

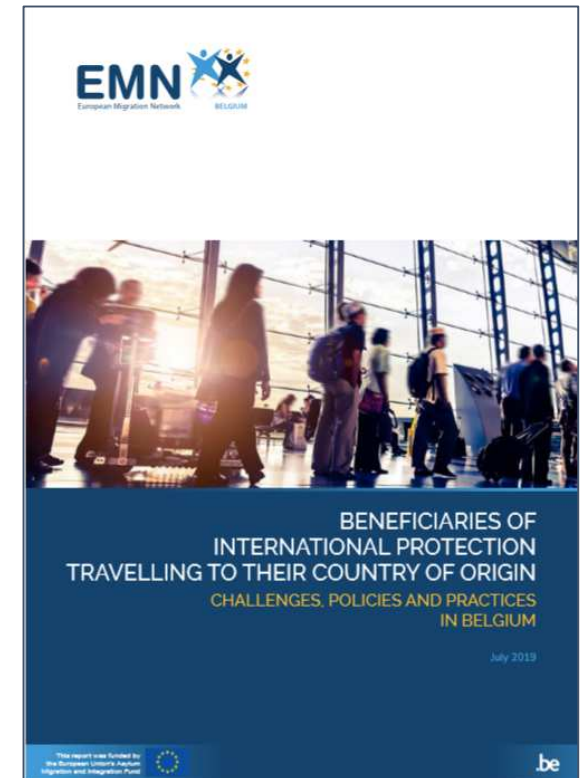


Beneficiaries of international protection travelling to their country of origin

Challenges, Policies and Practices in Belgium

Ina VANDENBERGHE

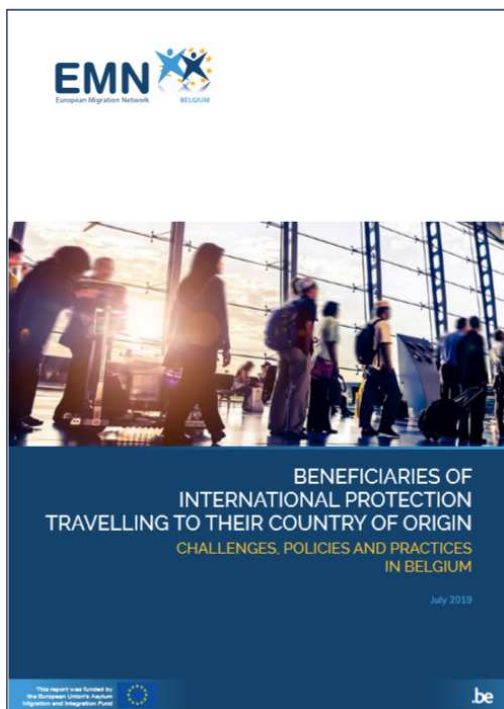
EMN Belgium | Myria



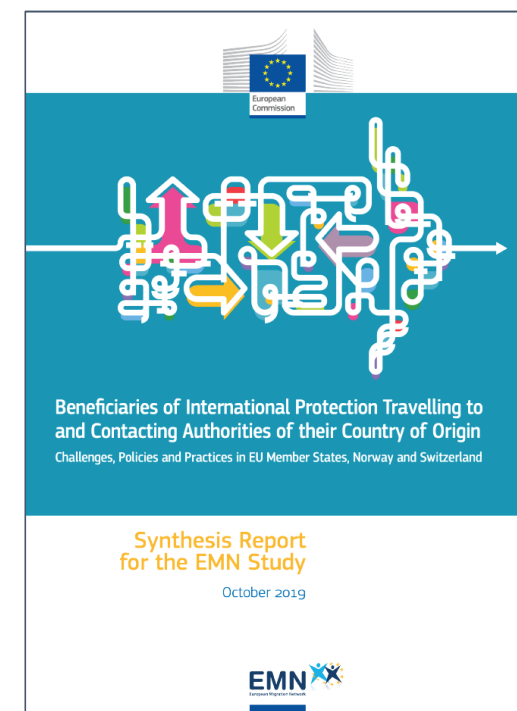


Video

<https://emnbelgium.be/>



- Every year 4 thematic EMN studies
- Study proposal from EMN Belgium
- 26 National reports, incl Norway and Switzerland
- Comparative report (October 2019)



'Vakantiegangers' zorgen voor meer dossiers van asielfraude

26/03/2017 om 08:10 | Bron: BELGA



Flüchtlinge

Ferien in Eritrea

Der eritreische Asylant G. ist wahrscheinlich in sein Heimatland zurückgereist. Was tut der Bund? Nichts.

