

Annual Report on Migration and Asylum in **Belgium** 2023

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The Belgian National Contact Point to the European Migration Network (EMN 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 Interior.

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The European Migration Network (EMN) is a Europe-wide network providing information on migration and asylum. The EMN consists of National Contact Points (NCPs) in the EMN Member (EU Member States except Denmark) and Observer Countries (Norway, Georgia, Moldova, Ukraine, Montenegro, Armenia, Serbia), the European Commission and the EMN Service Provider (ICF).

Table of Contents

List of acronyms	5
Acknowledgments	6
Overview of the migration and asylum institutional landscape in Belgium	7
EXECUTIVE SUMMARY	9
<i>Reform of the asylum and migration legislative framework</i>	<i>13</i>
1. LEGAL MIGRATION.....	14
<i>Focus on the package of migration reform measures: reforms related to family reunification.....</i>	<i>15</i>
1.1 Focus on the Flemish Region: new policies and legislation.....	15
1.2 Working in Belgium: the single permit.....	18
1.3 Seasonal workers	21
1.4 Family reunification	22
1.5 Labour mobility projects	23
1.6 Looking ahead at legal migration	24
2. INTERNATIONAL PROTECTION AND RECEPTION	25
2.1 International protection	26
2.2 Reception of applicants for international protection.....	32
<i>Focus on the package of migration reform measures: reforms related to reception</i>	<i>33</i>
3. TEMPORARY PROTECTION AND OTHER MEASURES IN RESPONSE TO PERSONS FLEEING THE WAR IN UKRAINE.....	42
3.1 Registration of beneficiaries of temporary protection.....	44
3.2 Access to accommodation and housing	46
3.3 Access to the labour market	46
3.4 Access to education.....	47
3.5 Access to medical care and social welfare.....	48
3.6 Family reunification	49
4. MINORS AND OTHER VULNERABLE GROUPS	51
<i>Focus on the package of migration reform measures: reforms related to minors.....</i>	<i>52</i>
4.1 Unaccompanied minors.....	52
4.2 Other vulnerable groups	59
5. INTEGRATION AND INCLUSION	62
5.1 Civic integration programmes	63
5.2 Labour market integration.....	67
5.3 Integration through access to basic services.....	70

5.4 Fight against racism and discrimination.....	71
6. CITIZENSHIP AND STATELESSNESS.....	75
<i>Focus on the package of migration reform measures: new right of residence for stateless persons. 75</i>	
6.1 Language requirements in cases of illiteracy.....	76
6.2 Strengthening appeal procedures in case of loss or revocation of citizenship.....	77
7. BORDERS, VISA AND SCHENGEN	79
7.1 Roll-out of digital border management systems	79
7.2 Visa policy: new measures for third countries	80
7.3 Monitoring and evaluating Schengen governance	81
8. IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING	83
8.1 Preventing irregular migration through dissuasion campaigns	83
8.2 Combating irregular migration and migrant smuggling through police action	84
8.3 Investigating and prosecuting migrant smuggling through judicial proceedings	85
8.4 International cooperation to counter irregular migration and migrant smuggling	86
9. TRAFFICKING IN HUMAN BEINGS.....	87
9.1 New legislative, policy and evaluation frameworks.....	88
9.2 Detection and identification of victims.....	88
9.3 Protection and assistance to victims	91
9.4 Cooperation with third countries	93
10. INFORMING AND GUIDING IRREGULARLY STAYING MIGRANTS TOWARDS LONG-TERM SOLUTIONS.....	95
10.1 Institutionalisation of information and orientation services for migrants	95
10.2 Offering individual coaching towards a long-term solution	95
11. RETURN AND READMISSION.....	97
<i>Focus on the package of migration reform measures: reforms related to return..... 98</i>	
11.1 Voluntary return.....	98
11.2 Forced return.....	100
12. MIGRATION AND DEVELOPMENT COOPERATION	101
12.1 Policy monitoring: tracking migration and development cooperation	101
12.2 Implementation of mobility projects.....	103
12.3 Remittances	104
Annex: Publications of the European Migration Network in 2023	106

List of acronyms

General acronyms

AMIF	EU Asylum, Migration and Integration Fund
CJEU	Court of Justice of the European Union
EEA	European Economic Area
ECtHR	European Court of Human Rights
EU	European Union
EUAA	European Union Agency for Asylum
EUROPOL	European Union Agency for Law Enforcement Cooperation
ICMPD	International Centre for Migration Policy Development
IOM	International Organization for Migration
UNHCR	Office of the United Nations High Commissioner for Refugees

Acronyms specific to the Belgian context¹

In text	English	Dutch	French
AgII	Agency for Integration and Civic Integration	Agentschap Integratie en Inburgering (AgII)	/
CALL	Council for Alien Law Litigation	Raad voor Vreemdelingenbetwistingen (RvV)	Conseil du Contentieux des Étrangers (CCE)
CGRS	Office of the Commissioner General for Refugees and Stateless Persons	Commissariaat-Generaal voor de Vluchtelingen en de Staatlozen (CGVS)	Commissariat Général aux Réfugiés et aux Apatrides (CGRA)
Fedasil	Federal Agency for the Reception of Asylum Seekers	Federaal Agentschap voor de Opvang van Asielzoekers	Agence fédérale pour l'Accueil des Demandeurs d'Asile
FPS	Federal Public Service	Federale Overheidsdienst (FOD)	Service public fédéral (SPF)
Myria	Federal Migration Centre	Federaal Migratiecentrum	Centre fédéral Migration
NSSO	National Social Security Office	Rijksdienst voor Sociale Zekerheid (RSZ)	Office National de Sécurité Sociale (ONSS)
PCSW	Public Centre for Social Welfare	Openbaar Centrum voor Maatschappelijk Welzijn (OCMW)	Centre Public d'Action sociale (CPAS)
PPS	Federal Public Planning Service	Service public fédéral de programmation (SPP)	Programmatorische federale overheidsdienst (POD)

¹ Only the most used acronyms are listed.

Acknowledgments

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The Cabinet of the Secretary of State for Asylum and Migration, the Immigration Office, the Office of the Commissioner General for Refugees and Stateless Persons (CGVS/CGRA), the Federal Agency for the Reception of Asylum Seekers (Fedasil), Myria – the Federal Migration Centre, the International Organization for Migration (IOM) Belgium and Luxembourg, the United Nations High Commissioner for Refugees (UNHCR), the Federal Public Service Interior, the Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation, the Federal Public Service Justice, the Federal Public Service Employment, Labour and Social Dialogue, the Social Intelligence and Investigation Service, the Federal Public Service Social Security, the Federal Police, the National Crisis Centre, Enabel – the Belgian Development Agency, Unia – the Interfederal Centre for Equal Opportunities, the Inter-departmental Coordination Unit for Action against Trafficking in and Smuggling of Human Beings, the Flemish Region, the Walloon Region, the Brussels-Capital Region, the German-speaking Community, the French Community, the Flemish Community, the Public Employment Services (VDAB, Forem, Actiris), the Public Centres for Social Welfare (OCMW/CPAS), the Association of Flemish Cities and Municipalities (VVSG), the Union of Cities and Municipalities of Wallonia (UVCW), the Agency for Integration and Civic Integration (AgII), International House Leuven, the Belgian Red Cross, CIRÉ, Medimmigrant, Nansen, Vluchtelingenwerk Vlaanderen, Caritas International Belgium, the Hannah Arendt Institute, and the King Baudouin Foundation.

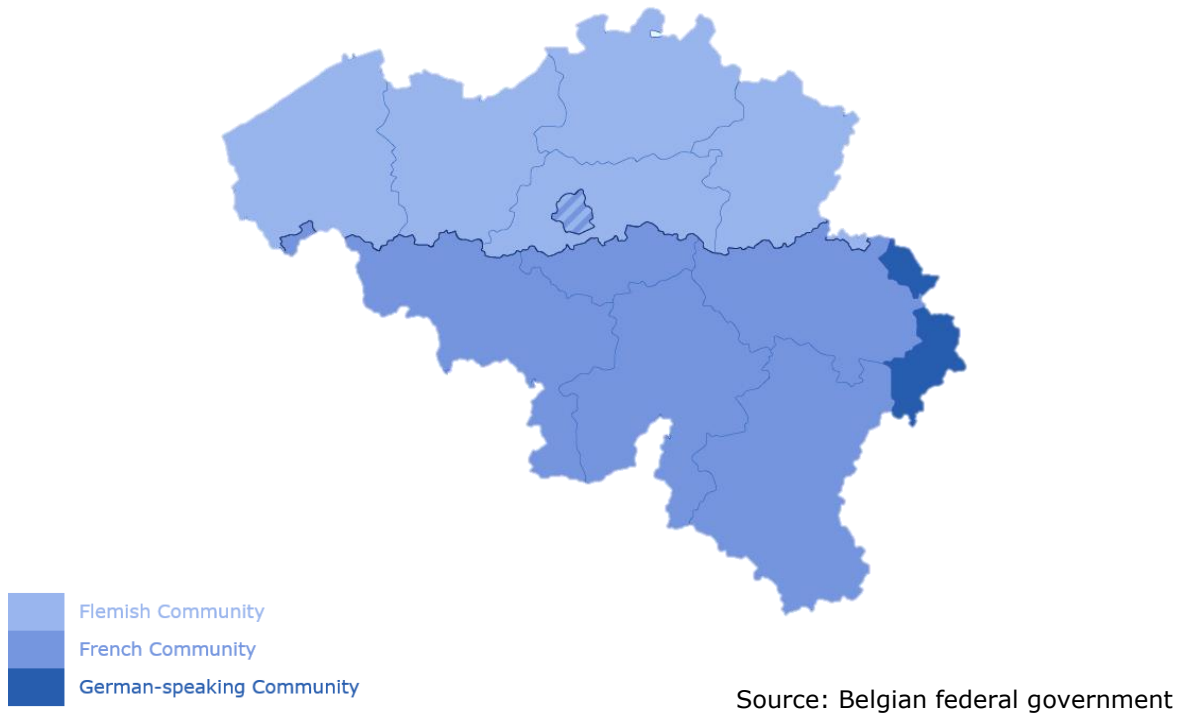
We would like to thank them for their valuable contribution.

Overview of the migration and asylum institutional landscape in Belgium

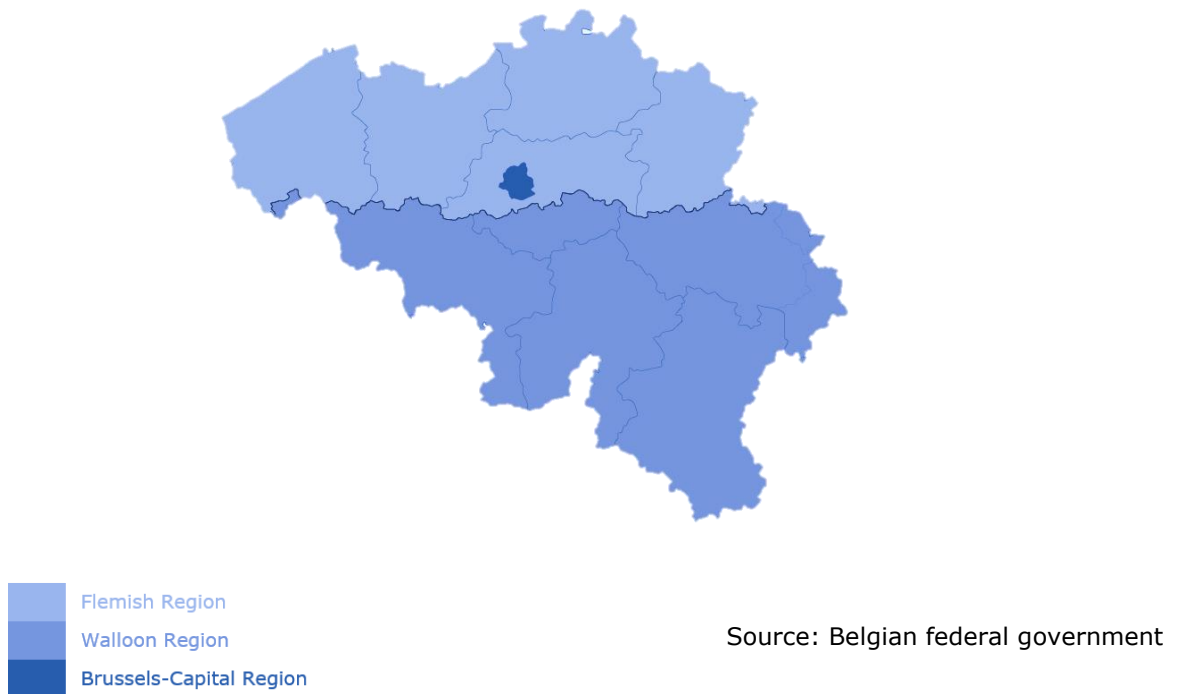
Belgium is a federal state, composed of Communities and Regions, each with their own set of competences:

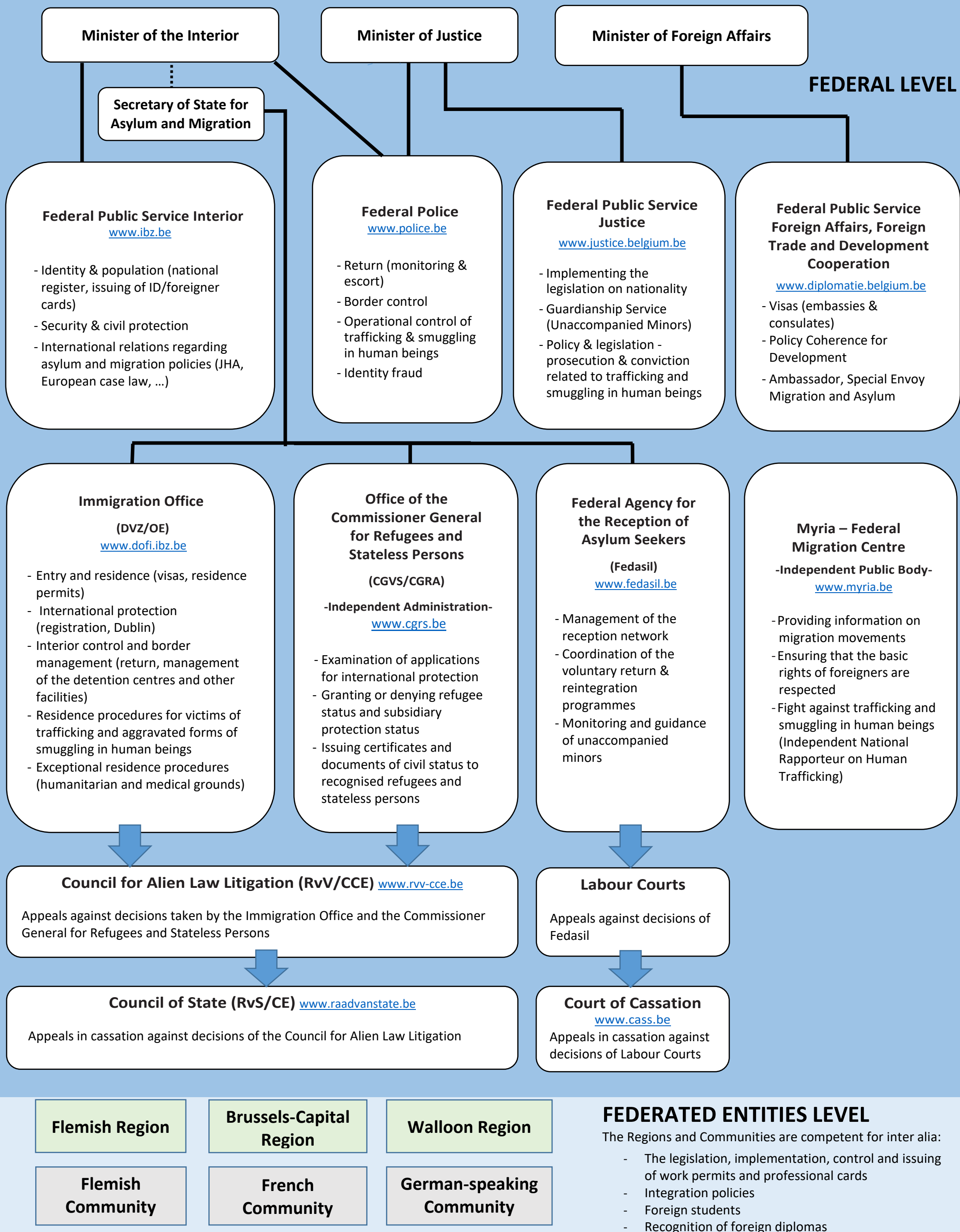
- **The federal government** has competences typically connected with matters of public interest: public finances, armed forces, judicial system, social security, foreign affairs, as well as substantial parts of public health and home affairs. Matters related to migration and asylum include access to and removal from the territory, border security, residence on the territory, international protection, reception, citizenship, etc.
- **The Communities** have competences typically connected with matters pertaining to the people: culture, education, the use of languages, social welfare, scientific research. There are three language-based Communities: the Flemish Community, the French Community, and the German-Speaking Community (**Map 1**). Matters related to migration include integration, access to education, language learning, etc.
- **The Regions** have competences typically connected with matters pertaining to the territory: economy, employment, agriculture, housing, energy, the environment, foreign trade, etc. There are three territory-based Regions (from north to south): the Flemish Region, the Brussels-Capital Region, and the Walloon Region (**Map 2**). Matters related to migration include access to the labour market, access to housing, etc.

Map 1: Communities



Map 2: Regions





*Please note that this institutional chart provides an indicative overview of the asylum and migration system in Belgium. As such, it does not represent its complete structure.

EXECUTIVE SUMMARY



Overarching asylum and migration developments

In March 2023, a **package of four legislative reforms** put forward by the Secretary of State were approved by the Council of Ministers. The draft laws contained reforms related to family reunification, reception, statelessness, and return, and were scheduled to be discussed in Parliament in 2024.



Legal migration

In 2023, the Flemish Region invested in projects to improve **information provision** to foreigners, including the launch of the webpage “Your Future in Flanders, Let’s Make it Work” for economic migrants and their families and financial support to local governments in developing a welcoming policy for economic migrants. New regulations also entered into force related to the **housing standards** for foreign workers and measures to tackle the **illegal employment** of third-country nationals, including increased administrative fines for employers found guilty of this practice. Changes also took place relating to the applications for **single permits** and **professional cards**. Following the opening of infringement proceedings by the European Commission, Belgium took additional measures related to the work conditions of **seasonal workers**. Belgium also adapted some of its practices with regard to **family reunification**, notably in response to the CJEU ruling in the *Afrin* case. On the international scene, a new **labour mobility project** was launched with Georgia, and a public procurement call was launched for the implementation of a healthcare project with Suriname. Finally, the OECD conducted two studies on the state of economic migration in the Walloon and Flemish Regions, with the prospect of **evaluating current policies** and providing recommendations for future changes.



International protection and reception

In 2023, 35 507 individuals **applied for international protection** in Belgium, a slight decrease (by 3.7%) from the previous year. Despite an increase in the number of decisions taken in 2023 and extra staffing, the **workload** of the CGRS continued to increase. As part of its efforts to address the backlog, the CGRS ran a testing phase for the ‘Tabula Rasa’ project. In parallel, the **saturation of the reception network** persisted throughout 2023, with a total of 2 291 persons still registered on a waiting list for reception at the end of the year. Fedasil took several measures to **increase reception capacity** (creation of 2 191 new places), and a federal ‘Taskforce Asylum and Reception’ was created to find new additional places. The Secretary of State also created a ‘Working group on long-term stayers’ to **accelerate the outflow** from the reception network of individuals who have been accommodated for more than three years. Fedasil continued to support applicants outside of the reception network, notably through the ‘Brussels deal’. Despite efforts, the shortage of reception places continued to have important **legal and humanitarian consequences**, with over 8 000 convictions at national level, and 1 297 interim measures issued by the ECtHR.



Temporary protection and other measures in response to persons fleeing the war in Ukraine

By the end of 2023, 78 982 persons fleeing the war in Ukraine had received a **temporary protection status** in Belgium, with the number of new certificates issued remaining stable at around 1 000 monthly over the year. Most measures implemented in 2022 remained in place in 2023. The **procedure to register** for temporary protection was slightly amended; local authorities of the place of residence of the registrant must first perform a residence check before the municipality can issue a registration certificate. With regards to **access to accommodation**, the Flemish Region shifted its strategy to facilitate a transition from public accommodation centres to the regular housing market. Since May 2023, beneficiaries of temporary protection residing in the Flemish Region must also register with the Flemish Public Employment Service in order to **access the labour market** (they were previously exempted). Additional measures were also taken to continue support beneficiaries' **access to education** and to **medical care** across the country.



Unaccompanied minors and other vulnerable groups

In 2023, the Guardianship Service received **4 266 initial reports of unaccompanied minors**. Despite a decline in the number of arrivals of unaccompanied minors compared to 2022, Fedasil continued to face a significant shortage of reception places and took measures to **increase the reception capacity for unaccompanied minors by 316 additional places in 2023**. Measures were also taken to **speed up the identification** of unaccompanied minors, as well as the **appointment of guardians**. Fedasil launched new pilot projects targeting young adults aged 18 to 21 with the aim to **facilitate the transition to adulthood**. With regard to other vulnerable groups, new circulars were issued addressing the situation of **persons experiencing homelessness** and **victims of domestic violence**. Three additional centres opened to provide support to **victims of sexual violence**, and Fedasil created an additional seven reception places specifically adapted for **LGBTQI+ applicants for international protection**.



