figure 2: Number of applications for international protection and as a share of the total number of applications in the EU (2014-2017)



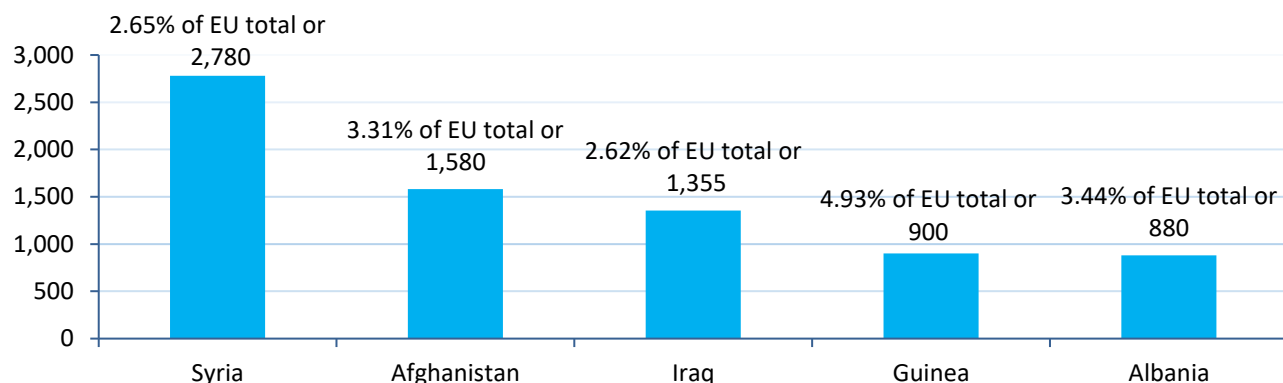
Source: Eurostat migration statistics ([migr_asvappctza](#)), data extracted 30.03.18

Table 1: Applications for international protection: Top five third-country nationalities (2014-2017)

2014			2015			2016			2017		
Nationality	Nr	% of total	Nationality	Nr	% of total	Nationality	Nr	% of total	Nationality	Nr	% of total
Syria	2 705	12%	Syria	10 415	23%	Afghanistan	2 765	15%	Syria	2 780	15%
Afghanistan	2 330	10%	Iraq	9 470	21%	Syria	2 390	13%	Afghanistan	1 580	9%
Russia	1 850	8%	Afghanistan	8 310	19%	Iraq	1 180	6%	Iraq	1 355	7%
Guinea	1 440	6%	Somalia	2 090	5%	Guinea	925	5%	Guinea	900	5%
Iraq	1 395	6%	Russia	1 320	3%	Somalia	845	5%	Albania	880	5%

Source: Eurostat migration statistics ([migr_asvappctza](#)), data extracted 30.03.18

Figure 3: Applications for international protection: Top five third-country nationalities as a share of EU totals per given nationality (2017)



Source: Eurostat migration statistics ([migr_asyappctza](#)), data extracted 30.03.18

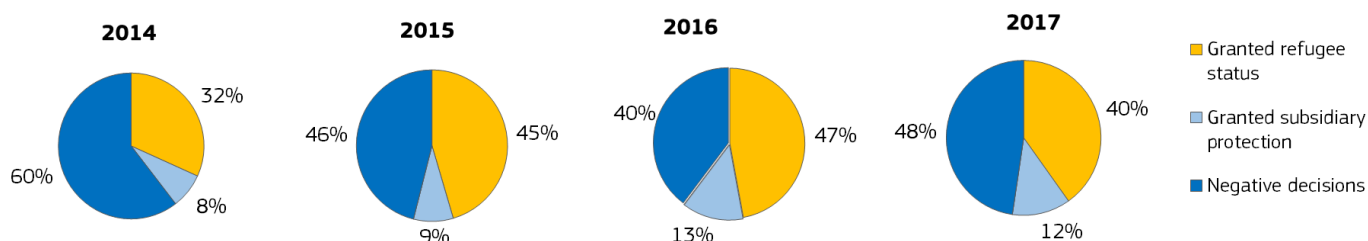
Note: the figure reads as: Belgium received 2 780 applications for international protection from Syria or 2.65% of all asylum applications launched by Syria in EU in 2017.