30.11.2016

Von Alex Reichmuth

België en Italië sluiten akkoord in strijd tegen asielzoekers die op 'vakantie' gaan in thuisland

K9 | 06 december 2018 | 17u25 | Bron: Belga

De Telegraaf

NIJWS

SPORT

ENTERTAINMENT

FINANCIEEL

VROUW

LIFESTYLE

Zorgeloos in Eritrea



Door: JORN JONKER
30 mrt. 2017 in BINNENLAND

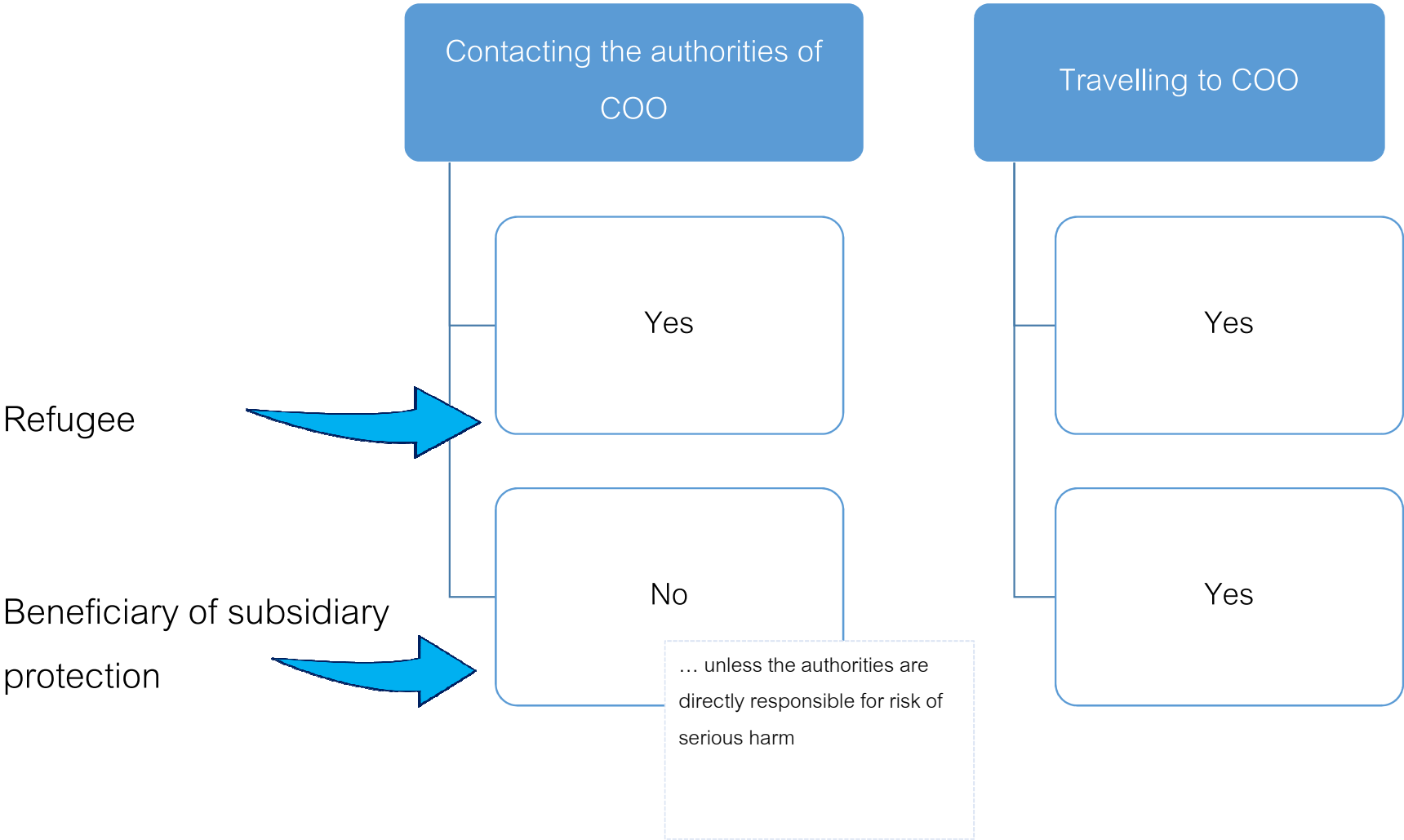


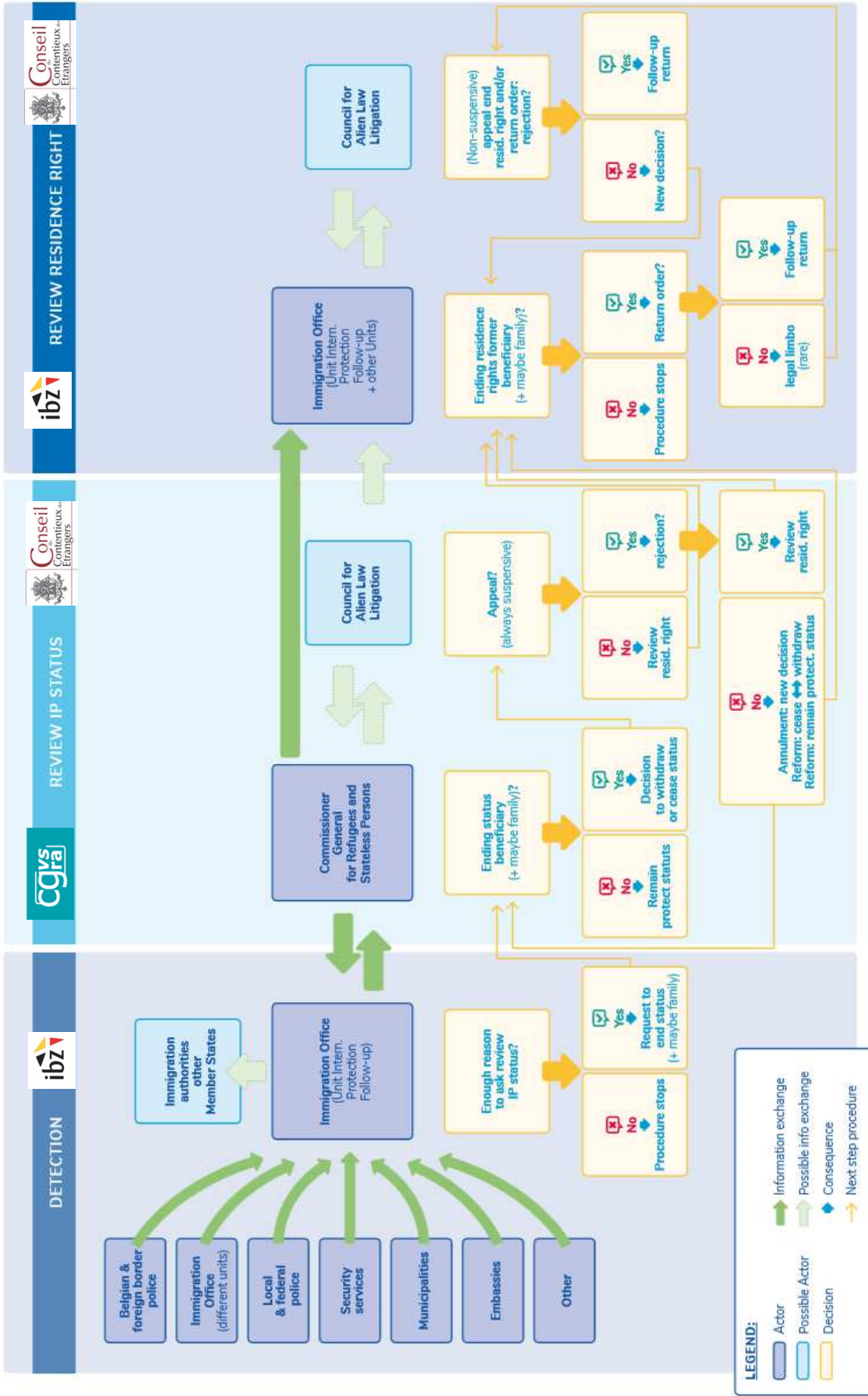



BIP travelling to the country of origin risk losing IP status

- No automatic loss of IP (all MS except HU)
 - can lead to a **reassessment** of the IP needs
 - could be an indication that **IP is not or no longer justified**
- No formal prohibition to travel to COO
- Informed in brochure
 - Not indicated on travel document (<-> e.g. AT, FR, DE)

Review of need for international protection?