Integration and inclusion of migrants

In the Brussels-Capital Region, a **bilingual (French-Dutch) civic integration programme** entered into force, implemented by the bi-communitarian entity 'Common Community Commission' (COCOM). The Flemish civic integration programme includes since January 2023 a **new pillar** focusing on social networking a participation, and, since September 2023, is **no longer free of charge**. On the side of **labour market integration**, the Flemish government made steps towards a new plan for faster employment, and measures were also taken to facilitate the recognition of foreign qualifications. The **Flemish Human Rights Institute (VMRI)** also saw the light in 2023, and regional entities continued to adopt new commitments in the **fight against racism and discrimination**.



Citizenship and statelessness

A ruling by the Constitutional Court eases the **language requirements** for applicants for Belgian citizenship who are illiterate. In two additional judgments, the Court ruled in favour of **appeal procedures** that are more favourable to applicants who lose their citizenship or see it being revoked. Between October and December 2023, it was reported that the Immigration Office had instructed municipalities to withdraw the Belgian nationality of children born in Belgium to Palestinian parents, in an effort to curb abuses of family reunification benefits based on citizenship.



Borders, visa and Schengen

In 2023, several developments took place with regards to the **digital border management systems** that exist to facilitate coordination between members of the Schengen area. The **FPS Foreign Affairs began the digitisation process of visa procedures**. In the first quarter of 2023, Belgian consular posts in Turkey and Morocco blocked the issuance of economic migration visas due to **suspensions of fraudulent applications**. In January 2023, a visit of the **Schengen Evaluation Working Party (SCHEVAL)** took place in Belgium, concerning the management of the external borders.



Irregular migration

In November 2023, the Immigration Office and Enabel organised an **awareness campaign in Guinea** on the risks of dangerous migration. The Federal Police launched an information campaign to prevent dangerous and irregular crossings by migrants across the English Channel. A fence was installed along the E40 highway to prevent migrants in transit from boarding trucks heading to the UK. On the border with France, the Belgian police intervened to dismantle irregular camps established near highways to disrupt the activities of smugglers. Several important sentences of **smuggling organisations** were rendered, and cooperation between Belgian and Greek authorities led to the arrest of smugglers in Belgian airports.



Trafficking in human beings

In June 2023, a special Commission for the evaluation of the legislation and policies on human trafficking and human smuggling presented its **recommendations**. Specialised anti-trafficking labour inspectors and justice professionals followed additional **training**. At the occasion of the EU Anti-Trafficking Day, the non-profit organisation Samilia chose to focus its awareness campaign on human trafficking and economic exploitation in the **nail bar sector**. A new **case management system** for victims of human trafficking was launched as the result of a collaboration between the three specialised reception centres for trafficking victims in Belgium and Myria. The Federal Judicial Police developed a strategic analysis of the **exploitation of minors**. The Immigration Office completed an **information campaign in Vietnam**, in response to the tragic incident involving Vietnamese victims of human trafficking in 2019. Another campaign was launched in **Nigeria** at the end of the year in collaboration with Pathfinders Justice Initiative, Inc.



Informing and guiding irregularly staying migrants towards long-term solutions

In 2023, the '**Conex network**', a collaboration of diverse stakeholders active in Belgium's migration landscape, was strengthened. Fedasil developed a new strategy to support and guide migrants living in precarious situations, regardless of their legal status. As part of this effort, Fedasil established integrated information points, or '**one-stop desks**'. The Immigration Office significantly expanded its '**Alternatives to Detention**' department.



Return and readmission

After a decline in 2020 and 2021 due to the impact of the COVID-19 pandemic, **the figures related to return procedures rebounded in 2022 and 2023**. Fedasil, which oversees the national assisted voluntary return programme, intensified its efforts to facilitate voluntary returns, including through the **Frontex Application for Return (FAR)** and its own voluntary return programme. Fedasil also continued its contribution to the **training modules** delivered under Frontex's Return and Reintegration Counselling Trainings. In 2023, in response to a surge in requests for return and reintegration support to Mongolia, Belarus and Brazil, Fedasil revised the **criteria to benefit from return and reintegration support** in these countries. In May 2023, a new return and reintegration agreement was signed with **Senegal**. A new law was adopted introducing significant changes to the implementation of prison sentences and avenues for release, leading to a notable decrease in the number of **forced returns**.



Migration and development

In 2023, the DGD introduced a new 'migration marker' in the Belgian Official development assistance (ODA) database. Enabel launched the **Project for Entrepreneurial Mobility between Côte d'Ivoire and Belgium** (PEM-N'Zassa), while its THAMM project in North Africa was extended for an additional year. IOM Belgium and Luxembourg launched a project on remittances and diaspora engagement, O-REMIT.

OVERARCHING ASYLUM AND MIGRATION DEVELOPMENTS

Reform of the asylum and migration legislative framework

In Belgium, the primary legislation governing migration and asylum is outlined in the Law of 15 December 1980 on access to the territory, residence, settlement, and removal of foreign nationals.² Commonly known as the Immigration Act, this law has undergone multiple revisions since its adoption. However, experts argue that these numerous amendments have made the law excessively complex and difficult to comprehend. Consequently, Ms Nicole de Moor, Secretary of State for Asylum and Migration wishes to replace existing legislation with a 'Code for controlled migration' (*NL: Wetboek gecontroleerde migratie; FR: Code de la migration contrôlée*), simply known as 'Migration Code'. This code would replace the Immigration Act, as well as the Law of 12 January 2007 on the reception of applicants for international protection and certain categories of foreign nationals (Reception Act).³

The preparatory work towards a new Migration Code, involving academics, government officials, lawyers, and practitioners, continued throughout 2023. The code consists of 16 parts and is based on 19 guidelines following basic principles that were approved by the Council of Ministers in February 2022. The announced objective of this reform is to "provide more legal certainty and enable a more efficient asylum and migration policy"⁴.

In March 2023, in anticipation of the Migration Code, **a package of four legislative reforms put forward by the Secretary of State were approved by the Council of Ministers**. The following draft laws were submitted to the Chamber of Representatives:

- Draft law on family reunification (**see chapter 1**);
- Draft law on reception (**see chapter 2**);
- Draft law introducing a residence status for stateless persons (**see chapter 6**);
- Draft law impacting return policy (**see chapter 11**).

The content of the proposed measures is discussed in each of the corresponding chapters.⁵

² Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers / Wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen, <https://www.ejustice.just.fgov.be/eli/loi/1980/12/15/1980121550/justel>, last accessed on 2 June 2023.

³ Loi du 12 janvier 2007 sur l'accueil des demandeurs d'asile et de certaines autres catégories d'étrangers / Wet van 12 januari 2007 betreffende de opvang van asielzoekers en van bepaalde andere categorieën van vreemdelingen, http://www.ejustice.just.fgov.be/cgi_loi/change_lq.pl?language=fr&la=F&cn=2007011252&table_name=loi, last accessed on 2 June 2023.

⁴ Belgian Chamber of Representatives, 'Note de politique générale Asile et Migration / Algemene beleidsnota Asiel en Migratie', 3649/008, 27 October 2023, <https://www.dekamer.be/doc/FLWB/pdf/55/3649/55K3649008.pdf>, last accessed on 23 July 2024.

⁵ The focus is marked distinctively by a yellow box and magnifying glass icon.

1. LEGAL MIGRATION

Since the sixth reform of the Belgian state in 2014, economic migration is a regional competence. The [Flemish Region](#), [Brussels-Capital Region](#), [Walloon Region](#), and the [German-speaking Community](#) each determine their own economic migration policies based on their specific labour market needs. This has resulted in varied policies across the different regions of Belgium **(1.1)**. While the regions are competent for granting authorisation in the form of a single permit or a work permit in the case of employment, or a professional card in the case of self-employment **(1.2)**, the [Immigration Office](#) remains competent for granting authorisation to access the territory. This authorisation typically concerns stays of more than 90 days, with some categories of workers – such as seasonal work **(1.3)** – being granted stay permits for shorter periods. Third-country nationals authorised to stay and work in Belgium for more than 90 days have the right to benefit from family reunification **(1.4)**.⁶ In an economic context characterised by significant labour shortages and difficulties to attract foreign talents, Belgian authorities have continued their engagement in labour mobility projects with third countries **(1.5)**. Finally, 2023 was not only marked by administrative and legislative changes, but also by important debates on legal migration and its future **(1.6)**. The discussion on economic migration centred on two main points: the need to attract foreign talent to fill numerous vacancies in the labour market, and the necessity to implement stricter policies to prevent and combat economic exploitation.

⁶ For more information on this topic, consult the EMN Inform on Family Reunification of Beneficiaries of International Protection, to be published in 2024 on the website of EMN Belgium (www.emnbelgium.be).

Focus on the package of migration reform measures: reforms related to family reunification



The package of reform measures adopted by the Council of Ministers in March 2023 (see Overarching changes) includes several (proposed) changes to the family reunification legislation in Belgium, including:

- **The condition that the parent of a Belgian minor child must be the one responsible for the child in order to obtain and maintain residence based on family reunification.** More generally, the proposed reform introduces, in the context of family reunification with a minor child, that the parent must have parental authority;
- **A new status for parents of minor children who themselves have not obtained international protection, while their children have.** Under the current legislation, parents would – in such a scenario – receive a broader, discretionary humanitarian status;
- **For refugee minor children who came of age during or shortly after their recognition as refugees, a three month deadline for family reunification with their parents.** Currently, the application deadline is 12 months.

1.1 Focus on the Flemish Region: new policies and legislation

In Belgium, this tension between policies aiming to attract foreign talent and those combating economic exploitation was most visible in the Flemish Region. Major changes included projects to improve information provision to foreigners **(1.1.1)** and adaptations to the legislative framework for housing workers **(1.1.2)**. Conversely, new Flemish regulations imposed notification obligations on employers, such as when they terminate the employment contract of a foreign employee, and increased administrative fines for the illegal employment of foreign workers **(1.1.3)**.

1.1.1 New information channels for foreigners and their families

In 2023, **the Flemish Region launched a 'soft-landing' page for economic migrants and their families** called "Your future in Flanders, Let's Make it Work".⁷ This site provides information on various aspects of living and working in Flanders, including safety at work and labour rights, with references to the competent federal services. It also includes a section where individuals can file complaints regarding illegal employment or their conditions of employment. The objective of the website is to facilitate living and working in Flanders for third-country nationals moving to the region.

⁷ Flemish Region, 'Your Future in Flanders, Let's Make it Work', <https://www.vlaanderen.be/en/your-future-in-flanders>, last accessed on 23 July 2024.

Similarly, **the Flemish government made € 500 000 available to support Flemish provinces and local entities in developing a 'welcoming policy'** for economic migrants. This could involve establishing 'expat centres' or creating dedicated websites. The funding is available from 1 January 2024 until 31 December 2025. The deadline for applications was on 21 November 2023. Projects are being developed in the provinces of West Flanders, Antwerp, Flemish Brabant, and Limburg.

1.1.2 Legislative changes related to the housing of workers

The Flemish Housing Code of 2021 outlines general housing quality standards. Since 1 October 2023, **specific standards may apply to the temporary housing of workers in rooms with common spaces**, not limited to third-country national workers. According to the Decision on the Flemish Housing Code of 2021,⁸ a room for a worker must be at least 8 square meters in size (Article 3.2(3), para 7), and must be compensated by a common living space that must also meet certain standards (Article 3.2(3)(1), (8), (9), and (10)). Local authorities have the option to implement this framework by adopting municipal regulations that enforce specific housing quality requirements for these rooms. Without such municipal regulations, the general housing quality standards for rooms remain in effect. If a regulation is adopted, an employer can apply for a permit to house workers in these rooms. To obtain a permit, the employer must first apply for a certificate of conformity, which must be less than one year old. The permit is valid for a maximum of five years. Local governments may impose stricter standards. When renewing a permit, the employer must also reapply for a conformity certificate simultaneously.

1.1.3 Measures to tackle illegal employment⁹

In 2023, the Flemish government adopted several measures to combat illegal employment **(see definition)**¹⁰ following several cases of exploitation, such as the famous 'Borealis case' in 2021.¹¹

First, in order to improve the detection and identification of illegal employment, the Flemish government allocated funds to **hire 11 new full-time employees to enforce checks on economic migration permits** and reduce processing times. Additionally, 11 new vacancies were launched within the Flemish Social Inspection, the Department of Economic Migration, and the Cell on Administrative fines to combat social dumping. A 'control room' (*controlekamer*) was established within the Flemish Inspection and the Department of Work and Social Economy to perform thorough checks on the economic conditions when issuing

⁸ Decision of the Flemish Government of 21 April 2024 modifying the Flemish Housing Code of 2021 (Besluit van de Vlaamse Regering van 21 april 2023 tot wijziging van het Besluit Vlaamse Codex Wonen van 2021, wat betreft de invoering van een normenkader voor de tijdelijke huisvesting van arbeidskrachten), https://www.ejustice.just.fgov.be/cgi/article_body.pl?language=nl&caller=summary&pub_date=23-09-06&numac=2023031342, last accessed on 23 July 2024.

⁹ For more information on this topic, consult the EMN Study on Illegal Employment (2017-2022), to be published in 2024 on the website of EMN Belgium (www.emnbelgium.be).

¹⁰ All definitions provided throughout the report are taken from the European Migration Network's Asylum and Migration Glossary, version 8.0, last updated in December 2021. The Glossary is available online at: https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary_en.

¹¹ See the EMN Annual Report on Migration and Asylum 2022, available at www.emnbelgium.be.

migration permits. This initiative aims to improve oversight and detect cases of fraud and abuse.

Illegal employment

Illegal employment is defined as any economic activity carried out in violation of provisions set by legislation. While this practice is not specific to the migration context, migrants and particularly third-country nationals are more susceptible to economic exploitation.

We can distinguish between (i) the illegal employment of a *legally staying* third-country national, in which the employee is working outside the conditions of their residence permit and / or without a work permit, and (ii) the illegal employment of an *illegally staying* third-country national.

The Flemish government also introduced the '**Gatekeeper project**', which uses artificial intelligence (AI) to detect fraudulent businesses. The systems of various inspection authorities are now interconnected and linked to existing fraud detection systems. This integration allows for better assessment of financial credibility and detection of potential economic exploitation. For example, the Flemish Social inspection services can now incorporate information from housing services when evaluating work permit applications of third-country nationals. In this project, AI may identify potential risks of economic exploitation and assist inspection services more efficiently. Essentially, it helps prioritise the monitoring, control, and enforcement of breaches related to work permit applications.

Second, in order to sanction employers once cases of illegal employment are detected, **the Flemish government increased administrative fines on employers:**

- If the foreign worker lacks the required work permit or does not comply with the conditions of the permit, or if the employer fails to provide the work permit to the employee or does so conditionally: the fine ranges from € 1 200 to € 12 000.
- If the foreign worker does not have a residence permit, if the employer fails to verify the validity of the permit, or if the worker does not have a copy of the permit during an inspection: the fine ranges from € 2 400 to € 24 000.

Additionally, since 2023, **employers must notify the Department of Economic Migration of the Flemish government in writing if they terminate the employment contract of a foreign worker** or make significant changes to employment conditions that could affect the validity of the work permit (e.g. changing from full-time to part-time). Failure to notify leads to sanctions: if the infraction is administrative in nature, the fine ranges from € 400 to € 4 000; if it is penal in nature, the fine ranges from € 800 to € 8 000.

Cases of economic exploitation such as in the Borealis plant in Antwerp showed the challenge of sanctioning this practice when complex subcontracting chains are involved. To tackle this, on 25 October 2023, the Flemish parliament adopted a **new decree expanding the rules on chain liability**¹² (*ketenaansprakelijkheid*). This decree holds contractors directly liable for

¹² Flemish Decree of 27 October 2023 amending several legal acts on the employment of foreign employees (Decreet van 27 oktober 2023 tot wijziging van de wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemers, het decreet houdende sociaalrechtelijk toezicht van 30 april 2004, het decreet van 22 december 2017 houdende een premie om de transitie van werkzoekenden naar ondernemerschap te stimuleren en het decreet van 10 december 2010 betreffende de private arbeidsbemiddeling),

violations by a subcontractor and introduces a due diligence obligation for all contractors in the chain. Companies must verify specific elements before working with a subcontractor, such as identification data and the residence or employment status of foreign workers or self-employed persons with whom the subcontractor works.

1.2 Working in Belgium: the single permit

Even though economic migration is regionalised, since 2021 requests for single permits (**see definition**) are introduced via the single online platform 'Working in Belgium'. Afterwards, they are transferred to the competent authorities: the regional authority gives the permission to work, while the Immigration Office gives the permission to enter the territory (**see Box 1**).¹³

Single permit

A residence permit issued by the authorities of an EU Member State after a single application procedure allowing a third-country national to reside legally in its territory for the purpose of work.

Previously, only employers could submit applications for a single permit. Since 2023, **workers eligible for a single permit of indefinite duration can also submit their applications via the 'Working in Belgium' platform**. They can log in to the platform as a 'citizen' to complete the submission. Workers can only submit their applications if they meet one of the following criteria:

- They have been working in Belgium for at least four out of the last five years on the basis of a single/work permit;
- They have been working in Belgium for at least 12 months (within the previous 18

https://www.ejustice.just.fgov.be/cgi/article_body.pl?language=nl&caller=summary&pub_date=23-11-30&numac=2023047351, last accessed on 23 July 2024.

¹³ References in Box 2:

(1) Council for Alien Law Litigation, judgment no. 297.959, 29 November 2023.

(2) Application of Article 61/25-2, § 1 and Article 74/20, second intent, of the Immigration Act.

Box 1: Who is competent for assessing proof of employment?

Given Belgium's intricate state structure, questions occasionally arise regarding the division of competences. In a judgment on 29 November 2023, the Council for Alien Law Litigation (CALL) ruled that the Immigration Office lacks competence to assess proof of employment in single permit applications, except for clear cases of fraud.⁽¹⁾ The CALL clarified that the federal level manages entry to the territory, while economic policies such as economic migration are within the purview of the regions. Specifically, the CALL emphasised that **the evaluation of employment proof is a regional competence**.⁽²⁾ It underscored that fraud can only be established by the Immigration Office if there is either a deliberate intent or clear evidence that the applicant provided false or misleading information to deceive Belgian authorities. Therefore, the Immigration Office may only refuse on grounds of fraud if one of these conditions is met.

months preceding their applications) on the basis of a single/work permit and are long-term residents of another EU Member State.

This measure aims to reduce the administrative burden on employers and facilitate more targeted controls to prevent fraud and exploitation (**see also Box 2**).

Box 2: Applications from Turkey and Morocco blocked

In the first quarter of 2023, **the regional and federal administrations blocked several incoming applications for visas** in view of economic migration due to suspicions of incorrect information in the visa applications:

- 770 applications were suspended from **Turkey**, of which 637 were linked to work in the Flemish Region. Following extra checks, the Flemish Region withdrew 184 initially approved decisions.
- 100 applications were suspended from **Morocco**, of which 67 were linked to work in the Flemish Region. Following extra checks, the Flemish Region withdrew 26 previously approved decisions.

The Brussels-Capital Region also conducted extra checks on some applications, leading to a slight increase in the number of withdrawals of initially approved decisions. In 2023, the Brussels-Capital Region withdrew 227 positive decisions, compared to 199 in 2022.

At the regional level, in 2022 the Flemish government launched a digital counter for professional card applications. Initially, only individuals with a temporary right of residence in Belgium could submit applications through this platform. Since 2023, they can also **mandate a third party to submit a digital application on their behalf** (i.e. a 'mandatary', such as a lawyer or an enterprise counter). Nonetheless, the person who has given the mandate is still required to have legal residence in Belgium. In order to submit an application digitally, a mandatary must first obtain recognition as 'mandate holder' through the Self Service Mandate Management system of the Flemish government. Previously, the self-employed persons had to apply themselves at the counter for enterprises (*ondernemingsloket*). Applications from abroad must still be submitted via the Belgian diplomatic or consular post.

In case of an application for a 'bottleneck profession', access to the single permit is simplified and the requirement of conducting an analysis of the labour market is lifted for certain categories of third-country nationals. Each region defines a list of professions for which labour shortage is presumed. For these professions, employers can recruit third-

Labour market test

Mechanism that aims to ensure that migrant workers are only admitted after employers have unsuccessfully searched for national workers, EU citizens (in EU Member States this also means EEA workers) or legally residing third-country nationals with access to the labour market according to national legislation.

country nationals without having to go through a labour market test (**see definition**).

In 2023, **both the Flemish and the Walloon regions updated their list of bottleneck professions**:

- The Flemish Region updates its list biennially. The previous list (which expired in March 2023) was temporarily extended until 31 August 2023, and a new list entered into force on 1 September 2023. The new list includes 29 professions, which is 7 more than the previous list.¹⁴
- The Walloon Region updates its list annually. The new list entered into force on 1 October 2023 and includes 75 professions, the same number as the previous year.¹⁵

The single permit procedure is also simplified (in the form of an exemption from a labour market test) for certain categories of applicants¹⁶ whose gross annual earnings exceed a certain minimum amount. This minimum wage benchmark is determined by each regional entity and adjusted annually. The table below (**Table 1**) shows the **new minimum wages for any application for a single permit or work permit** where employment starts on or after 1 January 2023.