Table 2: Applications for international protection - First instance decisions by outcome (2014-2017)

	Total decisions	Positive decisions	Of which:			Negative decisions
			Refugee status	Subsidiary protection	Humanitarian reasons	
2014	20 335	8 045	6 460	1 585	:	12 290
2015	19 420	10 475	8 825	1 650	:	8 945
2016	24 960	15 045	11 760	3 290	:	9 915
2017	24 045	12 585	9 655	2 930	:	11 460

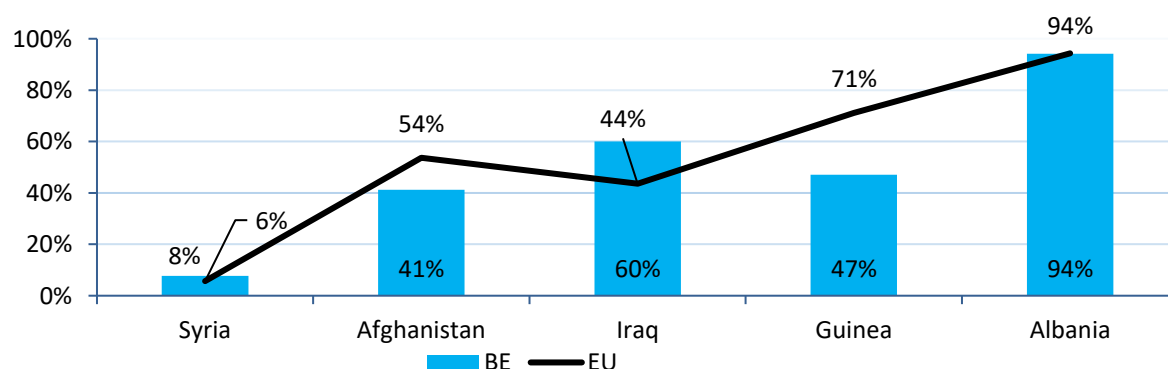
Source: Eurostat migration statistics ([migr_asydcfsta](#)), data extracted 30.03.18

Figure 4: Applications for international protection - First instance decisions by outcome (2014-2017)



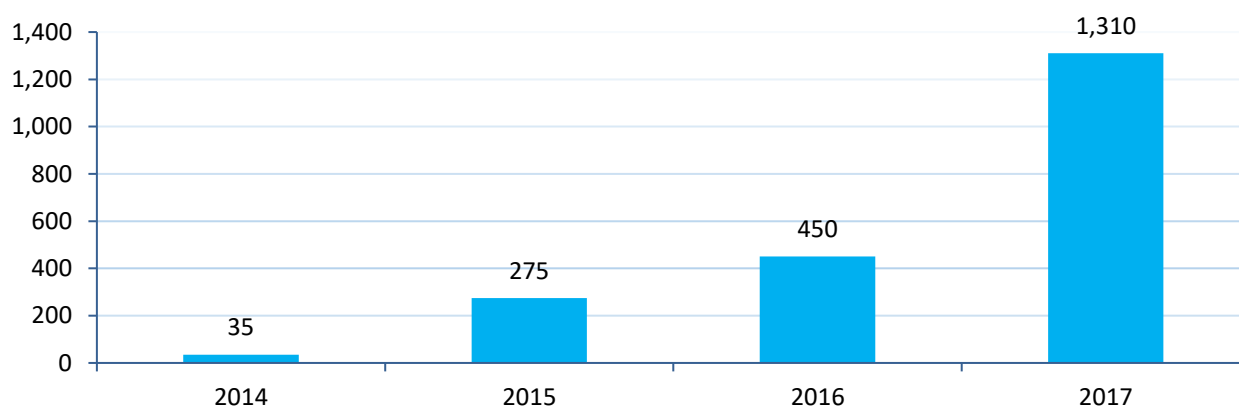
Source: Eurostat migration statistics ([migr_asydcfsta](#)), data extracted 30.03.18

Figure 5: Negative decision rate for the top five nationalities of applicants at the first instance in comparison with EU for the same given nationality (2017)



Source: Eurostat migration statistics ([migr_asydcfsta](#)), data extracted 30.03.18

Figure 6: Third-country nationals resettled (2014-2017)

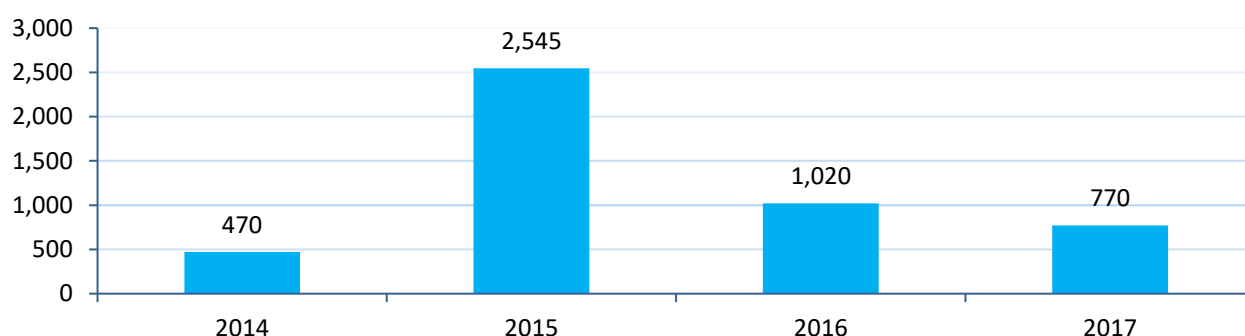


Source: Eurostat migration statistics ([migr_asyresa](#)), data extracted 02.05.18