Immigration Office 
Central contact point




Initiates requests to
end IP status

Asylum authority CGRS 
International Protection Status



CALL = Appeal body



Immigration Office 
- Residence rights
- Return decision



CALL = Appeal body



DETECTION

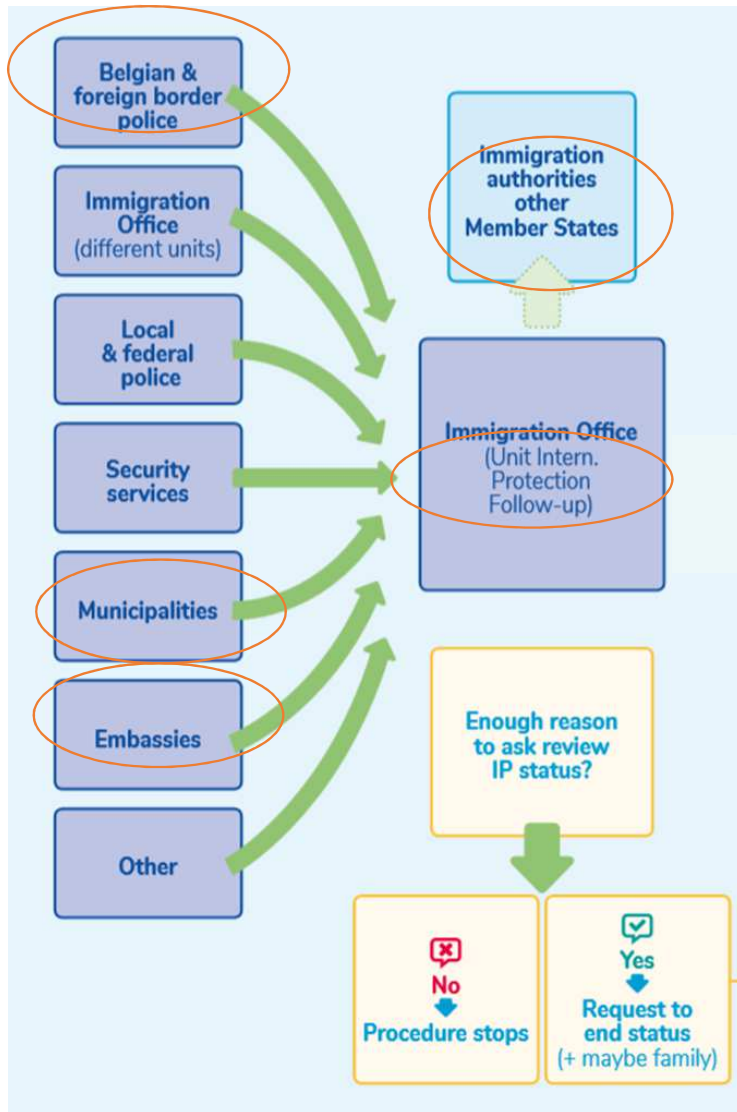


REVIEW IP STATUS



REVIEW RESIDENCE RIGHT

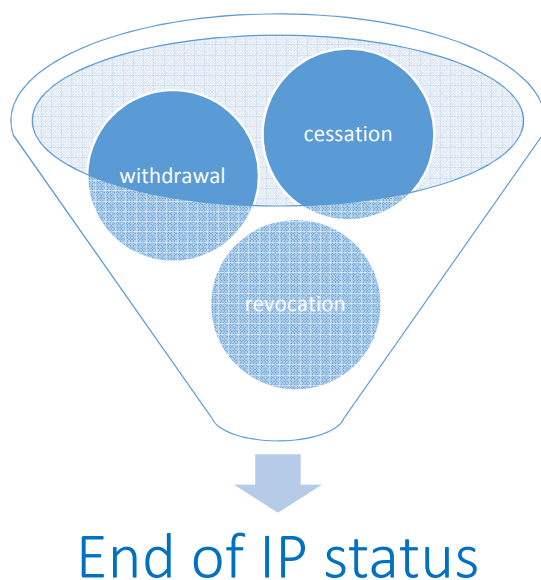




Political focus in recent years in BE

- In some other European states also a priority
(AT, BE, DE, IT, NL, SK, CH, NO)
- BE: Focus on information gathering / exchange + follow-up