Table 1: Minimum gross annual wage (in €) per category of migrant worker

	Flemish Region ¹⁷	Walloon Region ¹⁸	Brussels-Capital Region ¹⁹	German-speaking Community ²⁰
Highly-skilled workers	€ 46 632 or € 36 787,20 (for persons under 30 and nurses)	€ 50 310	€ 50 310	€ 49 830
Executives	€ 74 611	€ 83 936	€ 83 936	€ 83 135
European Blue Card	€ 55 958	€ 65 053	€ 65 053	€ 60 622

¹⁴ Ministerial decision of the Flemish Government of 1 September 2023 establishing the list of middle-skilled positions for which there is a structural labour shortage (Ministerieel besluit van 1 September 2023 houdende vaststelling van de lijst met middengeschoolde functies waarvoor een structureel tekort aan arbeidskrachten bestaat), https://www.ejustice.iust.fgov.be/cqj/article_body.pl?language=nl&caller=summary&pub_date=2023-09-14&numac=2023045079%0D%0A, last accessed on 23 July 2024.

¹⁵ Walloon Government, 'Liste des métiers en pénurie', <https://emploi.wallonie.be/home/travailleurs-et-rangers/permis-de-travail/liste-des-metiers-en-penurie.html>, last accessed on 23 July 2024.

¹⁶ Other conditions may apply. In the category of 'highly skilled workers', individuals may be required to have obtained a certain diploma.

¹⁷ Flemish Region, 'Toelating tot arbeid – Lonen en toeslagen', <https://www.vlaanderen.be/toelating-tot-arbeid/toelating-tot-arbeid-lonen-en-toeslagen>, last accessed on 23 July 2024.

¹⁸ Walloon Region, 'Autorisations de travail et permis de travail B : seuils salariaux à respecter par les employeurs en 2023', <https://emploi.wallonie.be/home/news/page-content-inner/actualites/autorisations-de-travail-et-permis-de-travail-b--seuils-salariaux-a-respecter-par-les-employeurs-en-2023.html>, last accessed on 23 July 2024.

¹⁹ Brussels-Capital Region, 'Toelating tot arbeid', <https://economie-werk.brussels/gecombineerde-vergunning-arbeidskaart>, last accessed on 23 July 2024.

²⁰ German-speaking Community, 'Kombinierte Erlaubnis für eine Beschäftigung von mehr als 90 Tagen', https://ostbelgienlive.be/desktopdefault.aspx/tabid-269/4602_read-55306/, last accessed on 23 July 2024.

Professional athletes	€ 98 356 or € 49 178 (for trainers without an employment contract for paid athletes)	€ 98 356	€ 88 320	€ 88 320
Artists	€ 41 197	€ 41 969	€ 41 969	€ 41 568
Intra-corporate transferees	€ 74 611 for ICT-executives € 42 632 for ICT-specialists € 42 632 for ICT-trainee	€ 65 063 for ICT-executives € 50 042 for ICT-specialists € 32 327 for ICT-trainee	€ 65 063 for ICT-executives € 52 042 for ICT-specialists € 32 526 for ICT-trainee	€ 65 053 for ICT-executives € 52 043 for ICT-specialists € 32 527 for ICT-trainee

Finally, on 1 November 2023, **the guaranteed average monthly minimum income was indexed** to € 1 994,18. Before, this amount was € 1 954,99. This income applies as a general condition for obtaining a single or work permit for categories of migrant workers for whom no specific wage condition applies. For other categories, the immigration legislation may set a specific wage condition or, if a sectoral agreement applies, this may be used as a minimum threshold for determining the wage condition.

1.3 Seasonal workers

Third-country nationals wishing to reside temporarily in Belgium as seasonal workers can make use of the regulations on seasonal workers in transposition of Directive 2014/36/EU, also known as the Seasonal Workers Directive.²¹ In April 2023, **the European Commission opened infringement proceedings against Belgium** by sending a letter of formal notice for failing to transpose in a fully conform manner all provisions of the Seasonal Workers Directive. More specifically, the Commission made remarks regarding the provisions:

- On the criteria and requirements for admission to employment as a seasonal worker for stays under and over 90 days (Article 5(1) and Article 6(1));
- On access to information (Article 11);
- On sanctions against employers, especially in the context of the provision of accommodation that ensures an adequate standard of living (Article 17(1) *jcto* Article 20);
- On sanctions against employers, notably in the context of cases where an employer must pay compensations to seasonal workers (Article 17(2));

²¹ 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, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex%3A32014L0036>, last accessed on 23 July 2024.

- On the 90-day deadline to notify the applicant about the decision on their application (Article 18(1));
- On the communication of statistics (Article 26).

Belgium sent a coordinated answer on 21 June 2023, with necessary adaptations to the legislation foreseen for 2024.

In addition, the Belgian government took measures to **extend the maximum number of days a seasonal worker can work** and **increased the minimum wage for seasonal workers**. Seasonal workers from EU countries can now work, without a renewal of their work permit, for:

- 100 days if they work in horticulture (previously 65 days);
- 50 days if they work in agriculture (previously 30 days);
- 50 half days if they work at a dairy farm (new), and they no longer have to renew their residence permits after 3 months of employment on Belgian farms.

New minimum wages apply. The 'seasonal' wage, which applied before, was lifted.²²

1.4 Family reunification

In April 2023, in the context of the **family reunification case *Afrin (C-1/23)***²³ **with a refugee-sponsor**, the European Court of Justice (CJEU) gave its interpretation of Article 5(1) of the Family Reunification Directive, read in conjunction with Article 7 and Article 24(2) and (3) of the EU Charter of Fundamental Rights. The case opposed Syrian family members of a sponsor who was awarded refugee status in Belgium, and the Belgian State. The Court ruled that the provisions of the Charter and the Directive must be interpreted as meaning that they preclude national legislation which requires, for the purpose of submitting an application for entry and residence with a view to family reunification, that **the sponsor's family members, in particular those of a recognised refugee, appear in person at the diplomatic or consular post** of a Member State competent in respect of the place of their temporary or permanent residence abroad, including in a situation where it is impossible or excessively difficult for them to travel to that post, without prejudice to the possibility for that Member State to require that those members appear in person at a later stage of the application procedure for family reunification. On the basis of this judgment, the Belgian diplomatic and consular posts received new instructions from the Immigration Office, which are now also incorporated in its website.²⁴ According to the new procedure, applicants authorised to submit their application remotely can submit their file to the diplomatic or consular post via email.

In May 2023, **the Immigration Office sent instructions to municipalities, applicable as of June 2023, not to issue *ex officio* F-card** (residence permits for third-country nationals who have a family reunification status with a Belgian or EU national) in case the Immigration Office has not taken a decision within six months on the application for family reunification.

²² More details can be found here: <https://www.securex.be/fr/lex4you/employeur/actualites/agriculture-et-horticulture-mesures-de-soutien-pour-le-travail-occasionnel-en-2023>

²³ CJEU, case C-1/2023 *Afrin*, judgment of 18 April 2023.

²⁴ Available at: <https://dofi.ibz.be/en/themes/third-country-nationals/family-reunification/visa-d-application-family-reunification>

This instruction was given to bring Belgium’s administrative practice in conformity with the CJEU judgment in the case *Diallo*, where the Court ruled that EU law precludes national legislation, “which requires competent national authorities to issue automatically a residence card of a family member of a European Union citizen to the person concerned, where the period of six months, (...) is exceeded, without finding, beforehand, that the person concerned actually meets the conditions for residing in the host Member State in accordance with EU law”.²⁵ This case was followed up by a judgment of the Belgian Council of State, which further incentivised the Immigration Office to issue the new instructions.²⁶

1.5 Labour mobility projects

In 2023, Belgian actors continued to implement or launched several labour mobility projects (all development-related projects are reported in **chapter 12**). As part of these efforts, **the Immigration Office formed a new informal working group to discuss these initiatives**. This group includes both regional and federal actors and focuses on economic (or circular) migration projects. The aim is to share knowledge and ensure coherent implementation of these projects.

In September 2023, **the Immigration Office launched a new project with Georgia called the EMLINK-project** (Strengthening the Partnership between Belgium and Georgia through Temporal Mobility of Entrepreneurs – Entrepreneurial Mobility Link). This project will run until February 2025. The EMLINK-project is funded by the EU through the Migration Partnership Facility (MPF) and is implemented by the International Centre for Migration Policy Development (ICMPD) on behalf of Belgium. The main goal of the project is to create an environment that supports a mobility scheme for Georgian start-ups and their Belgian counterparts in the innovation and entrepreneurship sectors. The specific objectives are:

- To enhance cooperation and exchange between state institutions, private sector representatives, and start-ups in both Georgia and Belgium, focusing on temporary entrepreneurial mobility development;
- To increase the capacity of Georgian start-ups to grow and retain skills and talent.

Additionally, the Immigration Office secured funding for a new AMIF²⁷ project on circular migration, set to run until 2027. In 2023, **a public procurement call was launched for the implementation of a healthcare project with Suriname in 2024**. The overall goal of this project is to develop a sustainable and ethically sound model of circular migration for nurses between Belgium and Suriname, aiming to strengthen the healthcare systems in both countries.

²⁵ CJEU case C-246/17 *Diallo*, judgment of 27 June 2018.

²⁶ Council of State, ruling n°244.275, 15 December 2022.

²⁷ AMIF is the EU Asylum, Migration and Integration Fund.

1.6 Looking ahead at legal migration

In 2023, the field of legal migration was marked by extensive debates on the future of legal migration.

In July 2023, **the Inter-ministerial Conference on Labour Migration and Integration, which included ministers from the federal, regional, and community levels, reached an agreement on future reforms (see also 5.2)**. The ministers agreed to adopt several measures regarding labour migration:

- The governments will examine the possibility of adding grounds for refusing single permits to prevent abuse. Potential grounds include the employer's financial situation, procedural abuse, and the need for a medical certificate for specific jobs.
- They will analyse the possibility of introducing an alarm bell procedure for abusive or fraudulent permit applications. In such cases, diplomatic missions could be asked to conduct additional interviews.
- The governments agreed to provide clear and accessible information on labour rights in multiple languages on the FPS Employment website and regional labour administration websites. Eventually, this information may be consolidated into one website. Additionally, a (digital) brochure with relevant labour rights information will be provided when a visa is issued or a single permit is renewed.
- Regarding the costs of a single permit, the governments agreed that employers should legally be obligated to bear the application costs.
- Migrant workers in Belgium who become victims of employer social violations will be given a 180-day period to find new work, an increase from the current 90-day period.

The Inter-ministerial Conference aims to coordinate these measures at both the regional and federal levels.

In 2023, both the Flemish and Walloon regions applied for a Technical Support Instrument from DG Reform of the European Commission. The goal is to evaluate their current policies and consider future changes. In this context, **a study was launched in July 2023 to explore different (economic) migration systems for the Flemish Region**. The Organisation for Economic Cooperation and Development (OECD) will examine the current Flemish migration system and provide recommendations. Various stakeholders, including EMN Belgium, are consulted as part of this study. In September 2023, **a similar study began to research potential migration systems for the Walloon Region**. This study focuses on economic migration broadly, including family reunification, housing practices and legislation, and sector-specific rules (e.g., access to a driver's license). The first phase of this project involved a wide consultation with institutions and grounds working on or with economic migration, such as employers' and workers' associations, with EMN Belgium contributing to the consultations.

2. INTERNATIONAL PROTECTION AND RECEPTION

In Belgium, the process of applying for international protection **(2.1)** involves three key governmental instances, each with different responsibilities and intervening at different stages of the process:

- The **Immigration Office**, which manages access to, removal from, and residence and settlement on the Belgian territory, is responsible for the registration of applications for international protection **(see Box 3)**. It also decides on the application of the Dublin Regulation.
- Applications for international protection, subsequent applications and applications for international protection for which Belgium is responsible under the Dublin Regulation, are transferred to the **Office of the Commissioner General for Refugees and Stateless Persons (CGRS)** for examination. The CGRS is an independent federal administration exclusively responsible for the first-instance procedure in terms of examining and granting, refusing or withdrawing refugee and/or subsidiary protection.
- Appeals against a decision made by the Immigration Office and the CGRS are handled by the **Council for Alien Law Litigation (CALL)**, an administrative court.

In Belgium, applicants for international protection are entitled to material reception conditions during the entire period of their asylum procedure **(2.2)**.²⁸ Reception is organised in open reception facilities, managed by the **Federal Agency for the Reception of Asylum Seekers (Fedasil)** or one of its reception partners. Minors who arrive in Belgium without parents or family follow a different trajectory than adult applicants for international protection, with support and reception adapted to their needs **(see chapter 4)**.

Box 3: Registrations of applications for international protection within 3 days

Article 16(2) of the Immigration Act specifies that the limit to register an application for international protection once it is made by the applicant is three days, with the possibility to extend to ten working days where simultaneous applications for international protection by a large number of third-country nationals or stateless persons make it difficult to respect the three day period. In November 2022, the Secretary of State had officially approved the extension of the registration period to ten days, due to the high influx of applicants. However, in 2023, **the normal practice of registering all applications within three days was resumed.**

²⁸ For more information on this topic, consult the EMN Inform on Access to Autonomous Housing in the Context of International Protection, and the EMN Inform on Governing the Accommodation of Applicants for International Protection, both to be published in 2024 on the website of EMN Belgium (www.emnbelgium.be).

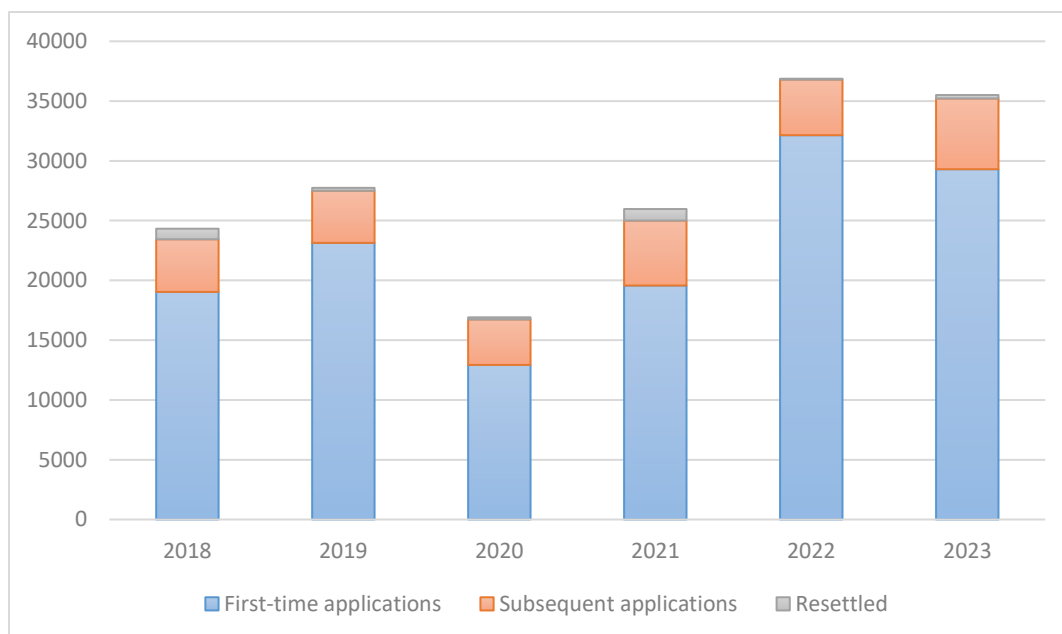
2.1 International protection

The year 2023 was marked by a high inflow of applicants for international protection, though slightly lower (by 3.7%) than in 2022 (2.1.1). Political developments in certain parts of the world, including in the Gaza strip, led to some changes in the issuance of decisions for the regions concerned (2.1.2). Despite an overall increase in the number of decisions taken in 2023 compared to the previous years, the workload of the CGRS continued to increase, creating a backlog of applications that is frequently cited as one of the main causes of the ongoing reception crisis in Belgium. In response, the CGRS continued to increase staffing and explore new working methods to manage their work more efficiently (2.1.3). Finally, Belgium also welcomed a minor proportion of refugees through resettlement programmes, all of which had already been selected in previous years but whose arrival had been postponed due to limited reception capacity (2.1.4).

2.1.1 Key statistics on international protection²⁹

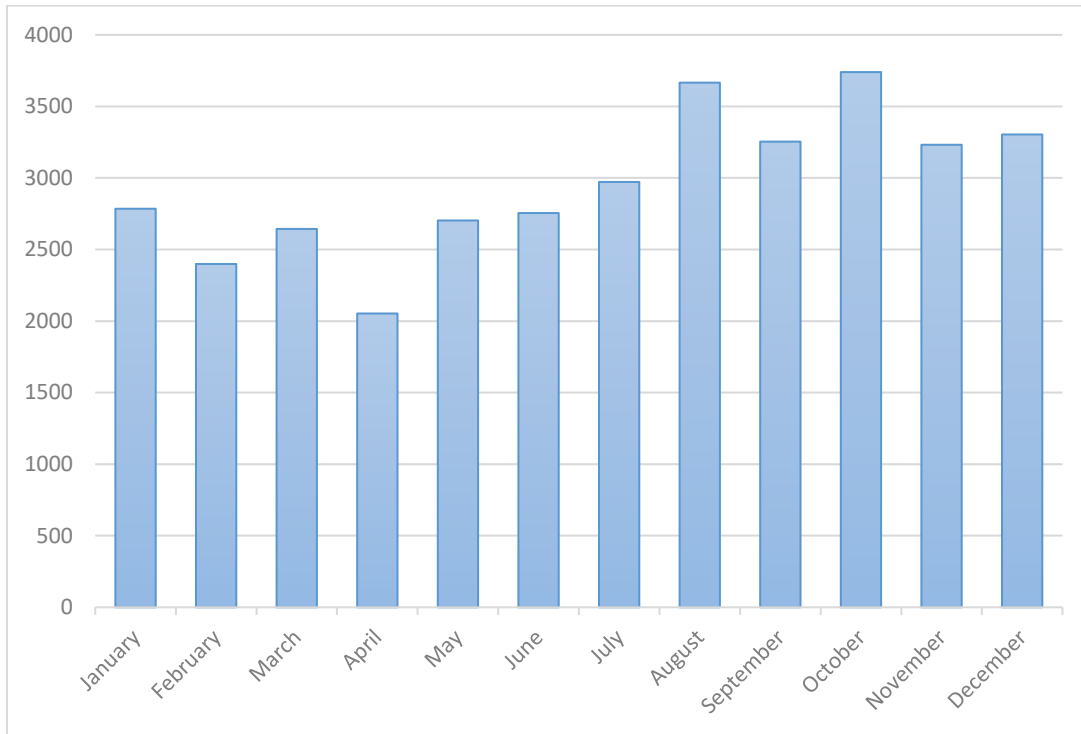
In 2023, 35 507 individuals applied for international protection in Belgium, including 29 305 first-time applications, 5 918 subsequent applications, and 287 persons who arrived in Belgium through resettlement. This figure is slightly lower than the 36 871 applicants recorded in 2022 (decrease by 3.7%) (see Graph 1). Notably, during the first seven months of 2023, the number of applicants consistently remained below 3 000. However, from July to December, this threshold was exceeded every month, with a peak in October (3 740 persons) (see Graph 2).

Graph 1: Applications for international protection between 2018 and 2023



²⁹ All statistics on international protection are derived from the CGRS. More statistics are available on their website at: <https://www.cgrs.be/en/figures>.

Graph 2: Applications for international protection in 2023, by month



Other key figures on applications for international protection in 2023 include:

- The proportion of **subsequent applications** for international protection is higher than the previous year (16.7% in 2023 compared to 12.6% in 2022) (**see definition**).
- The number of **inadmissibility decisions** (primarily related to subsequent applications or applications filed by individuals who already obtained protection status in another EU Member State) decreased compared to the previous year, though their proportion remains high: 15.8% of all decisions in 2023 (compared to 17.9% in 2022).
- 67.6% of applicants were **men** versus 32.4% of **women**. For certain countries such as Afghanistan, the proportion of male applicants is significantly higher (89%).
- The main **countries of origin** of applicants were Syria, Afghanistan, Palestinian territories, Turkey and Eritrea.

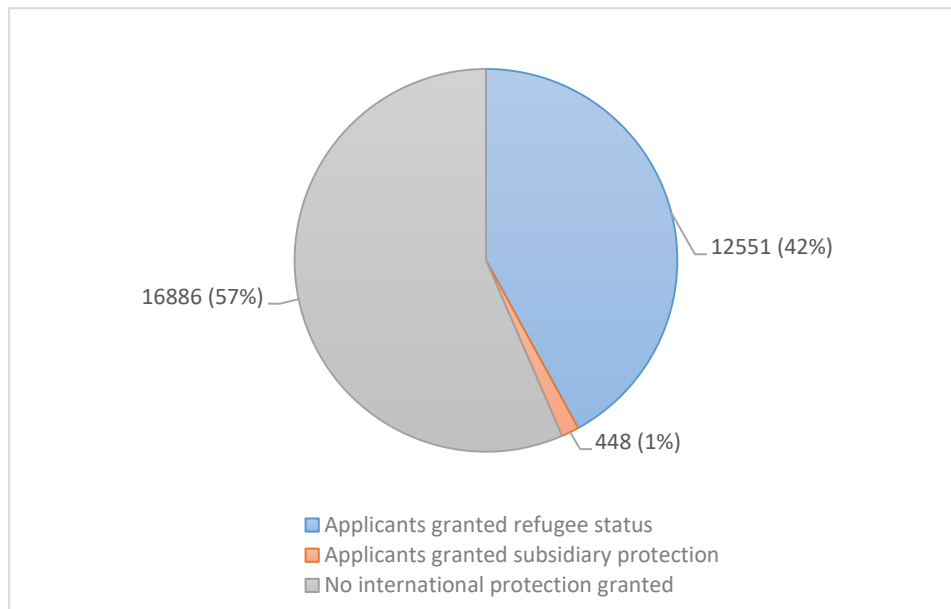
Subsequent application for international protection

A further application for international protection made after a final decision has been taken on a previous application, including cases where the applicant has explicitly withdrawn their application and cases where the determining authority has rejected an application following its implicit withdrawal in accordance with Art. 28 (1) of Directive 2013/32/EU (Recast Asylum Procedures directive)

- 2 594 applicants declared themselves **unaccompanied minors** at the time of their application for international protection, a decrease of 32.7% compared to 2022. Following examination by the Guardianship Service, 1 660 individuals were provisionally recognised as actual minors.³⁰ The vast majority applicants who declare themselves unaccompanied minors were boys (87%), mainly originating from Afghanistan (26%), Eritrea (18%) and Syria (15%).