2. UNACCOMPANIED MINORS

Figure 7: Unaccompanied minors applying for international protection (2014-2017)

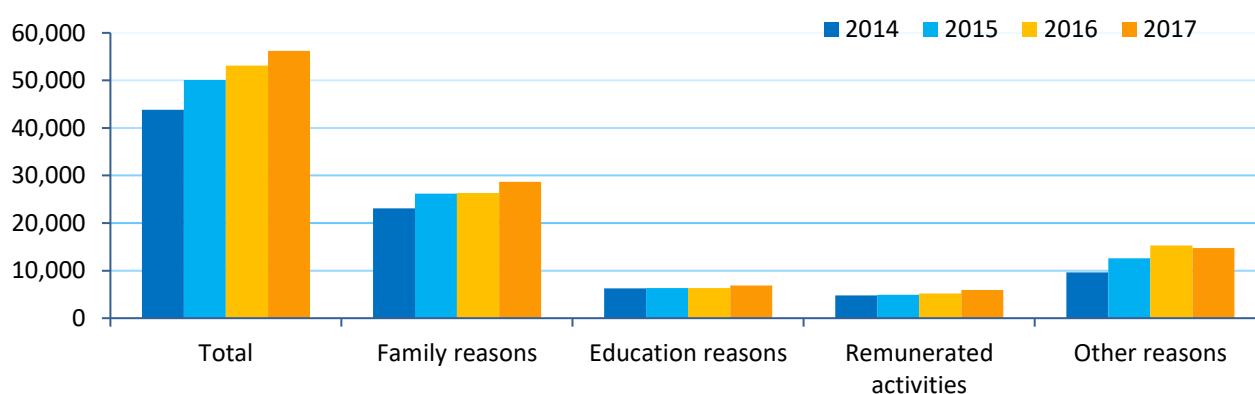


Source: Eurostat Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded) ([migr_asyunaa](#)), data extracted 04.04.18; EMN NCPs



3. LEGAL MIGRATION AND MOBILITY

Figure 8: First residence permits, by reason (2014-2017)



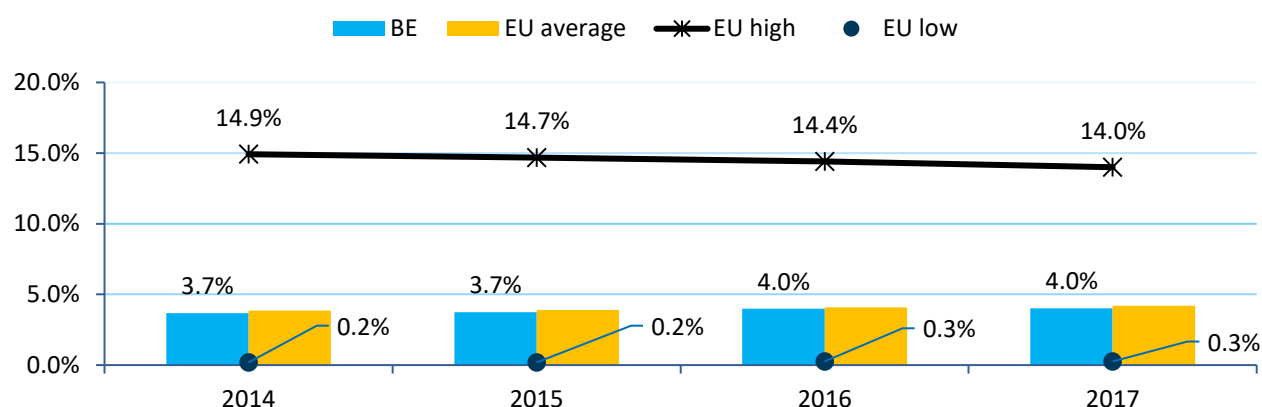
Source: Eurostat ([migr_resfirst](#)), data extracted 17.07.18; EMN NCPs

Table 4: First residence permits: Top five third-country nationalities (2014–2017)