End of international protection status ? in the context of travels to the country of origin



- For Belgium – terminology used:
 - **Cessation** (FR: *Abrogation*/NL: *Opheffing*)
= status ceases to apply
IP is no longer needed or justified
 - **Withdrawal** (FR: *Retrait*/NL: *Intrekking*)
= status should have never been granted

End of international protection status ?

Legal grounds in the context of travels to the country of origin



	Refugee status	Subsidiary Protection
Cessation	<p>Article 55/3 Immigration Act</p> <p>situations in article 1C of the Geneva Convention (Voluntary re-availment of the protection of the country of nationality, Voluntary re-establishment)</p>	<p>Article 55/5 Immigration Act</p> <p>change in circumstances in the country of origin (sufficiently significant and of a non-temporary nature)</p>
Withdrawal	<p>Article 55/3/1§2 2° Immigration Act</p> <p>cases of fraud or in case the personal conduct of the person indicates afterwards the lack of a protection need</p>	<p>Article 55/5/1§2 2° Immigration Act</p> <p>cases of fraud or in case the personal conduct of the person indicates afterwards the lack of a protection need</p>

Ending residence rights ? in the context of travels to COO

- No automatic end of residence rights (<-> in 1/3 MS, e.g. NL)
- In BE limited in time after cessation (FR: abrogation / NL: opheffing):

After cessation

- As long as the person has a residence permit of **limited** duration (except)

After withdrawal

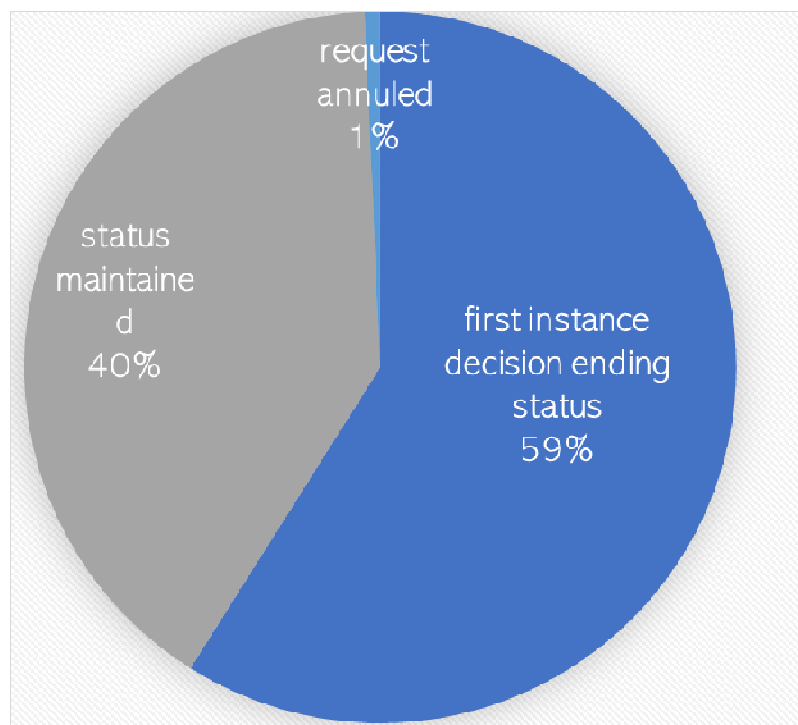
- At **any time** !



Immigration Office

- A decision ending IP **does not necessarily lead to removal** (other grounds for legal stay, non-refoulement, art 3 ECHR)

Statistical data on end of international protection status in the context of travels to the country of origin



- Between 2016 – 2018, the Immigration Office requested the CGRS in **408** cases to end international protection status



- By the end of 2018, out of these requests
 - **168** received a first instance decision ending status (114 final)
 - **115** maintained status
 - 2 annulled
 - 123 still pending



Thank you for your attention



www.emnbelgium.be