In 2023, **the CGRS made final decisions regarding 29 885 individuals**. This represents a 23.6% increase compared to the previous year, which can be *inter alia* explained by the recruitment of additional protection officers, resulting in an average of 15% more available protection officers in 2023. Regarding the individuals who received a final decision, **43.5% were granted an international protection status**: 12 551 were granted refugee status and 448 persons received subsidiary protection status (**see Graph 3**). The protection rate remains similar across recent years, and hovers at around 43%.³¹ The highest number of refugee statuses were granted to nationals from the following countries: Syria, Afghanistan, Eritrea and Burundi. The highest number of subsidiary protection statuses were granted to nationals from Yemen, Somalia, Syria and Iraq.

Graph 3: Applicants with final decisions taken in 2023



Despite an increase in the number of decisions taken in 2023 compared to the previous years, **the workload of the CGRS, defined as the number of applications for which no decision has yet been taken, continued to increase**, amounting to 26 525 cases (compared to 16 415 cases at the end of 2022), concerning 31 998 individuals. This is more than three times the number of cases that could be considered 'normal workload' based on the current inflow of applications and staff capacity. The CGRS points to two reasons contributing to this increase: first, despite improved productivity and extra staffing, there were

³⁰ Note that age test data for 2023 is not complete, as some age assessments have not yet been conducted or are still pending a decision by the Guardianship Service.

³¹ Excluding inadmissibility decisions, the protection rate in 2023 was 52.3%.

more applications than decisions on average each month in 2023.³² Second, the Immigration Office submitted significantly more cases to the CGRS, concerning more than 3 000 applicants per month. The backlog of applications at the CGRS has been frequently cited as one of the main causes of the reception crisis in Belgium. Due to the lengthiness of the asylum procedure, applicants reside longer in the reception network, rendering these places unavailable for new applicants (see section 2.2).

2.1.2 Developments related to certain countries

On 7 April 2023, **Georgia was removed from the list of safe countries of origin (see definition)**. The new list contained the following countries: Albania, Bosnia and Herzegovina, India, Kosovo, Montenegro, the Republic of North Macedonia, and Serbia. The list is updated annually but can be renewed faster if the situation in a country changes. Applications from individuals with the nationality of countries considered safe can be the subject of an accelerated procedure.

Safe country of origin

A country where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Art. 9 of the Directive 2011/95/EU (Recast Qualification Directive), no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.

Following the crisis situation in the Palestinian territories, and more specifically the Gaza strip, **the CGRS suspended the notification of decisions granting or refusing subsidiary protection to applicants from Gaza and the West Bank** from 20 October to December 2023. The CGRS continued to notify decisions granting refugee status, in which an individual's well-founded fear of persecution is clearly established, and decisions of inadmissibility for individuals enjoying a protection status in another EU Member State.

2.1.3 Procedural developments within international protection administrations

The current asylum context and the associated high workload have prompted the CGRS to explore new working methods to manage their work more efficiently. One example is the **'Tabula Rasa' project**, which ran a testing phase from September 2023 to January 2024. Innovative ideas on the level of the processes (motivation of decisions, pre-interview questionnaires, etc.) and on the overall organisation of the teams were tested by a group of supervisors and protection officers.³³ This process was supported by 'Nido', the Federal Innovation Lab (*FR: Le labo d'innovation du service public; NL: Innovatielab voor de Overheid*). Other initiatives were taken parallel to this project to increase the output of the agency.

³² CGRS, 'Rapport annuel 2023 / Jaarverslag 2023', June 2024, <https://www.cgra.be/fr/node/4004>, last accessed on 23 July 2024.

³³ Protection officers and supervisors are divided into geographical sections where they develop an expertise on a specific country or region.

In addition, significant steps were taken to further develop an **entirely new digital case management ecosystem** for the Belgian immigration and asylum instances. Within the asylum and migration administrative chain, technical analyses were finalised for an internal crossroads bank for foreigners' identity. Asylum and migration authorities in Belgium (Immigration Office, CGRS, Fedasil, and CALL) will be able to access this digital repository to validate and process identity-related transactions. Additionally, the Immigration Office is actively developing a module to create a comprehensive digital version of the electronic files accessible to both chain partners (CGRS and Fedasil) as well as the CALL. Finally, **the CGRS continued to develop the 'Electronic file'**, a project that aims to replace current applications by a fully digital case management system by 2026/2027.

Box 4: New Commissioner General

On 31 March 2023, **Sophie Van Balberghe** was appointed as **the new Commissioner General** for Refugees and Stateless Persons, following the retirement of Dirk Van den Bulck who headed the organisation during 18 years.

In 2023, the CGRS also provided its staff with additional training and resources, namely:

- New section called **'Start'** for all newly-hired protection officers who undergo six months of training before being integrated into the existing sections. This new section is one of the innovations proposed by the Tabula rasa project.
- Expansion of the **Gender** team³⁴ and additional training based on the EUAA module 'Gender, Sexual Orientation and Gender Identity'.
- **Gender training for interpreters**, titled 'Interpreting Gender-related Asylum Narratives', to provide interpreters with an opportunity to discuss the specific challenges they encounter while translating this type of narrative and covering theoretical knowledge, practical advice, instructions and awareness raising.
- **Recruitment of 92 additional protection officers and 26 administrative staff members**, to address the issue of backlog (**see 2.1.1**);
- **Conduct of two fact-finding missions** by the Country of Origin Information research unit (Cedoca) to the Democratic Republic of Congo and Ethiopia. Cedoca also focused on gathering more information on the situation of Afghan minors, and drafted reports on Iraq, Syria and Afghanistan in collaboration with other EU Member States and the EUAA.

³⁴ Team of protection officers and supervisors who receive additional and/or more in-depth training on gender-related issues, which enables them to deal with the most complex or sensitive gender-based applications for international protection.

2.1.4 International protection through resettlement and relocation

As shown in the statistics on applications for international protection (2.1.1), a minor proportion of applicants for international protection arrived in Belgium as part of a resettlement programme (see definition). In 2023, **all refugees who arrived through resettlement had already been selected in previous years**. However, due to the insufficient reception capacity in Belgium, their transfer could not be organised then. Toward the end of 2023, the CGRS³⁵ was able to resume the preparation of a mission selecting 150 Syrian refugees residing in Turkey, which took place in January 2024.

Resettlement or relocation?

In the EU context, *resettlement* refers to the transfer, on a request from the UNHCR and based on their need for international protection, of a third-country national or stateless person, from a third-country to an EU Member State, where they are permitted to reside with one of the following statuses:

- (i) refugee status within the meaning of Art. 2(d) of Directive 2011/95/EU (Recast Qualification Directive)
- (ii) a status which offers the same rights and benefits under national and EU law as refugee status.

In the EU context, *relocation* refers to the transfer of persons having a status defined by the Geneva Refugee Convention and Protocol or subsidiary protection within the meaning of Directive 2011/95/EU (Recast Qualification Directive) from the EU Member State which granted them international protection to another EU Member State where they will be granted similar protection, and of persons having applied for international protection from the EU Member State which is responsible for examining their application to another EU Member State where their applications for international protection will be examined.

In 2023, Fedasil opened a reception centre fully dedicated to the reception of resettled refugees, with a capacity of approximately 115 persons. In addition, in order to upscale reception capacity and to facilitate the integration of resettled refugees into Belgian society, Fedasil runs '**Community sponsorship**' programmes in collaboration with partner organisations.³⁶ Following a matching procedure, some refugees selected for resettlement in Belgium are sponsored by a community, and therefore do not follow the standard reception path designed for resettled refugees. In 2023, Fedasil introduced an innovative financial model that enables various actors in the field of asylum and migration to become a partner organisation for resettled refugees, and allocated funding to hosting groups participating in the Community Sponsorship programmes.

Finally, in the context of negotiations surrounding the new EU Asylum and Migration Pact, and more specifically the new Voluntary Solidarity Mechanism established in mid-2022, **Belgium pledged to welcome 100 individuals through relocation**. The designated beneficiary country was Cyprus, from which 32 people were relocated in 2023. The remaining individuals should arrive in 2024.

³⁵ In Belgium, Fedasil is responsible for operating the resettlement programme, and the CGRS is responsible for the selection of resettled refugees.

³⁶ A 'Community Sponsorship' is a hosting group, consisting of volunteer citizens, together with a dedicated partner organisation, which supports resettled persons by organising reception and accompanying them in the Belgian society for a year. For more information, visit: <https://www.fedasil.be/en/resettlement/community-sponsorship>.

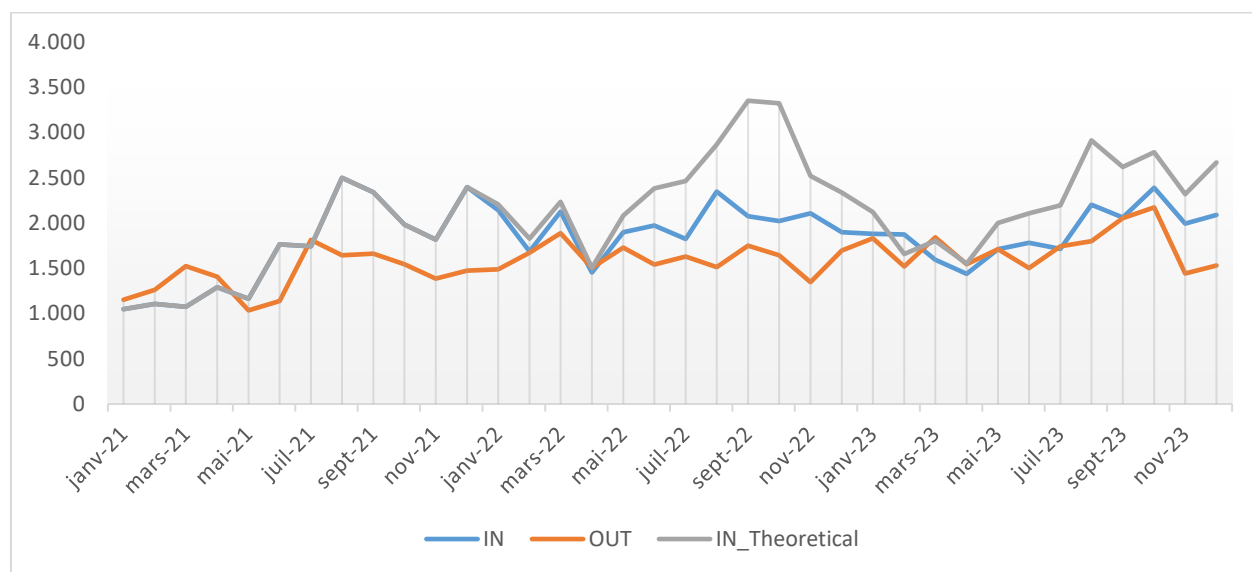
2.2 Reception of applicants for international protection

In the summer of 2021, Belgium’s reception network began to reach capacity, prompting the Federal Agency for the Reception of Asylum Seekers (Fedasil) to prioritise minors, families and other vulnerable groups in the allocation of reception places. Despite various measures to ease pressure on the reception network, Fedasil had to switch to ‘crisis mode’ in September 2021. The saturation of the reception network persisted throughout 2022 and 2023, with single men often denied reception on the day of applying for international protection. Since January 2022, single male applicants, unless they presented an exceptional (medical) vulnerability, were instructed to place themselves on a waiting list. In 2023, 8 816 persons (single men) could not be accommodated in Fedasil’s reception network from the moment they made their application for international protection, and 2 291 persons were registered on the waiting list at the end of 2023.

In 2023, further measures were implemented to increase the reception capacity **(2.2.1)**, accelerate the outflow from the reception network **(2.2.2)**, and support applicants without access to the reception network **(2.2.3)**. Despite these efforts, the shortage of reception places continued in 2023 and had important legal and humanitarian consequences **(2.2.4)**.

In 2023, 22 715 individuals entered the reception network (IN),³⁷ while 20 682 individuals left (OUT), resulting in an IN/OUT balance of +2 033 individuals.³⁸

Graph 4: Inflow and theoretical inflow³⁹ (of persons) to and outflow (of persons) from the reception network (2021-2023)



³⁷ The total number of 'INs' does not include the 8 816 applicants (single men) who, due to a lack of reception capacity, were not accommodated in 2023. A number of them have registered on a waiting list, to be admitted at a later date to the reception network.

³⁸ All statistics on reception are derived from Fedasil. More statistics are available on their website: <https://www.fedasil.be/en/news/reception-asylum-seekers/reception-network-under-pressure-0>.

³⁹ The theoretical inflow is the inflow if the reception network had sufficient capacity to accommodate them all.

Focus on the package of migration reform measures: reforms related to reception



One of the four reform measures adopted by the Council of Ministers in March 2023 (see Overarching changes) includes amendments to the legislative framework governing reception conditions, namely the Reception Act of 2007 and the Law on Public Centres for Social Welfare of 1976. The proposed amendments aim to address the saturation of the reception network in two ways:

- **Decoupling the right to material aid from the order to leave the territory:** based on the current legislation, the right to material assistance ends when the term of the order to leave the territory expires. The Immigration Office issues this order, but it may be delayed due to various reasons, including administrative backlog or the initiation of new procedures, such as requests for regularisation. This results in the situation where persons who are no longer in an asylum procedure are still residing in the reception network. The draft law proposes to link the end of the right to material aid to a final refusal in the international protection procedure: after receiving a final negative decision, the rejected applicant will have 30 days to leave the reception network.
- **Explicitly assigning the search for buildings to create additional reception places as a competence of Fedasil.** This would create a legal basis for Fedasil to obtain information on existing building vacancies, giving the Agency more opportunity to search for suitable buildings to accommodate applicants for international protection.

2.2.1 Measures to increase reception capacity

In 2023, 3 388 new reception places were created, and 1 197 temporary reception places were closed, resulting in a **net increase in reception capacity by 2 191 places** (not including the shelter capacity created by the so-called 'Brussels deal' – see 2.2.3). At the end of 2023, the reception capacity was 35 651 places, compared to 33 460 places at the beginning of the year.

On 29 September 2023, **the federal government established the 'Taskforce Asylum and Reception'**, which brings together various ministerial cabinets (Prime Minister, Asylum, Civil Service, Defense, Interior) and administrations (Fedasil, FPS Policy and Support, Defense, FPS Health, Federal Building Agency, National Belgian Railway Company/Infrabel and the National Crisis Centre). This new structure was tasked with finding at least 2 000 new temporary accommodation places to anticipate the inflow of applicants, bridge the winter period and address the needs on the logistical, administrative and budgetary levels. The first meeting took place on 3 October 2023.

Over the course of the year, Fedasil took **several measures to expand the capacity of the reception network to provide accommodation** for all rights holders:

- **Nine new reception centres were opened**⁴⁰ and additional capacity was created in or near existing centres, for instance by placing residential containers (see below) or upscaling the reception capacity of existing centres managed by Fedasil in Glons and Jabbeke.
- **Launch of the project to create 'Autonomous Reception Initiatives'**, located in the vicinity of and remotely managed by existing reception centres.⁴¹ The places are intended for the most autonomous residents. The first operational Autonomous Reception Initiative was opened in Pondrôme in July 2023. It concerns four new energy-efficient houses (24 places) next to Fedasil's collective reception centre in Pondrôme.
- **Contracts with three existing reception centres run by private actors were extended through a new 12-month public tender:** MyAssist (in Marcinelle), Umami (in Hasselt), and Svasta (in Jalhay). Additionally, a new public tender allowed for a new reception centre managed by MyAssist (in Braine-Le-Comte). The government also decided to temporarily extend (until 15 September 2023) the reception centre run by the private operator G4S in Liège. By the end of 2023, 1 259 reception places were managed by private operators.

⁴⁰ Four are directly managed by Fedasil: Walcourt, Grimbergen for applicants with medical issues and their families, Schaerbeek for unaccompanied minors, and Alveringem for resettled refugees. Fedasil's temporary centres in Bredene and Theux closed and reopened their doors in 2023. Five others are managed by one of Fedasil's reception partners: the centres in Anderlecht and Laeken by Samusocial, in Braine-le-Comte by My Assist, in Ronse by the Red Cross Flanders and in Verviers by Amonsoli.

⁴¹ This model is based on the former Federal Reception Initiatives (FOIs) established in the vicinity of a couple of reception centres in 2010. Fedasil advocates for the creation of this type of reception, which provides more autonomy and independence to the residents involved, thus enhancing the quality of reception even in times when the network is under heavy pressure.

- **The Flemish youth sector made places available in youth tourism facilities as a temporary emergency solution for autonomous families.** For each site, an existing reception centre was designated to coordinate the reception and support.
- **Incentives were provided to promote the creation of Local Reception Initiatives (LRIs)⁴² (see Box 5).**⁴³ The funding available to local authorities through the Impulse Fund, which provides premiums for opening LRIs, was increased and standardised. A differentiated personal rate was introduced for LRI residents with specific needs. The notice period of the agreements was extended from 6 to 12 months on the part of Fedasil, and the administrative workload was reduced by simplifying the reception agreements with the Public Centres for Social Welfare.

Box 5: Incentives to boost Local Reception Initiatives

According to the **Association of Flemish Cities and Municipalities (VVSG)⁽¹⁾**, the measures taken towards strengthening the funding, making the subsidy flat-rate, and extending the notice period, provide stability and certainty. Although these measures are “a step in the right direction”, they are, according to the VVSG, unlikely to be sufficient to have a significant impact on the number of LRI places created. They point out two important bottlenecks that remain unaddressed:

- (i) lack of guaranteed occupancy of the LRI; and
- (ii) the transitional period of two months (with a possible extension of one month, renewable once) is too short to find an affordable housing solution.

Since 2022, **Fedasil has been benefiting from the temporary support of the EUAA** in the form of an operational plan to increase the capacity and the quality of reception via the provision of 150 residential containers, experts (such as social workers and child protection experts), interpreters and assistance with Fedasil’s staff training policy. After creating 270 reception places across 149 containers (**see Figure 1**), in 2023 the last container was installed on the premises of the reception centre in Deurne. The continuation and expansion

⁴² Royal Decree of 24 September 2023 amending the Royal Decree of 24 July 2012 regulating the reimbursement by Fedasil of the costs relating to the material aid granted by the PCSW to a reception beneficiary accommodated in a Local Reception Initiative, (Arrêté royal du 24 septembre 2023 modifiant l'arrêté royal du 24 juillet 2012 réglant le remboursement par l'Agence fédérale pour l'Accueil des Demandeurs d'Asile des frais relatifs à l'aide matérielle accordée par les centres publics d'aide sociale à un bénéficiaire de l'accueil hébergé dans une initiative locale d'accueil / Koninklijk besluit van 24 september 2023 tot wijziging van het koninklijk besluit van 24 juli 2012 tot regeling van de terugbetaling door het Federaal Agentschap voor de Opvang van Asielzoekers van de kosten van de materiële hulp door de openbare centra voor maatschappelijk welzijn toegekend aan een begunstigde gehuisvest in een lokaal opvanginitiatief), https://www.ejustice.fgov.be/cgi/article_body.pl?language=fr&caller=summary&pub_date=23-10-19&numac=2023046432, last accessed on 23 July 2024.

⁴³ Reference in Box 6:

(1) VVSG, ‘Betere financiering en meer zekerheid moeten lokale besturen overtuigen om lokale opvanginitiatieven te openen’, <https://www.vvsg.be/samenleven-gezin-welzijn/vreemdelingen/materiele-opvang#:~:text=Op%20%20juli%20heeft%20de,toepassing%20vanaf%201%20november%202023>, last accessed on 22 March 2024.

of EUAA's activities in 2023 included new training programmes and an increase in the number of experts.

2.2.2 Measures to accelerate outflow from the reception network

In March 2023, **the Secretary of State for Asylum and Migration established a 'Working group on long-term stayers'** composed of her Cabinet, Fedasil, the Immigration Office, and the CGRS. The objective of this working group is to address the issue of individuals staying in Fedasil's reception network for more than three years and accelerate their exit by reviewing each file individually: sketching a history of their administrative situation, checking whether an application for international protection is pending, or if any other procedure has been filed. Between March and December 2023, Fedasil verified the right to material aid for about 4 000 identified individuals with more than three years of stay. In the case of pending procedures, the Immigration Office and the CGRS were instructed to prioritise processing their international protection and residence applications. The files were discussed within the working group to determine which instance was best placed for follow-up. By the end of the year, 2 025 of them had left the reception network, and approximately 20 % were given a residence status.

Throughout 2023, **Fedasil continued to use its 'meal voucher scheme'**, introduced in 2020 due to the need for isolation capacity during the COVID-19 pandemic. Its objective is to reduce the occupancy rate in reception centres by encouraging certain categories of residents to free up their place in exchange for meal vouchers. This scheme applies to:

- **Applicants for international protection with a pending procedure, who have been staying in a collective reception centre for at least one month and who have the possibility of staying elsewhere (with friends or relatives).** They can receive meal vouchers worth € 140 per adult or unaccompanied minor and € 60 per child every two weeks until the end of their right to material aid or until their reintegration into the reception network.
- **Residents who obtain a residence permit for more than three months** (international protection status, regularisation, or family reunification). Instead of staying in a Local Reception Initiative during the transition period of two months, they can receive meal vouchers worth € 560 per adult or unaccompanied minor and € 240 per child for the same period.