2014		2015		2016		2017	
Nationality	Number	Nationality	Number	Nationality	Number	Nationality	Number
Morocco	5 565	Morocco	5 723	Syria	6 725	Syria	6 172
India	2 568	Syria	4 001	Morocco	5 512	Morocco	5 203
United States	2 374	India	2 805	India	2 899	Unknown	4 784
Unknown	2 062	Unknown	2 437	Unknown	2 810	India	3 436
Turkey	1 953	United States	2 417	Iraq	2 472	Afghanistan	2 621

Source: Eurostat migration statistics ([migr_resfirst](#)), data extracted 17.07.18

Figure 9: Resident population of third-country nationals as a share of total population in Belgium, EU average, EU high and low (2014–2017)



Source: Eurostat migration statistics ([migr_pop1ctz](#)), data extracted 30.03.18



4. IRREGULAR MIGRATION AND RETURN

Table 5: Number of third-country nationals refused entry at external borders (2014–2017)

Third country nationals:	2014	2015	2016	2017
Refused entry at external borders	1 535	1 640	1 530	2 440
Found to be illegally present	15 540	16 275	19 320	18 285
Ordered to leave	35 245	31 045	33 020	32 235
Returned following an order to leave	5 575	5 835	7 355	5 695

Source: Eurostat migration statistics ([migr_eirfs](#))([migr_eipre](#))([migr_eiord](#))([migr_eirtn](#)) data extracted 02.05.18

Table 6: Third-country nationals returned (2014–2017)

Year	Returned as part of forced return measure	Returned through an Assisted Voluntary Return Programme
2014	2 639	2 936
2015	2 526	3 309
2016	2 628	3 549
2017	2 617	3 058

Source: EMN NCP.



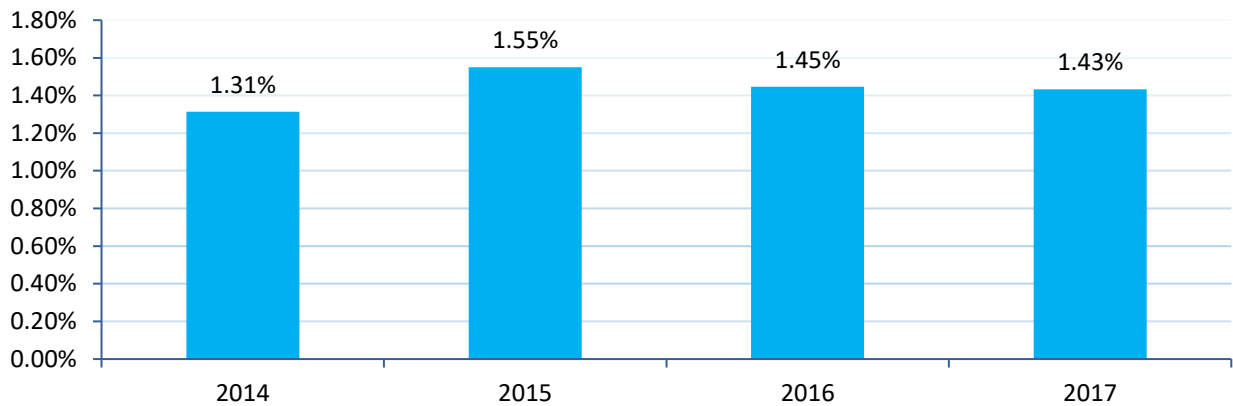
5. SECURING EUROPE'S EXTERNAL BORDERS

Table 7: Number of Schengen visas applications (2014–2017)

	2014	2015	2016	2017
Uniform visas (short-stay visas)	219 758	239 500	219 687	231 437

Source: DG Migration and Home Affairs – Complete statistics on short-stay visas issued by the Schengen States

Figure 13: Uniform visa applications received in Belgium as a share of the total number of uniform visa applications in all Schengen states consulates (2014–2017)



Source: DG Migration and Home Affairs – Complete statistics on short-stay visas issued by the Schengen States

Table 8: Top five countries in which the highest number of visa applications for Belgium was lodged (2014–2017)

2014		2015		2016		2017	
Country	Number	Country	Number	Country	Number	Country	Number
India	25 983	China	41 557	China	42 676	China	43 096
Congo (Democratic Republic)	19 774	India	24 630	Congo (Democratic Republic)	22 263	Congo (Democratic Republic)	25 996
Russia	18 456	Congo (Democratic Republic)	21 314	India	20 661	India	22 510
China	17 228	Russian Federation	15 028	Russian Federation	11 887	Russian Federation	12 851
Turkey	12 374	Turkey	12 341	Turkey	11 112	Morocco	10 600

Source: DG Migration and Home Affairs