In December 2023, 4 845 people were using the meal voucher scheme.

2.2.3 Measures to provide services to applicants outside the reception network

In the context of a saturated reception network, many applicants for international protection – mainly single men, [see 2.2.4](#)) end up living outside the reception network. In December 2022, **Fedasil concluded an agreement with the Brussels-Capital Region to provide shelter for registered applicants for international protection who are unable to access Fedasil's reception network due to its saturation, the so-called 'Brussels deal' (see Box 6)**. This deal represents a strategic initiative in which the federal Belgian government has earmarked funds for the Brussels-Capital Region to enhance the capacity of humanitarian shelters in the city. The arrangement involves the accommodation of the targeted group in shelters of the Brussels homelessness network managed by different operators, such as the Red Cross, the *Plateforme Citoyenne de Soutien aux Réfugiés* and the *Samu social*, and coordinated by Fedasil and Bruss'Help.⁴⁴ Under the terms of the 2022 agreement, federal funds were made available to finance 1 200 humanitarian places. On 16 June 2023, this number was increased to 1 500 and, in December 2023, an additional 500 places were added, bringing the total to 2 000 places.

In addition, Fedasil developed a **new policy to enhance support and guidance for applicants for international protection residing outside of the reception network**. Fedasil aims to establish integrated information points or one-stop desks, serving as central hubs for providing information and guidance, and facilitating referrals to essential services such as medical care and shelters. In September 2023, the first Information Point in Brussels (Bordet) opened its doors, managed by Fedasil and Caritas International. The goal is to create additional one-stop desks in cities (Ghent, Charleroi, Liège and Antwerp), which will lessen the burden on local authorities and other actors involved.

Finally, 2023 also saw the **creation of the Refugee Medical Point (RMP)** by the Belgian Red Cross in January, succeeding the medical service point organised by *Médecins Sans Frontières*. The RMP is a front-line service that aims to provide unconditional, low-threshold access to basic health care to all people in vulnerable situations. Beneficiaries have access to primary medical and psychological consultations, nursing care and administrative and social

Box 6: IOM to monitor the Brussels deal

In May 2023, at the request of Fedasil, **IOM initiated a data monitoring project** funded by AMIF to better understand the proportion and characteristics of applicants for international protection accommodated under the 'Brussels deal'. IOM assesses the situation in the 2 000 shelter places, reports on the number of places available to individuals in precarious living conditions and their profiles, and conducts a qualitative analysis of the vulnerabilities of the beneficiaries within the Brussels deal.

⁴⁴ Bruss'Help is responsible for coordinating emergency aid and integration measures for homeless people in the Brussels-Capital Region. Commissioned by the Common Community Commission (COCOM), the organisation provides services to health and social workers working with homeless and inadequately-housed people.

support related to health. The Refugee Medical Point was designed as a response to the reception crisis, as it primarily targets applicants for international protection outside the reception network, mainly through the presence of cultural mediators and its location next to the buildings of the Immigration Office. 65% of RMP beneficiaries live on the streets, leading to numerous pathologies related to this situation (skin problems, wound care, respiratory infections). Living without shelter also has severe consequences for the beneficiaries' mental health, which deteriorates the longer they live on the streets (**see 2.2.4**). In June, the federal government decided to finance the Refugee Medical Point until December 2023.⁴⁵

2.2.4 Legal and humanitarian consequences of the lack of reception capacity

Despite efforts to reduce pressure on the reception network and free up places, Fedasil was unable to accommodate all applicants, leading to significant legal and humanitarian consequences. On 29 August 2023, **the Secretary of State for Asylum and Migration announced her decision to temporarily stop accommodating single men in Fedasil's reception network**. The justification for this decision was to anticipate the influx of applications for international protection and avoid children and families ending up on the streets in the winter. The decision faced significant criticism⁴⁶ and was subsequently suspended by the Council of State on 13 September 2023, on the grounds that it violated the standards established in the Reception Act.⁴⁷ However, applicants for international protection who were not immediately integrated into the reception network continued to be registered on the waiting list and spent several months awaiting a reception place.⁴⁸

This crisis situation had already led to multiple condemnations of the Belgian state in 2022. The year 2023 was characterised by a **multiplication of legal actions** against Fedasil and the Belgian state, both at national and European level (**see also Box 7**).⁴⁹

⁴⁵ Although Fedasil remains responsible for the reimbursement of medical costs, the group of applicants deprived of reception in the context of the reception crisis encountered many difficulties accessing medical aid through Fedasil's online "requisitorium". Language barriers, lack of access to internet and urgent and complex medical needs because of precarious living situations, were some of the reasons why this group had difficulties accessing medical aid via this system.

⁴⁶ See for example: Vluchtelingenwerk Vlaanderen, 'Organisaties naar Raad van State tegen stop asielopvang alleenstande mannen', <https://vluchtelingenwerk.be/nieuws/organisaties-naar-raad-van-state>, last accessed 23 July 2024, and Myria, 'Human rights also apply to single men seeking asylum', <https://www.myria.be/en/publications/human-rights-also-apply-to-single-men-seeking-asylum>, last accessed on 22 March 2024. The Order of French-speaking and German-speaking bars and the non-profit associations CIRE, Vluchtelingenwerk Vlaanderen, la Ligue des Droits Humains, Nansen, l'Association pour le Droit des Etrangers (ADDE), Plateforme Citoyenne de soutien aux réfugiés and Saamo Brussel filed a request on 6 September 2023 to seek the suspension, under the emergency procedure, of the execution of the decision made by the Secretary of State for Asylum and Migration.

⁴⁷ Council of State, no. 257.300, 13 September 2023.

⁴⁸ Since January 2022, Fedasil has been implementing a waiting list system for single men who do not present specific vulnerabilities. Applicants for international protection who do not receive a reception place can sign up to the waiting list to have their registration for a waiting place postponed to a later date.

⁴⁹ References in Box 8:

(1) Court of The Hague, NL23.33421, 12 December 2023.

(2) The principle of mutual trust between Member States implies that their national legal systems are capable of providing equivalent and effective protection of the fundamental rights recognised at EU level, particularly in the EU Charter of Fundamental Rights.

Box 7: Dublin transfers to Belgium

On 20 February 2023, **the Dutch Court of The Hague annulled a Dublin transfer to Belgium** after the ECtHR issued interim measures against Belgium, implying systemic deficiencies in providing reception to applicants for international protection. The burden of proof on reception conditions thus shifted from the applicant to the Dutch authorities to demonstrate that the applicant would be provided with adequate material reception conditions if transferred to Belgium. Following this ruling, the Netherlands requested information from the Belgian authorities on the reception situation of Dublin returnees in Belgium. Moreover, the Dutch Court found that this category of applicants still did not have an effective remedy at their disposal. Based on these arguments, the Dutch Court decided in a judgment of 12 December 2023⁽¹⁾ that the interstate principle of mutual trust⁽²⁾ could no longer be relied upon with regard to Belgium. Consequently, the applicant was not transferred to Belgium.

At the national level, more than **8 000 convictions** were made against Fedasil and/or the Belgian state since the beginning of 2022, for failing to provide accommodation as mandated by the Reception Act. Notably, on 29 June 2023, the Brussels Court of First Instance found systemic violations of the right to asylum and to reception, and argued that the Belgian state is endangering the rule of law by failing to respect court rulings.⁵⁰ Although ordered to pay penalty payments, the government has not complied, arguing that it would worsen the reception crisis. In a number of cases, failure to execute penalty payments has led to the confiscation of property. Additionally, labour courts convicted Fedasil (and in some cases, the Belgian state) to pay compensatory damages for the harm caused by the lack of accommodation. Fedasil has appealed these decisions. In relation to the failure to comply with the right to reception of applicants for international protection, the French-speaking Court of First Instance of Brussels fined Fedasil for procedural abuse in 11 cases. The Court argued that Fedasil intentionally delayed granting reception, forcing applicants for international protection to take legal action to exert their right to reception. The appeals of these decisions were subsequently denied by the Court of Cassation.

At European level, a total of **1 297 interim measures** were issued by the European Court of Human Rights (ECtHR) against the Belgian state in 2023, urging compliance with domestic court decisions.⁵¹ On 18 July 2023, in *Camara v Belgium*, the ECtHR found the Belgian state guilty of violating the right to a fair trial (Article 6 of the European Convention on Human Rights). The case highlighted systemic failures in executing court decisions regarding the reception of applicants for international protection despite the challenges created by the reception crisis. The Court deemed the delay in complying with court orders unreasonable and

⁵⁰ Brussels Court of First Instance, no. 2022/4618/A, 29 June 2023.

⁵¹ It should be noted that many of these measures were lifted due to procedural issues or changes in the applicants' situations following the granting of accommodation. ECtHR, 'Interim measures (2019-2023)', <https://public.tableau.com/app/profile/echr/viz/InterimMeasures/OverviewInterimMeasures?publish=yes>, last accessed on 22 March 2024.

a clear refusal to adhere to domestic court rulings, thereby undermining the essence of the protected right.⁵²

Since the beginning of the reception crisis, **human rights and civil society organisations have consistently raised concerns** about the dire humanitarian situation. Throughout 2023, frequent reports, recommendations, petitions, and conferences were organised to denounce the ineffective reception policy. Below are a few examples:

- In May 2023, several humanitarian organisations including Ciré, Médecins du Monde/Dokters van de Wereld, Médecins sans Frontières, Vluchtelingenwerk Vlaanderen, Caritas International and BELRefugees published a **joint report titled “Dashboard Reception crisis”**,⁵³ which sheds light on the detrimental effects of the reception crisis on individuals seeking international protection, particularly the severe toll it takes on their physical and mental wellbeing when they lack proper reception facilities. These organisations assert that the measures taken by the federal government have fallen short of addressing the crisis and urge for additional action. A second report was published in December 2023.⁵⁴
- In September 2023, eight human rights institutions⁵⁵ brought international attention to the ongoing violation of the rights of applicants for international protection by the Belgian federal government in a **collective letter addressed to various international bodies**, including the Special Rapporteurs of the United Nations, the European Commission, the Human Rights Commissioner, and the Special Representative for Asylum and Migration of the Council of Europe.⁵⁶
- In December 2023, Amnesty International launched a rare **letter-writing campaign** to urge the Belgian government to take all necessary measures to end the reception crisis.⁵⁷

In practice, **many applicants for international protection either lived on the streets or occupied empty buildings in Brussels**.⁵⁸ For applicants who are denied access to the reception network, the so-called code 207, ‘technical no show’, is used as the mandatory place of registration by Fedasil. This is an improper use of the code 207 ‘no show’ which is used for people staying outside the reception network with friends or family on a voluntary basis.

⁵² ECtHR, judgment no. 49255/22, 18 July 2023.

⁵³ Ciré, Médecins du Monde/Dokters van de Wereld, Médecins sans Frontières, Vluchtelingenwerk Vlaanderen, Caritas International and BELRefugees, ‘Dashboard Opvangcrisis’, May 2023, <https://vluchtelingenwerk.be/sites/default/files/media/documenten/2023-05-25-opvangcrisis-rapport-nl.pdf>, last accessed on 22 March 2024.

⁵⁴ Vluchtelingenwerk Vlaanderen, ‘Schrijnend beleid: mensonterende situaties na 2 jaar op straat’, <https://vluchtelingenwerk.be/nieuws/schrijnend-beleid>, last accessed on 22 March 2024.

⁵⁵ Federal Institute for the Protection and Promotion of Human Rights, Myria, Interfederal Combat Poverty Service, Unia, Federal Ombudsman, Institute for the Equality of Women and Men, Children's Rights Commissioner, Flemish Office of the Children's Rights Commissioner and the General Delegate for Children's Rights.

⁵⁶ Myria, ‘Mensenrechteninstellingen nodigen Europa en de Verenigde Naties uit om mensenrechtenschendingen te onderzoeken’, Systemic violations of the human rights of applicants for international protection in Belgium, <https://www.myria.be/nl/ontwikkelingen/mensenrechteninstellingen-nodigen-europa-en-de-verenigde-naties-uit-om-mensenrechtenschendingen-te-onderzoeken>, last accessed on 22 March 2024.

⁵⁷ It is exceptional for Amnesty International to target Belgium with a letter-writing campaign, a tool that the NGO says it only uses when urgent problems arise. More information on the campaign: <https://www.amnesty.org/en/documents/eur14/7512/2023/en/>, last accessed on 1 April 2024.

⁵⁸ In some cases, Fedasil was required to conclude occupancy agreements with the owners of the buildings or to cover the costs of utility bills (water and electricity) as compensation.

Increasingly, applicants for international protection are not only requesting accommodation, but also that their code 207 'technical no show' be lifted. This makes them eligible to receive financial social assistance from the Public Centres of Social Welfare instead of material aid from Fedasil. Since September 2022, Fedasil was sentenced 281 times to remove the code 207 'technical no show'.

3. TEMPORARY PROTECTION AND OTHER MEASURES IN RESPONSE TO PERSONS FLEEING THE WAR IN UKRAINE

Following the military invasion of Ukraine by Russian forces on 24 February 2022, the Council of the EU adopted Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine.⁵⁹ With this decision, persons having fled from Ukraine could register for temporary protection (**see definition**) in the framework of Council Directive 2001/55/EC of 20 July 2001,⁶⁰ referred to as the Temporary Protection Directive.^{61,62} Pursuant to Article 4(1) of the Directive, the initial duration of temporary protection was one year, until 4 March 2024. Subsequently, the Council agreed to extend temporary protection until 4 March 2025.

From the start of the implementation of the Temporary Protection Directive, Belgium deployed a wide range of measures⁶³ to facilitate the registration process and access to information for persons fleeing the war in Ukraine (**3.1**) as well as access to the rights laid out in the Directive, such as accommodation (**3.2**), employment (**3.3**), education (**3.4**), social welfare and medical treatment (**3.5**). The Directive also contains provisions pertaining to family reunification (**3.6**).

By the end of 2023, **78 982 persons fleeing the war in Ukraine received a temporary protection status** in Belgium. After reaching a peak in March and April 2022 (26 507 and 11 035 certificates issued, respectively), the trend levelled off progressively, and reached an average of 1 324 certificates issued monthly between January and December 2023 (**Graph 5**).

Temporary protection

A procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons and other persons requesting protection.

⁵⁹ Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, https://eur-lex.europa.eu/eli/dec_impl/2022/382/oj, last accessed 2 June 2023.

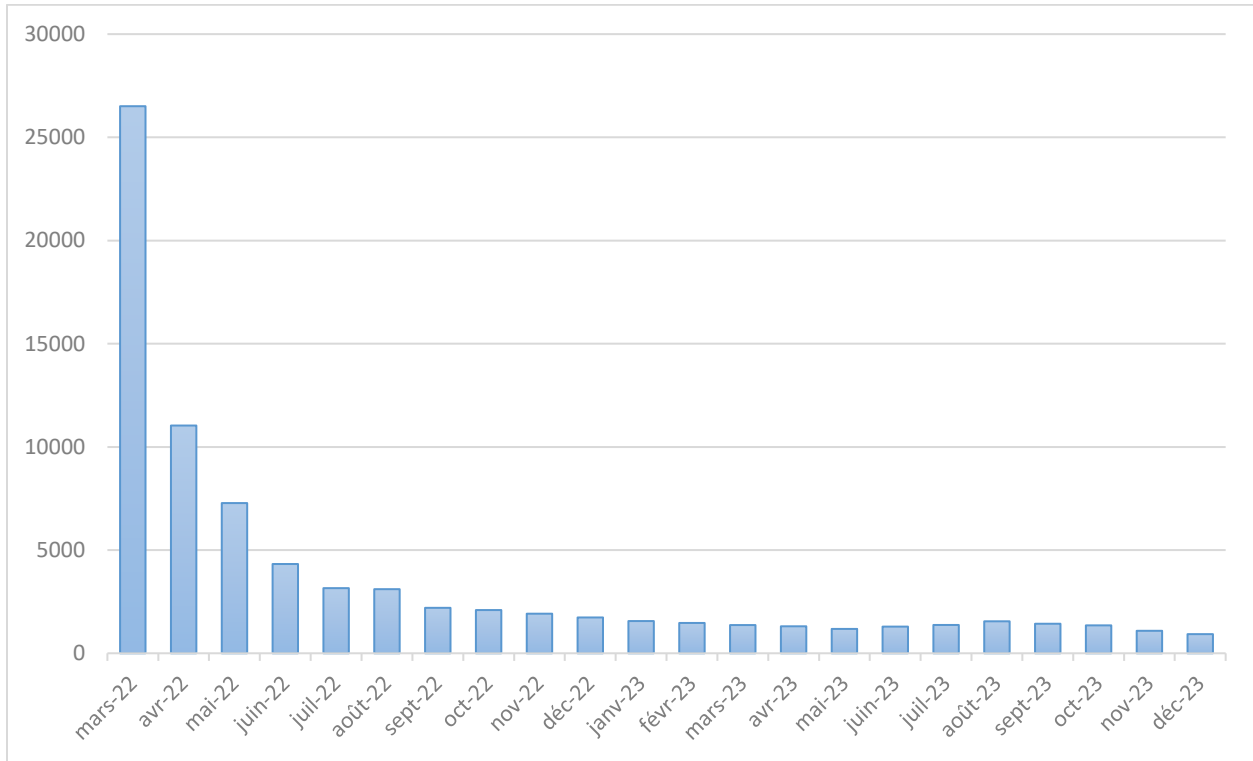
⁶⁰ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, <https://eur-lex.europa.eu/eli/dir/2001/55/oj>, last accessed 2 June 2023.

⁶¹ In Belgium, this Directive was transposed into the Immigration Act in 2003.

⁶² For more information on this topic, consult the EMN Study on the Application of the Temporary Protection Directive: challenges and practices in 2023, to be published in 2024 on the website of EMN Belgium (www.emnbelgium.be).

⁶³ The measures that were initially put in place are described in detail in our Annual Report on Migration and Asylum for 2022, available at www.emnbelgium.be. Most of these measures were still in place in 2023. The focus of this chapter is on measures that have changed or that have been newly implemented in 2023.

Graph 5: Number of temporary protection certificates issued in Belgium in 2022 and 2023



In principle, persons fleeing the war in Ukraine retain the right to apply for international protection. Nonetheless, since 28 February 2022, the CGRS has suspended the processing of all applications for international protection from beneficiaries of temporary protection for the duration of activation of the Temporary Protection Directive (Article 51/9 of the Immigration Act).

3.1 Registration of beneficiaries of temporary protection

As of 4 March 2022, **the following categories of people could register for temporary protection** in Belgium:⁶⁴

Ukrainian nationals and their family members⁶⁵:

- Who had their main residence in Ukraine before 24 February 2022;
- Ukrainian citizens who are, or have arrived, legally in Belgium and who, due to the situation in their country, stay longer than the authorised stay, are advised to go immediately to the municipal administration of their place of residence to declare their arrival and/or to request the authorisation to extend their stay in Belgium. In principle, once requested, they receive authorisation and they do not need to prove *force majeure*, nor the fact of having travel insurance;
- Ukrainian citizens who are legally residing in Belgium for a limited period of time and no longer meet the requirements for renewal of their residence card (card A) can obtain an extension of their authorised stay (end date of stay, plus 90 days), with a possibility of extension up to a maximum of 180 days;
- Ukrainian seasonal workers who have a work permit in the Flemish Region can apply for an extension of this work permit in combination with an extension of their short stay, even if they will stay and work as seasonal workers for more than 90 days (maximum duration of admission to work as a seasonal worker is 5 months);
- Irregularly-staying Ukrainians can also benefit from temporary protection if they meet the conditions. Decisions are taken on a case-by-case basis.

Stateless persons and third-country nationals, and their family members who enjoyed international protection or equivalent national protection in Ukraine before 24 February 2022 and who had their main residence in Ukraine before 24 February 2022.

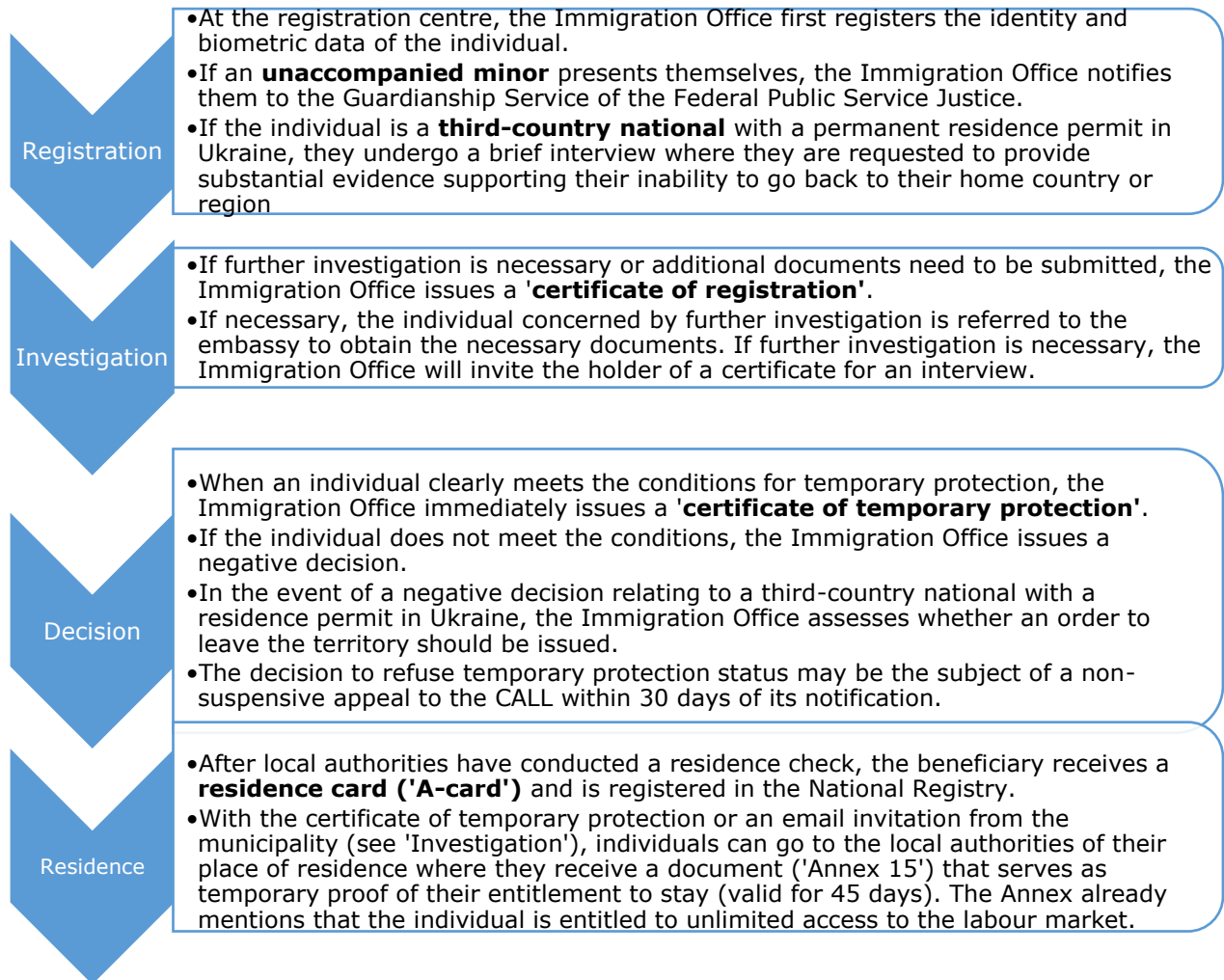
Stateless persons and third-country nationals, and their family members who enjoyed a permanent right of residence in Ukraine before 24 February 2022 and who are unable to return in safe and durable conditions to their country or region of origin.

⁶⁴ National implementation of the Temporary Protection Directive, as much as possible in conformity with the Communication from the Commission on Operational guidelines for the implementation of Council implementing Decision 2022/382 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, 2022/C 126 I/01, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:C:2022:126I:FULL&from=EN>, last accessed 2 June 2023.

⁶⁵ Family members are defined as members of the family in so far as the family was already present and residing in Ukraine before 24 February 2022; spouse and unmarried partner with whom a durable relationship in maintained; unmarried minor children of the beneficiary of temporary protection or their partner; other close relatives who were living with the family at the time of the events leading to the mass influx of displaced persons and who, at that time, were wholly or mainly dependent on the beneficiary of temporary protection.

After multiple relocations, as of 24 October 2022, the registration centre for temporary protection is located at Eurostation (Victor Horta Square 40, 1060 Brussels).

The **process to register and obtain residence in Belgium** was originally as follows:



Given the decrease in number of beneficiaries of temporary protection in 2023 (**see Graph 5**), a new circular was issued on 1 March 2023 slightly amending the registration process.⁶⁶ The new circular provides that **beneficiaries of temporary protection are no longer registered at the municipality on the date of issuance of the temporary protection certificate**. Instead, under the new rules, the registrant must first go to their municipality to request to be registered. Afterwards, the police performs a residence check. If the check is positive, the municipality issues a registration certificate.

Following the extension of temporary protection, beneficiaries of temporary protection need to renew their residence card ('A-card'), which is an electronic proof of registration in the National Registry. Starting 4 January 2023, **beneficiaries could request this renewal at their municipality of residence**. If the new card was not issued by 4 March 2023, they

⁶⁶ Circular of 1 March 2023 issued by the FPS Interior with reference III21/724/R/318/23.

received an Annex 15 (temporary residence permit). For renewals requested after 4 March 2023, the municipality processed A-card renewals unless the beneficiary was removed from the National Registry. In that case, the municipality verified if the beneficiary still had temporary protection in Belgium and checked with the Immigration Office before renewing the A-card. If the person no longer enjoyed temporary protection in Belgium, the municipality referred them to the registration centre for a new registration.

3.2 Access to accommodation and housing

The Belgian authorities recommend that individuals fleeing from Ukraine try to stay with family, friends, or acquaintances whenever possible. For those without a place to stay, housing assistance was initially provided through emergency reception centres and a coordinated crisis accommodation response⁶⁷, before transitioning to long-term accommodation. Long-term accommodation falls under the responsibility of the three Regions (Brussels-Capital Region, Walloon Region, Flemish Region) and the German-speaking Community. Each Region developed its own measures to organise long-term accommodation of beneficiaries of temporary protection.⁶⁸ This type of accommodation is available for a minimum of three months and must offer an adequate quality of life, including guarantees of privacy and family life. Ideally, these accommodations are collective spaces to facilitate the efficient provision of services.

In the fall of 2023, **the Flemish Region shifted its strategy from focusing on public accommodation centres to facilitating a transition towards the regular housing market**. This strategy aims to lever integration and inclusion in the labour market and will intertwine multiple policy areas such as labour, housing and integration.

3.3 Access to the labour market⁶⁹

The issuance of a residence permit (A-card) for beneficiaries of temporary protection comes hand in hand with unlimited access to the labour market.^{70,71} This access is already mentioned in the Annex 15 that is issued before the residence permit. Like housing, access to the labour market is a regional competence.

In May 2023, a decree came into effect in the Flemish Region regarding the **obligation to register at the Flemish Public Employment Service** (*Vlaamse Dienst voor*

⁶⁷ More information on crisis accommodation measures can be found in the Annual Report on Migration and Asylum 2022, available at www.emnbelgium.be.

⁶⁸ Idem.

⁶⁹ For more information on this topic, consult the EMN Inform on the Labour Market Integration of Beneficiaries of Temporary Protection from Ukraine, to be published in 2024 on the website of EMN Belgium (www.emnbelgium.be).

⁷⁰ Article 10, 6° of the Royal Decree of 2 September 2018 executing the law of 9 May 2018 relating to the employment of foreign nationals in certain stay conditions (Arrêté royal du 2 septembre 2018 portant execution de la loi du 9 mai 2018 relative à l'occupation de ressortissants étrangers se trouvant dans une situation particulière de séjour / Koninklijk besluit houdende de uitvoering van de wet van 9 mei 2018 betreffende de tewerkstelling van buitenlandse onderdanen die zich in een specifieke verblijfssituatie bevinden), <http://www.ejustice.just.fgov.be/eli/bsluit/2018/09/02/2018203970/staatsblad>, last accessed 2 June 2023.

⁷¹ Initially, individuals who wanted to work in a self-employed capacity were required to apply for a professional card. This is no longer the case since 20 August 2022 (Article 1, 15° of the Royal Decree of 2 September 2018). Nevertheless, like any other self-employed individual, they still need to register themselves as self-employed at an accredited business counter.

Arbeidsmiddeling en Beroepsopleiding (VDAB)).⁷² This obligation applies to all beneficiaries of temporary protection who are of working age and are registered in a municipality in the Flemish Region, unless they can prove that they are already employed. The decree does not set deadlines for registration nor any legal consequences, however support (for instance, in the form of financial support through the integration income) may be refused or withdrawn if the beneficiaries fail to register.

3.4 Access to education

Belgium's three language-based communities are competent for most issues related to education. For children between two-and-a-half and five years old, education is not compulsory but strongly recommended. From five to eighteen years of age, every child is subject to compulsory education from the 60th day after registration as a resident at a Belgian municipality. Beneficiaries of temporary protection fall under the same regime.

In 2023, **the Flemish Community adopted two additional emergency decrees on education**. The first decree included the following measures:⁷³

- **Subsidy condition for collective education systems (in emergency villages):** previously, local authorities that had established so-called 'emergency villages' could subsidise and facilitate home-based education for pre-schoolers (up to age 5) and compulsory education students (ages 5-18). Since 1 January 2023, the new decree adds a subsidy condition: home-based collective education systems (i.e. classes organised in the emergency villages) must also offer Dutch lessons to promote the transition to the recognised Flemish education system. The subsidy is limited to local authorities that set up an emergency village because they proportionally host more families and children. Support is provided free of charge to children and young people benefitting from temporary protection.
- **Extra teaching hours for non-native newcomers with temporary protection:** pupils fleeing Ukraine do not have to fulfil the condition of the maximum stay of one year in Belgium in order to be considered 'non-native newcomers'. Consequently, if they enter the education system after one year (for example, because they first followed education at home), these pupils can still receive extra teaching periods.
- **Temporary restriction on age derogation for reception classes ('OKAN-classes'):** reception education for non-native newcomers (*Onthaalonderwijs voor anderstalige kinderen (OKAN)*) is set up for young people who have recently arrived in

⁷² Flemish Decree of 21 april 2023 to guide temporarily displaced persons from Ukraine to (vocational) training and to the labour market through mandatory registration with the VDAB (Decreet van 21 april 2023 tot toeleiding van tijdelijk ontheemden uit Oekraïne naar (beroeps)opleidingen en naar de arbeidsmarkt via de verplichte inschrijving bij de Vlaamse Dienst voor Arbeidsbemiddeling en Beroepsopleiding), <https://www.ejustice.just.fgov.be/cgi/api2.pl?lg=nl&pd=2023-05-15&numac=2023042108>, last accessed on 23 July 2024.

⁷³ Flemish Decree of 23 December 2022 to take urgent measures in response to the Ukraine crisis in the education of pre-school children, pupils and (Decreet tot het nemen, naar aanleiding van de Oekraïne-crisis, van dringende maatregelen in het onderwijs voor kleuters, leerlingen en cursisten die ressorteren onder richtlijn 2001/55/EG van de Raad van 20 juli 2001 betreffende minimumnormen voor het verlenen van tijdelijke bescherming in geval van massale toestroom van ontheemden en maatregelen ter bevordering van een evenwicht tussen de inspanning van de lidstaten voor de opvang en het dragen van de consequenties van de opvang van deze personen), <https://data-onderwijs.vlaanderen.be/edulex/document/16018>, last accessed on 23 July 2023.

Belgium and give them the opportunity to learn Dutch as quickly as possible. Due to the influx of children under temporary protection, there were not enough places available in OKAN classes to meet the high demand. Initially, beneficiaries of temporary protection were exempt from meeting the age criterion to access OKAN-classes, which is 12-18 years old. Between 1 January 2023 and the end of the school year, the new decree put a temporary restriction on this age derogation to reduce enrolment in OKAN-classes in secondary education. Since 1 September 2023, the age condition derogation is reinstated, though decisions regarding derogations consider local capacity for organising OKAN-classes (measure under the second decree for 2023).

The second decree included the following measures (applicable as of September 2023):⁷⁴

- **Facilitate the hiring of non-teachers to instruct non-native newcomers in both primary and secondary education.** This measure is aimed at alleviating the shortage of teachers.
- **Additional financial support for preschool education, higher education institutions, university language centres, and Dutch classes for adults.**
- Since 1 September 2023, **the age condition derogation for OKAN-classes is reinstated**, though decisions regarding derogations must take into account the local capacity to organise these classes.

3.5 Access to medical care and social welfare

Beneficiaries of temporary protection, as 'entitled residents', have full access to public health insurance. They can prove their resident status with a registration certificate or a temporary protection certificate. Even if they are in the process of obtaining temporary protection or have not officially received it yet, they still have the right to urgent medical assistance.

In 2023, the different regional health authorities established a **central healthcare point** at the registration centre in Brussels. In addition, mobile teams started providing vaccinations and tuberculosis screening to all displaced persons from Ukraine who had settled in the Flemish Region. An extra grant was given to three field organisations for following up on tuberculosis screening results and offering counselling to both old and new tuberculosis cases.⁷⁵

In the field of mental health, the Centres for Mental Health (*Centra Geestelijke Gezondheidszorg*), subsidised by the Flemish government in each of Flemish province and in Brussels, offer **diagnostic and therapy services for displaced persons from Ukraine experiencing severe psychological symptoms**. In 2023, the capacity of these centres was

⁷⁴ Flemish Decree of 7 July 2023 to take urgent measures in response to the Ukraine crisis in the education of pre-school children, pupils, students and trainees (Decreet van 7 juli 2023 tot het nemen, naar aanleiding van de Oekraïne-crisis, van dringende maatregelen in het onderwijs voor kleuters, leerlingen, studenten en cursisten die ressorteren onder richtlijn 2001/55/EG van de Raad van 20 juli 2001 betreffende minimumnormen voor het verlenen van tijdelijke bescherming in geval van massale toestroom van ontheemden en maatregelen ter bevordering van een evenwicht tussen de inspanning van de lidstaten voor de opvang en het dragen van de consequenties van de opvang van deze personen), <https://data-onderwijs.vlaanderen.be/edulex/document/16051>, last accessed on 23 July 2023.

⁷⁵ The Flemish Association for Respiratory Healthcare and Tuberculosis Control (*Vlaamse Vereniging voor Respiratoire Gezondheidszorg en Tuberculosebestrijding*), Domus Medica and the Association of General Practitioners (*huisartsenkringen*).

temporarily increased to provide specialised mental health services to cater to the more severe cases.

Beneficiaries of temporary protection who do not have sufficient means of subsistence are entitled to receive aid equivalent to the social integration allowance through the Public Centres for Social Welfare (PCSW) (*Openbaar centrum voor maatschappelijk welzijn (OCMW) / Centre public d'action sociale (CPAS)*). The latter verify that beneficiaries meet all the conditions and determine their allowance category based on their living situation (single, cohabitant, with dependants, etc.). The social integration allowance grants automatic access to a social tariff for gas and electricity. Beneficiaries of temporary protection are also entitled to family allowances and can benefit from a one-off 'installation bonus' if they are homeless and find a home that serves as their main residence for the duration of the temporary protection.

On 15 December 2023, the National Institute for Health and Disability Insurance (*NL: Rijksinstituut voor Ziekte- en Invaliditeitsverzekering; FR: Institut national d'assurance maladie-invalidité*) issued a circular clarifying the increased allowance for beneficiaries of temporary protection.⁷⁶ Beneficiaries who received their certificate of temporary protection before 1 September 2023 are eligible for an increased allowance without additional checks. Those who obtained their certificate after 1 September 2023 are eligible for an increased allowance. One member of the family must submit an application to their health insurance provider. The right to the increased allowance may be granted if it appears that the family's income is below a certain amount.

3.6 Family reunification

Family reunification for beneficiaries of temporary protection is regulated by Articles 57/34 (for family members who are not beneficiaries themselves) and 57/35 (for family members who are beneficiaries in one or more other EU Member States) of the Immigration Act.

The **following categories of people are eligible for family reunification in Belgium**:

Members of the nuclear family of a third-country national authorised to reside in Belgium as a beneficiary of temporary protection, namely:

- Their spouse, or the partner with whom a partnership considered equivalent to marriage in Belgium has been concluded (partnership concluded in Germany, Denmark, Finland, Iceland, Norway, Sweden, and the United Kingdom);
- Their minor and unmarried children, including adopted children;
- The minor and unmarried children of their spouse or partner, including adopted children.

Members of the nuclear family can request family reunification even if the family bond was established after the beneficiary moved to Belgium. Additionally, members of the nuclear family can request family reunification even if they were not residing in Ukraine before 24

⁷⁶ Circular of 15 December 2023 with reference nr 2023/399 issued by the National Institute for Health and Disability Insurance.

February 2022. They are authorised *ipso jure* to reside in Belgium for more than 90 days (A-card) upon submitting a complete file with their residence application.

Other family members who lived with the beneficiary of temporary protection before 24 February 2022 and are completely or predominantly dependent on the beneficiary. The Immigration Office has discretionary power to decide whether to grant authorisation to stay in Belgium for more than 90 days (A-card) based on the file submitted with the residence application.

Applicants for family reunification with beneficiaries of temporary protection are exempt from the administrative costs usually associated with a family reunification application and are not required to fulfil other material conditions that may apply to other categories of family reunification applications.

Box 8: Proof of relationship for family reunification

On 24 January 2023, the Council for Alien Law Litigation (CALL) clarified⁽¹⁾ that neither the decision executing the Temporary Protection Directive, nor the Directive itself, requires the (third country) spouse of a Ukrainian national to present additional evidence of the existence of the relationship in the context of family reunification, nor is the presence of the Ukrainian national in Belgium required. **Proof of the marital relationship is sufficient.** The Immigration Office indicated that they took this case-law into consideration to motivate the derived right of residence for third-country spouses.

The **required documents to support the application** vary depending on the category of family members (**see Box 8**)⁷⁷. In general, an application must contain, at least, essential documents such as a copy of the residence card of the beneficiary of temporary protection and proof of family relationship. The family member must present an identity document; if they do not have one, they may request a 'certificate of personality' at the Ukrainian embassy.

For **family members who are not part of the nuclear family**, proof of legal and effective residence in Ukraine before 24 February 2022 must be provided additionally. Family members whose application is accepted receive an **A-card with a validity period identical to that of the beneficiary** of temporary protection with whom they are reuniting. Family members who are abroad first receive a type D visa. They must present themselves to the municipal administration of their place of residence in Belgium within eight days of arriving on the territory and receive an A-card upon presenting their passport. **In the case of a negative decision**, applicants are informed by letter by the Immigration Office, or by the embassy in the case of a visa application. The decision must be justified both in fact and in law and may be appealed to the Council for Alien Law Litigation (CALL) within 30 days of notification.

⁷⁷ Reference in Box 9:

(1) CALL, judgment n°283.740, 24 January 2023.

4. MINORS AND OTHER VULNERABLE GROUPS

Minors (individuals under the age of 18) who arrive in Belgium without parents or family follow a different route from adult applicants for international protection. This route is adapted to their specific needs and to guarantee a form of additional protection, as they are considered to be more vulnerable than adult migrants (4.1). Other categories of persons can be considered vulnerable, such as pregnant women, single women with children, persons with a disability, etc.). Specific arrangements are also made for these other vulnerable groups (4.2).

As in the normal international protection procedure (see chapter 2), the Immigration Office is responsible for registering applications for international protection from minors. The Office of the Commissioner General for Refugees and Stateless Persons (CGRS) also remains responsible for the processing of applications for international protection of minors, with specific safeguards or arrangements in place where necessary (for instance, presence of the minor's guardian during the interview).⁷⁸ The Federal Agency for the Reception of Asylum-Seekers (Fedasil) is responsible for the initial observation and orientation of unaccompanied minors (whether applicants for international protection or not) in its Observation and Orientation Centres, and for the further reception of unaccompanied minors. Through its Reach Out team, Fedasil can also contact and inform underage migrants residing outside the regular reception network.

Unaccompanied minors are provided with a guardian to accompany them in their trajectory. This process is organised by the Guardianship Service, attached to the FPS Justice.⁷⁹ The Guardianship Service ensures that unaccompanied minors are taken care of as soon as they are reported (this can be done by an authority, the police, an individual or a lawyer). The Guardianship Service is competent to formally identify a person as a minor, if necessary with a medical examination. If they are effectively a minor, a guardian must be appointed immediately. The Guardianship Service also coordinates contacts between the various authorities responsible for international protection, reception, housing, and more.

⁷⁸ More information on children in the asylum procedure is available on the website of the CGRS, <https://www.cgrs.be/en/asylum/children-asylum-procedure>.

⁷⁹ Since 2014, the Guardianship Service can also appoint a guardian for unaccompanied European minors who are in a situation of vulnerability or have applied for a temporary residence permit due to trafficking and/or smuggling (Law of 12 May 2014 the Programme Act (I) of 24 December 2002 regarding the guardianship of unaccompanied foreign minors, (Loi du 12 mai 2014 modifiant le titre XIII, chapitre VI, de la loi-programme (I) du 24 décembre 2002 en ce qui concerne la tutelle des mineurs étrangers non accompagnés / Wet van 12 mei 2014 tot wijziging van titel XIII, hoofdstuk VI, van de programmawet (I) van 24 december 2002 wat de voogdij over niet-begeleide minderjarige vreemdelingen betreft), https://www.ejustice.just.fgov.be/cqj/article.pl?language=fr&sum_date=2014-11-21&lg_txt=f&pd_search=2014-11-21&s_editie=&numac_search=2014009398&caller=&2014009398=&view_numac=2014009398n, last accessed on 11 April 2024.

Focus on the package of migration reform measures: reforms related to minors



Some of the reform measures adopted by the Council of Ministers in March 2023 (see Overarching changes) includes amendments that concern minors:

- **Introduction of a three-month period to apply for family reunification after the recognition as refugee** (see chapter 1);
- **Introduction of a new derived right of residence for the parents of a minor beneficiary of international protection** who themselves did not obtain international protection (see chapter 1);
- **Condition that the parent of a Belgian minor child must have parental authority in order to benefit from family reunification** (see chapter 1);
- **Prohibiting the detention of families with minor children** (see chapter 11).

These measures are detailed in the above-mentioned chapters.

4.1 Unaccompanied minors

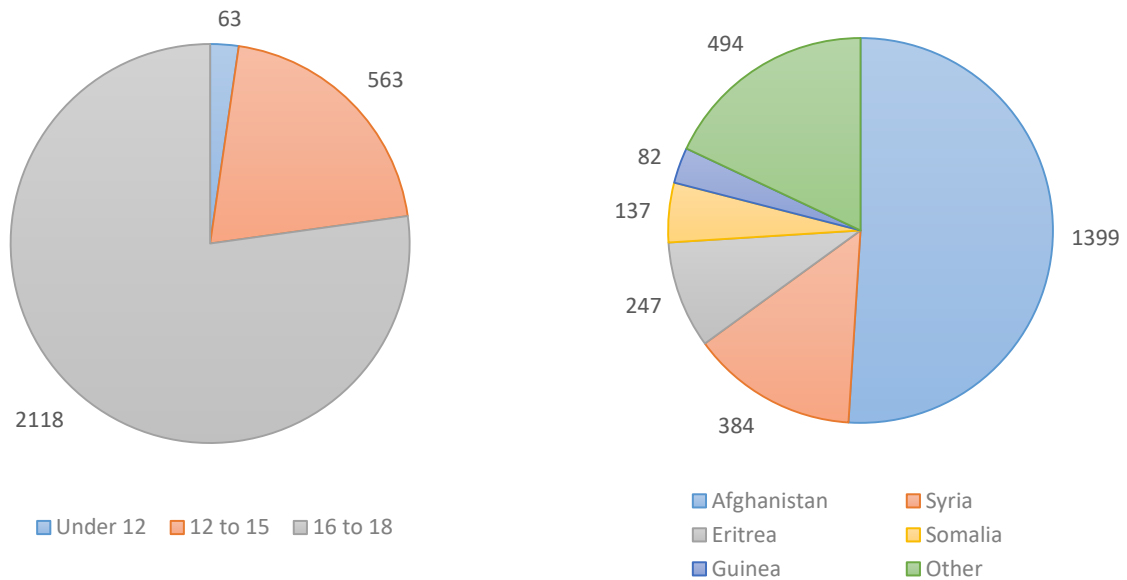
In 2023, the Federal Agency for the Reception of Asylum-Seekers (Fedasil) reported a decrease in the number of unaccompanied minors (**see definition**), with 2 744 entering the reception network – a 28% decrease from 2022. By the end of the year, 88% of these minors were boys. Only 2.3% were under 12 years old, 20.5% were between 12 and 15 years old, and the majority, 77.2% were between 16 and 18 years old. The main countries of origin for these minors were Afghanistan (51%), Syria (14%), Eritrea (9%), Somalia (5%), and Guinea (3%).

Unaccompanied minor

A minor :

- Who arrives on the territory of an EU Member State unaccompanied by the adult responsible for them by law or by the practice of the EU Member State concerned, and for as long as they are not effectively taken into the care of such a person, or;
- Who is left unaccompanied after they have entered the territory of the EU Member State.

Graph 6: Number of unaccompanied minors recorded by Fedasil in 2023, by age (left) and by country of origin (right)



Unaccompanied minors follow a different trajectory than adult applicants for international protection. Initially, they are welcomed in an Orientation and Observation Centre of Fedasil (*FR: Centre d’Orientation et d’Observation; NL: Observatie- en Oriëntatiecentrum*). This initial form of reception has two purposes: to allow the Guardianship Service to check whether the young person is indeed unaccompanied and a minor (4.1.1); and to allow Fedasil to carry out a first psychological, social and medical evaluation to assess vulnerability. After approximately four weeks of observation, the minors are referred by Fedasil to separate sections for unaccompanied minors in regular collective reception centres or to collective reception structures that only accommodate unaccompanied minors (4.1.2).⁸⁰ Young people authorised to stay for more than three months are accommodated in an individual reception structure provided they are older than 15 and sufficiently independent. There they enjoy more freedom and autonomy but still receive the necessary guidance and preparation for an independent life. Young people without residence prospects can, from the age of 16 and on a voluntary basis, follow a specific Fedasil counselling trajectory, preparing them for the end of their stay in Belgium. All along their trajectory, minors are appointed a guardian who represents them in legal proceedings and is responsible for ensuring that all necessary steps related to the child’s accommodation, administration, schooling, medical and psychological care are taken care of (4.1.3). To avoid a sudden break in the guidance and specific support for

⁸⁰ The youngest unaccompanied minors (less than 15 years old) or those with a more vulnerable profile can be accommodated in the existing recognised facilities of the youth welfare agencies: *Jeugdhulp* (Youth Welfare) under the agency *Opgroeien* (Growing Up) in the Flemish Community and the *Administration Générale de l’Aide à la Jeunesse* (General Administration for Youth Welfare) in the French Community, or in reception places created by other organisations commissioned for this purpose by the youth welfare agencies. The reception places are located in small-scale structures or living groups and are characterised by intensive and customised focused guidance. Fedasil, which co-finances these places, is responsible for the allocations and its instructions apply.

unaccompanied minors, which ends once they reach the age of 18, a policy for 18 to 21-year-olds is being developed by Fedasil to ensure continuity in individual counselling and a smooth transition to adulthood (4.1.4).

4.1.1 Identification and registration of unaccompanied minors

Before being able to follow the trajectory specifically designed for unaccompanied minors, these must be identified as such. The Guardianship Service of the FPS Justice performs age assessments (see definition) and checks the (non-)existence of family links.

In 2023, the Guardianship Service received 4 266 initial reports of unaccompanied minors – a decrease compared to the 6 434 reports in 2022. The initial reports refer to the number of individuals declaring themselves as unaccompanied minors, both asylum-seekers and non-asylum-seekers, at the time they are reported to the Guardianship Service by the Police, the Immigration Office, or other actors. The actual number of individuals effectively identified as unaccompanied minors may be lower: some may turn out to be older than 18 after age assessment, and others may not be identified because they disappear (see Box 9).⁸¹ The main countries of origin of reported unaccompanied minors were Afghanistan, Eritrea, Syria, Morocco, Ukraine, Algeria, Guinea, Somalia, Ethiopia and Cameroon. 84% were registered as male, and just over 94% provided an age between 11 and 17 years. In 2023, 1 727 age tests were conducted (compared to 2 619 tests in 2022), and the Guardianship Service made 1 713 age determinations, with just over 25% (431 individuals) declared as minors.

Age assessment

Process by which authorities seek to establish the chronological age, or range of age, of a person in order to determine whether an individual is a child or not.

⁸¹ Reference in Box 10:

(1) Disappearances are by definition difficult to measure accurately. The figures recorded by Fedasil may include the same young person more than once, young people for whom the age was not yet verified, spontaneous departures from reception centres, and refusals of reception, while the figure from the Guardianship Service also includes minors who were not registered in Fedasil's reception network.

(2) Fedasil, 'Guide disparitions de mineurs non accompagnés / Draaiboek verdwijningen niet-begeleide minderjarigen', <https://www.fedasil.be/fr/actualites/accueil-des-demandeurs-dasile/prevenir-les-disparitions-de-mena>, last accessed on 1 April 2024.

Box 9: Disappearances of unaccompanied minors

Fedasil recorded 2 241 disappearances of unaccompanied minors in the past three years, including 832 in 2023. The Guardianship Service recorded 2 257 disappearances in the same time frame⁽¹⁾. Many of them are migrants in transit on their way to their destination country.

In April 2023, **Fedasil developed a roadmap to improve the prevention and responses to disappearances of unaccompanied minors**, in close cooperation with the Working Group on Disappearances of Unaccompanied Minors (composed of Fedasil, the Immigration Office, the Guardianship Service, the Public Prosecutor's Office, the Police and Child Focus). The document maps the necessary actions to prevent and manage disappearances, assigns roles to each involved party (including police, guardians, and reception staff), and establishes a procedural timeline. A consistent theme throughout the roadmap is prioritising the best interests of the child.⁽²⁾

In 2023, **the Guardianship Service, in collaboration with Child Focus, conducted training sessions on disappearances for Dutch-speaking guardians**. Work is underway to develop an e-learning tool for this purpose.

Since October 2023, **the Guardianship Service has been attending the registration of unaccompanied minors** by the Immigration Office several days a week.⁸² The goal is to improve the cooperation between the Immigration Office, Fedasil and the Guardianship Service, to identify vulnerabilities among minors faster (such as very young children, minors accompanied by suspicious persons, pregnant girls or those with serious medical problems) in order to give them priority when appointing a guardian. Furthermore, the Guardianship Service can also identify and verify age doubts through an on-the-spot examination of the documents submitted and inform minors directly about the role and services of the Guardianship Service (**see 4.1.3**).

In February 2023, Fedasil, in collaboration with the Guardianship Service, launched a **project to improve the identification of the large number of unaccompanied young male applicants** who declared to be over 16 but for whom age doubts about their minority were expressed. The reception of this target group, provided they did not exhibit additional specific vulnerabilities, was centralised in one of Fedasil's reception centres, partly labelled as an Observation and Orientation Centre. The proximity of the reception centre to the offices of the Guardianship Service simplifies the organisation of the interviews with young people and accelerates the verification of documents in the framework of age determination. Girls and boys with specific vulnerabilities continued to be accommodated in one of Fedasil's regular Observation and Observation Centres for unaccompanied minors.

⁸² In case the guardian is already appointed before the minor started the asylum procedure, the guardian will already be involved at the stage of registering and introducing an application for international protection. Often, however, the minors will already have submitted an asylum application themselves before the Guardianship Service appoints a guardian.

4.1.2 Reception of unaccompanied minors

Despite a decline in the number of arrivals of unaccompanied minors, Fedasil continued to face a significant shortage of reception places (see 2.2). To address this issue, **Fedasil increased the reception capacity for unaccompanied minors by 316 additional places in 2023**, bringing the total to a record of 3 534 places, up from 3 218 at the end of 2022. For instance, at the end of April, Fedasil opened a second-phase reception centre in Schaerbeek (Brussels) with a capacity for 76 unaccompanied minors.

In response to **alarming reports of transgressive behaviour in reception centres**, Fedasil held a study day on sexuality and boundaries among unaccompanied minors in February 2023 (see Box 10) and financed two projects to raise awareness about (cyber)harassment and the problematic use of social media among unaccompanied minors and the professionals working with them.

Box 10: Study day on sexuality and boundaries among unaccompanied minors

In light of the high number of young people who became victims of sexual violence during their migration journey and the need for a culturally-sensitive approach to sexuality, **Fedasil and the Flemish Red Cross (Rode Kruis Vlaanderen) organised a study day on sexuality and boundaries among unaccompanied minors** in February 2023. Over 100 counsellors and social workers from various reception structures in the Flemish Region participated. The study day covered several key discussions, including:

- The importance of **relational and sexual education** for applicants for international protection of all ages: a triage tool for sexual violence and migration was presented, enabling counsellors and medical staff at reception facilities to more easily recognise signs of sexual violence.
- **Medical, psychological, and judicial care after sexual abuse**: concrete tips were given to staff of reception facilities on how to recognise and support victims of sexual violence.
- Current **trends and methods of sex traffickers**:
 - The Human Trafficking Division of the Federal Judicial Police provided insights into an Afghan smuggling organisation under investigation. This gang operates mainly in Turkey, France and Belgium (Antwerp) and targets young single Afghan boys. It uses the social media platform TikTok to post videos of violence and abuse, extorting the victims and their families.
 - The Network of Afghan Diaspora Organisation in Europe (NADOE) presented the Afghan practice of exploiting young boys dressed in women's clothing, known as 'Bacha Bazi'. This widely spread but taboo practice involves 'dancing boys' who are often sexually abused.

4.1.3 Guardianship of unaccompanied minors

Every unaccompanied minor who applies for international protection or is otherwise detected on the territory or at the border has to be referred to the Guardianship Service of the FPS Justice. The guardian represents the minor in legal proceedings and is responsible for ensuring that all necessary steps are taken during the minor's stay in Belgium.⁸³ The year 2023 was once again characterised by a **shortage of guardians available for unaccompanied minors**. At the start of the year, 1 840 minors were on the waiting list for a guardian, which decreased to 904 by the end of the year, including 411 minors with temporary protection status (**see chapter 3**). This translated into a waiting time of up to a maximum of eight months in the Flemish Region and six months in the Walloon Region at the beginning of the year.

In response, **several measures were taken to speed up the appointment of guardians**:

- **By increasing the number of voluntary and self-employed guardians**,⁸⁴ the Guardianship Service launched a new recruitment campaign for voluntary and self-employed guardians. By the end of 2023, approximately 240 new guardians had completed their basic training, compared to only 95 in 2022.
- **By improving the funding mechanism for associations employing guardians and increasing the number of employee-guardians**. Since 1 January 2023, these associations⁸⁵ received more funding per employee-guardian hired after July 2021 as well as a seniority bonus. The funding budget was doubled, allowing the recruitment of five additional employee-guardians. This funding also enabled the Guardianship Service and the Minister of Justice to sign protocol agreements with several Centres for General Welfare in the Flemish Region to recruit ten employee-guardians. The expertise of these Centres with vulnerable groups allows for the appointment of specialised guardians for minors with specific needs, such as serious medical or psychological issues, pregnant girls, and minors at risk of abuse, violence, or exploitation. Moreover, employee-guardians can monitor a large number of unaccompanied minors at the same time. This reinforcement is expected to provide guardians for 300 to 400 unaccompanied minors.
- **By improving the status of voluntary and self-employed guardians**: the tax exemption for voluntary guardians was increased from five to eight guardianships.⁸⁶ Additionally, a new measure for travel expenses was introduced: from 1 January 2024, guardians will automatically receive a lump sum of € 250 per guardianship per year for travel costs, instead of having to submit claims for actual expenses. If travel costs

⁸³ The guardian's missions are outlined in the General Directives for guardians of 2 December 2013: https://justice.belgium.be/sites/default/files/directives_generales_pour_tuteurs_-_02_12_2013.pdf.

⁸⁴ Guardians can either be employees of associations that are active in the field of supporting unaccompanied minors ("employee-guardian"), or exercise this function as "private" guardians, i.e. on a voluntary basis. "Private" guardians who are assigned more than eight guardianships per year (previously, five) fall under the regime of self-employment for all additional guardianships.

⁸⁵ Brabantia - Antenne Caritas International, Rode Kruis Vlaanderen, Sociale Dienst Solidariteit (SESO) en Solidarité Etudiants du Monde (SETM).

⁸⁶ Law of 28 December 2023 establishing various tax provisions (Loi du 28 décembre 2023 portant des dispositions fiscales diverses / Wet van 28 december 2023 houdende diverse fiscale bepalingen), https://www.ejustice.iust.fgov.be/cqj/article_body.pl?language=fr&pub_date=2023-12-29&caller=summary&numac=2023048795, last accessed on 11 April 2024.

exceed € 250, guardians can still recover the actual expenses.⁸⁷ This measure aims to reduce the administrative burden on guardians.

By December, the maximum waiting time was reduced to four months in the Flemish Region and three months in the Walloon Region. At the end of 2023, there were 670 guardians (366 Dutch-speaking and 304 French-speaking guardians) actively involved, collectively overseeing 3 638 guardianships.

4.1.4 Transition to adulthood

At the age of 18, both the guardianship and the specific guidance for minors are terminated. Young adults have to move to adult reception centres where a higher degree of independence is required, which can be disorienting. With the expansion of Fedasil's Unaccompanied Minors Unit into a 'Youngsters' Unit, which coordinates policy on unaccompanied minors, accompanied minors, and young adults (former unaccompanied minors or vulnerable young adults), **Fedasil has been developing a new policy for young adults aged 18 to 21**.⁸⁸ The policy focuses on a gradual transition to autonomy. To achieve this, Fedasil collaborated with other stakeholders, including mainstream youth welfare agencies,⁸⁹ to develop pathways that meet the specific needs of this target group. This ensures that the transition to adulthood is guided rather than a sudden break in their reception trajectory.

To develop this new policy, **twelve pilot projects for young adults aged 18 to 21 were launched** in reception centres of Fedasil and two of its reception partners. These pilot projects aim to strengthen the transition to adulthood by ensuring continuity in individual counselling, providing opportunities for training and professional activation (both voluntary and paid), and offering support from intercultural mediators.⁹⁰ The projects included workshops on various topics such as sexuality and relationships, social media, budgeting, norms and values, integration into Belgian society, and mental health. The pilot projects will run until the end of 2024, and the experience gained will be used to further refine and develop the policy for young adults aged 18 to 21 across the entire reception network.

⁸⁷ Royal Decree of 31 July 2023 amending the Royal Decree of 22 December 2003 implementing Title XIII, Chapter 6 "Guardianship of unaccompanied foreign minors" of the Programme Law of 24 December 2002 (Arrêté royal du 31 juillet 2023 modifiant l'Arrêté royal du 22 décembre 2003 portant exécution du Titre XIII, Chapitre 6 « Tutelle des mineurs étrangers non accompagnés » de la loi-programme du 24 décembre 2002 / Koninklijk besluit van 2 december 2003 tot uitvoering van Title XIII, Hoofdstuk 6 « Voogdij over niet-begeleide minderjarige vreemdelingen » van de programmawet van 24 december 2002), https://www.ejustice.just.fgov.be/cgi/article_body.pl?language=fr&caller=summary&pub_date=04-01-29&numac=2004009010, last accessed on 11 April 2024.

⁸⁸ https://www.ejustice.just.fgov.be/cgi/loi/change_lg.pl?language=fr&la=F&cn=2023073114&table_name=loi, last accessed on 11 April 2024. Royal Decree amending the Royal Decree of 22 December 2003 implementing Title XIII, Chapter 6 'Guardianship of unaccompanied foreign minors' of the Programme Law of 24 December 2002.

⁸⁹ The choice for the target group to 21-year-olds is motivated by the size of this group in Fedasil's reception network. At the beginning of 2024, the reception network contained 4460 young adults aged 18 to 21 years (not including the young men on the waiting list for whom there is currently no reception – see section 2.2).

⁹⁰ *Jeugdhulp* (Youth Welfare) under the agency *Opgroeien* (Growing Up) in the Flemish Community and the *Administration Générale de l'Aide à la Jeunesse* (General Administration for Youth Welfare) in the French Community

⁹⁰ Intercultural mediators were recruited to work with the 18-21 age group across different reception centres: 10 for Fedasil, 8 for *Croix-Rouge de Belgique*, and 8 for *Rode Kruis Vlaanderen*.

4.2 Other vulnerable groups

In addition to unaccompanied minors, there are various other groups that are considered to be vulnerable and which require special attention (**see definition**).

Vulnerable person

Minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.

In 2023, developments took place targeting persons experiencing homelessness (**4.2.1**), victims of domestic violence (**4.2.2**), victims of sexual violence (**4.2.3**), and members of the LGBTQI+ community (**4.2.4**).

4.2.1 Persons experiencing homelessness

Registering persons experiencing homelessness in the population registry at a reference address (either with a person or at a Public Centre for Social Welfare (PCSW)) can help prevent various problems. With a reference address, persons experiencing homelessness can continue to receive correspondence and maintain eligibility for administrative and social benefits that require registration in the population registry, such as having a valid identity card, joining a health insurance, accessing social security benefits, or obtaining an electronic residence card for foreigners.

In the past, three circulars⁹¹ have tried to clarify the legal provisions on the reference address. In practice, municipalities and PCSWs interpreted the provisions and the circulars differently. To clarify the existing rules and simplify administrative formalities, **the FPS Interior and the Public Planning Service (PPS) Social Integration issued a new circular** in July 2023.⁹² This circular standardises the application of reference address regulations by municipalities and PCSWs and simplifies administrative procedures. It also clearly defines the role of PCSWs and municipalities in the allocation of a reference address and introduces several new certificates to ensure smooth cooperation between these entities.⁹³ This circular is part of a broader policy to combat homelessness, as outlined in the fourth Federal Poverty Reduction Plan launched in 2022.⁹⁴

⁹¹ The circular of 21 March 1997, the circular of 27 July 1998, and the circular of 4 October 2006.

⁹² Circular of 7 July 2023 concerning the reference address for persons experiencing homelessness, available at <https://www.mi-is.be/fr/nouvelles/enfin-une-nouvelle-circulaire-concernant-ladresse-de-reference-pour-des-sans-abri>. This new circular came into force on 7 July 2023 and replaces the previously mentioned circulars.

⁹³ The circular does not apply to applicants for international protection residing outside the formal reception network due to its saturation.

⁹⁴ PPS Social Integration, Fight against Poverty and Social Economy, '4e plan fédéral de lutte contre la pauvreté et de réduction des inégalités / Vierde federaal plan tegen armoede en ongelijkheid', November 2022, <https://www.mi->

4.2.2 Victims of domestic violence

Victims of domestic violence who do not have an independent right of residence – that is, whose residence status depends on another person, such as in the case of family reunification – often hesitate to report abuse by fear of losing their residence status. Many victims are unaware of the protective clauses foreseen in the Immigration Act (Article 42quater).

In June 2023, **a circular was issued addressing the situation of victims of domestic violence residing in Belgium on the grounds on family reunification** with a Union citizen, a Belgian citizen, or a third-country national, and who do not have an independent right of residence.⁹⁵ The circular aims to better inform the victims of intra-family violence and the various actors involved about the existing residence protection clauses, the conditions and the procedures to be followed. In this way, the circular contributes to legal certainty and reduces barriers to reporting domestic violence.

4.2.3 Victims of sexual violence

On 22 December 2023, **the Council of Ministers approved a preliminary draft law that will give Belgian 'Sexual Assault Centres' (*Centres de Prise en charge des Violences Sexuelles / Zorgcentra na Seksueel Geweld*) a legal basis by regulating their operation and funding**. A Sexual Assault Centre is a partnership between a hospital, police services, and the Public Prosecutor's Office.⁹⁶ The preliminary draft law describes the functions of each partner to ensure free multidisciplinary care for victims without discrimination. This includes medical care, a forensic examination, psychological support, and the opportunity to lodge a complaint and be questioned by a specially trained police officer. Victims may choose to be accompanied during the visit to the Sexual Assault Centre by a member of their support circle, who is also offered psychological support if needed. Migrant victims of sexual violence have the right to safe and free access to the services of the Sexual Assault Centres and are treated and cared for regardless of their residence status and of whether they wish to report to the police. The preliminary draft law also regulates the rights of victims and the protection of their privacy and intimacy, which is submitted to the Council of State and the Data Protection Authority for advice.

In 2023, **three Sexual Assault Centres opened** in the provinces of Namur, Luxembourg and Limburg, in addition to the seven centres already operating across the country. Located in a hospital, all these centres are funded by the Institute for the Equality of Women and Men (*Institut pour l'égalité des femmes et des hommes / Instituut voor de gelijkheid van vrouwen en mannen*), responsible for coordinating the centres, and the FPS Health.

[is.be/fr/themes/lutte-contre-la-pauvrete/instruments-de-lutte-contre-la-pauvrete/plan-federal-de-lutte-contre](https://www.ejustice.just.fgov.be/fr/themes/lutte-contre-la-pauvrete/instruments-de-lutte-contre-la-pauvrete/plan-federal-de-lutte-contre), last accessed on 11 April 2024.

⁹⁵ Circular of 15 June 2023 on residency protection for victims of domestic violence admitted to the Kingdom for family reunification purposes (Circulaire du 15 juin 2023 relative à la protection en matière de séjour des victimes de violences intrafamiliales admises au séjour dans le Royaume au titre du regroupement familial / Omzendbrief van 15 juni 2023 betreffende de verblijfsrechtelijke bescherming voor slachtoffers van intrafamiliaal geweld, toegelaten tot een verblijf in het Rijk op grond van gezinshereniging), https://www.ejustice.just.fgov.be/cgi/article_body.pl?language=fr&caller=summary&pub_date=23-11-29&numac=2023043617, last accessed on 11 April 2024.

⁹⁶ More information on the Sexual Assault Centres is available on <https://sac.belgium.be/en/about-us>.

4.2.4 LGBTQI+

Applicants for international protection who identify as LGBTQI+ are vulnerable to violence or discrimination in collective reception centres. In July 2023, an agreement was signed between Fedasil and Ciré (*Coordination et Initiatives pour Réfugiés et Etrangers*), one of Fedasil's longstanding partners. As part of this agreement, **seven reception places specifically adapted for LGBTQI+ applicants** were created and financed by Fedasil. These places are located within the 'CADAL' centre (*Centre d'accueil pour demandeurs d'asile LGBTQIA+*), established by the non-profit organisation *Refuge Bruxelles / Het Opvanghuis Brussel*.

5. INTEGRATION AND INCLUSION

In Belgium, integration falls under the responsibility of the three language-based Communities: Flemish Community, French Community, and German-speaking Community:

- In the **Flemish Community**, integration is managed by the Agency for Integration and Civic Integration (*Agentschap Integratie en Inburgering – AgII*), with contact points at some 70 locations across six regions in Flanders, and the reception office for newcomers (*Brussels onthaalbureau voor nieuwkomers – Bon*), in cooperation with the Dutch Language House, in Brussels. In the cities of Antwerp and Ghent, the Agency Integration and Civic Integration Antwerp (*Atlas*) and the Agency Integration and Civic Integration Ghent (*Amal*) are responsible, respectively.
- In the **French Community**, integration is spread across eight Regional Integration Centres (*centres régionaux d'intégration (CRI)*) in the Walloon Region, and three integration offices (*bureaux d'accueil pour primo-arrivants – Bapa Bxl, Bapa Via, Bapa Convivial*) in the Brussels-Capital Region.
- In the **German-speaking Community**, integration is managed by the Info-Integration service of the Belgian Red Cross.

In the EU context, integration is commonly understood as a dynamic, two-way process of mutual accommodation both by migrants themselves and by the host society. Integration is a multi-faceted process that implies policies and measures at various levels.⁹⁷ One of the key components is the participation in civic integration programmes, which are designed to provide migrants with essential knowledge and skills to navigate Belgian society **(5.1)**. Integration into the labour market is another critical aspect, to ensure that migrants can find meaningful employment and contribute economically **(5.2)**. Access to basic services such as healthcare, housing, and social welfare is also necessary to ensure a stable and secure living environment **(5.3)**. Finally, measures to combat racism and discrimination are essential to fostering an inclusive society **(5.4)**.

⁹⁷ For more information on this topic, consult the EMN Inform on Monitoring the Integration of Third-Country Nationals, to be published in 2024 on the website of EMN Belgium (www.emnbelgium.be).

5.1 Civic integration programmes⁹⁸

In 2023, the most important developments with regard to integration policies and the implementation of civic integration programmes (**see definition**) took place in the Flemish Community and in the Brussels-Capital Region, where both the Flemish and the French Communities coexist.

Previously, foreigners residing in the Brussels-Capital Region had the choice between two civic integration programmes: one in French (*parcours d'accueil*), organised by the French Community, and one in Dutch (*inburgeringstraject*), organised by the Flemish Community. In 2023, the adoption of a new legislation⁹⁹ marked a significant reform, by transferring the responsibility for organising the civic integration programme from the French Community Commission (*Commission communautaire française – COCOF*) to the Common Community Commission (*Commission communautaire commune – COCOM; Gemeenschappelijke Gemeenschapscommissie – GGC*), through its administration, *Vivalis*. Starting in January 2024, the three former French-speaking reception offices – *Bapa Bxl*, *Bapa Via* and *Bapa Convivial* – will adopt a bi-communitarian status and implement a **bilingual civic integration programme** in Brussels.

The Flemish Integration and Civic Integration Agency (*Agentschap Integratie en Inburgering – AgII*), through its welcome office (*Brussels onthaalbureau voor nieuwkomers – Bon*), will continue to provide the Dutch-language civic integration programme. Therefore, people integration into the Brussels-Capital Region will be able to choose between the Dutch-language programme offered by the Flemish Community, or the bilingual programme offered by the Common Community Commission. Both options will be considered equivalent. The goal of this reform is to aim towards a harmonised bilingual programme that enhances linguistic training and offers a more inclusive and flexible approach to civic integration in the Brussels-Capital Region.

In January 2023, **the new fourth pillar 'social networking and participation' of the Flemish civic integration programme came into effect (see also Box 11)**.¹⁰⁰ The Flemish civic integration policy was redesigned¹⁰¹ with the goal of making it more decisive and

Integration programme

Set of measures put in place by the State and/or civil society organisations to support the integration of legally residing migrants/third-country nationals into the host society.

⁹⁸ For more information on this topic, consult the EMN Inform on the Implementation of Measures for Civic Training as the Main Tool for Integration of Third-Country Nationals, to be published in 2024 on the website of EMN Belgium (www.emnbelgium.be).

⁹⁹ Ordinance of 20 July 2023 on the civic integration programme for newcomers and foreign nationals (Ordonnance du 20 juillet 2023 concernant le parcours d'accueil et d'accompagnement des primo-arrivants et des personnes étrangères / Ordonnantie van 20 juli 2023 betreffende het inburgerings- en begeleidingstraject voor nieuwkomers en buitenlandse personen), <http://www.ejustice.just.fgov.be/eli/ordonnance/2023/07/20/2023044135/justel>, last accessed on 24 July 2024.

¹⁰⁰ Reference in Box 12:

(1) In September 2020, the Flemish Government drew up a Flemish recovery plan with which it aims to absorb the consequences of the COVID-19 pandemic and to develop a more resilient Flanders. More information on <https://www.vlaanderen.be/vlaamse-regering/vlaamse-veerkracht>.

¹⁰¹ Flemish Decree of 9 July 2021 amending the Decree of 7 June 2013 on Flemish integration and civic integration policy (Decreet van 9 juli 2021 tot wijziging van het decreet van 7 juni 2013 betreffende het Vlaamse integratie- en inburgeringsbeleid), https://www.ejustice.just.fgov.be/cqi/article_body.pl?language=nl&caller=summary&pub_date=21-08-11&numac=2021032190, last accessed on 11 April 2024.

Box 11: Towards a digitalisation of the civic integration programme

In May 2023, the Agency for Integration and Civic Integration (*Agentschap Integratie en Inburgering – AgII*), along with city-level agencies *Atlas* (Antwerp) and *Amal* (Ghent), launched a **new digital learning platform to facilitate the organisation and access to the social orientation module**. This platform allows newcomers to follow their social orientation course online in 25 languages and at flexible hours.

The digitalisation of the civic integration programme was accelerated by the COVID-19 pandemic. Over the past three years, the Agencies, in cooperation with the Centre for Language and Education (*Centrum voor Taal en Onderwijs*) at KU Leuven University, have developed a unified, centrally supported system, financed by AMIF and the Flemish Resilience Relaunch Plan.¹⁰² The unified learning environment allows participants to take lessons online, share exercises and materials, and exchange with each other and their teachers. Participants can tailor their learning paths, progress at their own pace, and receive additional support as needed. To promote digital inclusion, the Agencies are rolling out a project offering short courses on online learning.

This digital approach also provides opportunities for civic integration abroad. On 8 November 2023, the first pilot project was launched for individuals who come to Belgium as part of family reunification and have already received their residence permits but are awaiting departure.

effective, as outlined in the Flemish Coalition Agreement of 2019^{102,103}. Next to the existing three pillars (Dutch lessons, social orientation, and strengthening of economic self-reliance), the new pillar creates an additional tailor-made programme of 40 hours to strengthen participants' social network to enable them to better participate in society. Coordinated at the local level, the programme focuses on initiatives that promote community involvement and provide opportunities to speak Dutch and interact with others. This can take the form of a buddy project, a work placement at a company or organisation, voluntary work or participation in cultural, youth, or sports association. The programme is optional for persons working or studying.

The introduction of the fourth pillar also creates an increased role for local governments in the civic integration programme, as they are now tasked with providing participation opportunities in their cities or municipalities. With the support of AMIF, the Flemish government committed to investing in 18 regional networks of local authorities from 2023 to 2028. In 2023, 16 regional networks were operational, with the remaining two set to launch in January 2024. Various calls for projects were launched to broaden the participation offer through cooperation and resource pooling among local authorities and organisations at European, Flemish, and local levels.¹⁰⁴

¹⁰² Flemish Government, 'Regeerakkoord van de Vlaamse Regering 2019-2024', 30 September 2019, <https://www.vlaanderen.be/publicaties/regeerakkoord-van-de-vlaamse-regering-2019-2024>, last accessed on 13 June 2023.

¹⁰³ The changes aimed to promote economic self-reliance, encourage fast and active social participation, promote thorough Dutch language acquisition, and increase knowledge of Flemish values and society. The changes introduced are defined in detail in the Annual Report on Asylum and Migration 2022, available at www.emnbelgium.be.

¹⁰⁴ More information is available in Dutch on <https://www.europawse.be/onze-themas/inburgering/volg-de-opstart-van-de-regionale-organisatienetwerken-rond-het-participatietraject-voor-nieuwkomers>.

Another amendment that came into effect in 2023 is the **introduction of a standardised test for the 'Dutch as a second language' (NT2) courses**¹⁰⁵ (see also Box 12).¹⁰⁶ These courses are delivered by Centres for Adult Education (*Centrum voor Volwassenenonderwijs – CVO*) and Centres for Basic Education (*Centrum voor Basiseducatie – CBE*) specifically qualified to do so. Previously, each centre had its own course and its own language test, resulting in great divergences in proficiency and little confidence in the equal quality of the language certificates on the labour market. The aim of this standardised test is to guarantee the same level of language proficiency for all NT2 students – those following the civic integration programme on a compulsory or voluntary basis, as well as regular NT2 students – and to ensure that the certificates have the same value regardless of where they were obtained. The NT2 test at level A2 of the CEFR – which is the minimum level that needs to be achieved as part of the civic integration programme – includes four sections: reading, listening, writing and speaking.¹⁰⁷ For each section, the test consists of two parts: the NT2 centres' own assessment, which determines 40% of the result, and the standardised test, which determines 60% of the result. Students who pass all four components are awarded the NT2 certificate. This enables participants in the civic integration programme to demonstrate they meet the required language proficiency level. Students who fail the NT2 test can retake it after first retaking part of all of the NT2 course.

¹⁰⁵ Flemish Decree of 24 June 2022 amending the Decree of 15 June 2007 on adult education and amending the Decree of 7 June 2013 on the Flemish integration and civic integration policy in function of the redrawn civic integration policy (Decreet van 24 juni 2022 tot wijziging van het decreet van 15 juni 2007 betreffende het volwassenenonderwijs en tot wijziging van het decreet van 7 juni 2013 betreffende het Vlaamse integratie- en inburgeringsbeleid in functie van het hertekende inburgeringsbeleid), <https://www.ejustice.just.fgov.be/eli/decreet/2022/06/24/2022015312/staatsblad>, last accessed on 11 April 2024.

¹⁰⁶ Sources in Box 13:

(1) Constitutional Court, ruling no. 115/2023, 20 July 2023.

(2) More information on which categories of foreigners are under the obligation of following the integration programme can be found here: <https://www.vreemdelingenrecht.be/inburgering/inburgering-vlaanderen/plicht-tot-inburgering-vlaanderen/wie-verplicht-tot-inburgering-vlaanderen>

(3) Flemish Decree of 24 June 2022 amending the Decree of 15 June 2007 on adult education and amending the Decree of 7 June 2013 on the Flemish integration and civic integration policy in function of the redrawn civic integration policy (Decreet van 24 juni 2022 tot wijziging van het decreet van 15 juni 2007 betreffende het volwassenenonderwijs en tot wijziging van het decreet van 7 juni 2013 betreffende het Vlaamse integratie- en inburgeringsbeleid in functie van het hertekende inburgeringsbeleid), <https://www.ejustice.just.fgov.be/eli/decreet/2022/06/24/2022015312/staatsblad>, last accessed on 11 April 2024.

¹⁰⁷ As a transitional measure, during the school years 2023-2024 and 2024-2025, NT2 centres will organise an NT2 test consisting of at least a standardised NT2 test for the reading and writing components, and an assessment by the centres for all components.

Box 12: Constitutional Court rules on new Flemish civic integration programme

On 20 July 2023, the Constitutional Court issued a ruling⁽¹⁾ on a case brought by the non-profit association Ligo – Centres for Basic Education (*Centra voor Basiseducatie*) and others regarding the Dutch as a second language pillar (NT2) of the redesigned civic integration policy. The organisations challenged the introduction of the NT2 test, but the Constitutional Court found no violation on this point. However, **the Court did annul the amendments that created a disproportionate difference in treatment between individuals integrating on a compulsory basis and those doing so voluntarily**, specifically regarding exemptions, reductions, or reimbursements of NT2 registration fees.⁽²⁾

The judgment annulled articles 7, 6, and 9 of the amending Decree,⁽³⁾ which had excluded individuals integrating on a compulsory basis from the existing full and partial exemptions for NT2 course registration fees. As a result of the ruling, individuals integrating on a compulsory basis are now also eligible for exemptions, reductions, or reimbursements of NT2 registration fees if they meet the requirements.

Although the Constitutional Court ruling specifically applied to NT2 lessons and tests, for the sake of consistency, the same grounds for exemption will now apply to social orientation lessons and tests for compulsory participants in the civic integration programme.

Another fundamental change brought about by the amendments to the Flemish civic integration programme is that **it is no longer free of charge**. As of 1 September 2023, individuals registered in a municipality located in the Flemish Region¹⁰⁸ with an integration contract must pay for the courses and exams (including re-sits) for two modules: (1) social orientation and (2) Dutch as a second language (NT2). The other components of the programme remain free of charge (**see Table 2**).

¹⁰⁸ In the Brussels-Capital Region, the Flemish civic integration trajectory remains free of charge. The policy is in place to ensure equal opportunities for residents of the bilingual Brussels-Capital Region, as the integration pathways organised by the French Community in both the Walloon Region and the Brussels-Capital Region are free of charge.

Table 2: Costs of the Flemish civic integration programme (in €)¹⁰⁹

	Cost (in €)
Personal counselling	€ 0
Social orientation classes + test	€ 180 (including 1 test)
Dutch as a second language (NT2) + test	€ 180 (including 1 test)
Pathway to work	€ 0
Participation programme	€ 0

Individuals with a socio-economically vulnerable profile can benefit from exemptions, reductions, or reimbursements of these fees¹¹⁰ (**see also Box 12**).

5.2 Labour market integration

Access to the labour market is one of the key components of migrant integration, as this is generally recognised as a win-win for both migrants and host societies. The European Commission recognises that “the sustainable integration in the labour market is key to ensuring their effective inclusion in the host societies and their positive impact on the EU economy”.¹¹¹ In a current context marked by significant labour shortages in European labour markets, this issue has become more prevalent in public debates and political agendas.

¹⁰⁹ AgII, ‘Kosten van het inburgeringstraject’, <https://www.integratie-inburgering.be/kosten>, last accessed on 24 July 2024.

¹¹⁰ The grounds for exemption are explained in the ‘Vademecum on exemption from registration fees’, available at: <https://www.onderwijs.vlaanderen.be/nl/directies-administraties-en-besturen/volwassenenonderwijs/cursistenadministratie/inschrijvingsgeld-volwassenenonderwijs/vademecum-vrijstelling-inschrijvingsgeld>.

¹¹¹ European Commission, ‘Integration in the labour market’, https://home-affairs.ec.europa.eu/policies/migration-and-asylum/legal-migration-and-integration/integration/integration-labour-market_en.

Box 13: OECD report on the labour market integration in the Flemish Region

On request of the Flemish Minister of Integration, **the OECD published an evaluation of the Flemish Region’s integration policies.** This review provides an in-depth analysis of the Flemish integration system, highlighting its strengths, weaknesses, and areas for potential improvement. The report also covers the activation of migrants, the role of employers and discrimination, the recognition of foreign qualifications and skills, and the integration of young people with migrant parents.

The report finds that labour market outcomes for immigrants in the Flemish Region have improved over the last decade. However, compared to international standards, these outcomes remain unfavorable: third-country nationals experience some of the lowest employment rates and widest employment gaps within the EU, primarily due to the challenges faced by women. The report also concludes that while the integration framework for new arrivals is well developed, it is less effective for longstanding immigrants and their children. The report provides 60 recommendations for improving the labour market position of newcomers, established migrants, and their children born in Belgium.

In 2023, a report by the Organisation for Economic Cooperation and Development (OECD) published a report titled ‘Skills and Labour Market Integration of Immigrants and their Children in Flanders’, in which they highlighted the need for a more sustainable approach to labour market integration for certain groups (**see Box 13**).¹¹² In response, **the Flemish Government approved a concept note for a “Turboplan for better civic integration and faster employment”** (*Turboplan beter inburgeren en sneller aan het werk*) in September 2023. This plan introduces ten actions to strengthen labour market integration policies, demanding more participation from newcomers while offering enhanced guidance towards sustainable employment. The plan prioritises training for low-skilled individuals to improve their labour market opportunities. It also addresses the needs of highly-skilled individuals seeking employment that matches their competence level. Additionally, it supports employers in making workplaces more accessible to those integrating and non-native speakers. Recognising the critical role of language in society and the labour market, the required language proficiency level for medium and highly-educated individuals will be raised from A2 to B1, with the aim to increase their chances of working at their competence level. The plan also tackles discrimination barriers that newcomers face in accessing the labour market. The actions outlined in the concept note will be detailed and implemented in 2024.

¹¹² OECD, Skills and Labour Market Integration of Immigrants and their Children in Flanders, 28 June 2023, https://www.oecd-ilibrary.org/social-issues-migration-health/skills-and-labour-market-integration-of-immigrants-and-their-children-in-flanders_4ea309cb-en, last accessed on 11 April 2024.

One key element to effective labour market integration is the recognition of foreign diplomas. In the Flemish Region, it is the institution NARIC-Flanders (*NARIC-Vlaanderen*) that is responsible for the recognition of foreign study certificates for those who want to work in the region.¹¹³ Since mid-February 2023, **NARIC-Flanders has enabled online applications for foreign diploma recognition**, replacing the previous email-only system. The new e-desk provides applicants with tailored advice, checklists for required documents, and redirection to the appropriate organisation if needed. This reduces the chances of incomplete or incorrect applications, thereby improving processing times.

Finally, developments also took place with regards to the labour market integration of applicants for international protection, which is one of the key priorities of the Secretary of State for Asylum and Migration. At the occasion of the Inter-ministerial Conference on Labour migration and Integration in July 2023 (**see also 1.5**), labour ministers agreed on **practical measures to get more applicants for international protection into work and ensure longer employment periods**. These measures include:

- Strengthening cooperation between Fedasil and public employment services;
- Extending Fedasil's collaborations with the construction sector to agriculture and horticulture, the interim sector, healthcare, and the social economy;
- Enhancing collaboration with various organisations with which Fedasil organises job days to match employers with applicants for international protection.

In recent years, several employment-related actions have been launched in Fedasil's reception network through its 'Participation in Society' service (*Participation à la Société / Deelname aan Samenleving*). The service supports reception centres by building bridges between residents and public employment services, companies, and umbrella organisations. It sets up structural collaborations around employment, develops tools to be used in the centres, and raises awareness on the risks of illegal employment, exploitation, and workers' rights and obligations in the Belgian labour market. In June 2023, the service presented the **results of a mapping exercise of existing activities that aim to guide residents towards employment**, which range from fully integrated cooperation agreements to *ad hoc* initiatives like CV days or job fairs. In addition, Fedasil signed four partnerships under national project funding with expert organisations for active matching, mentoring and digital skills. One of these projects, led by the NGO Fairwork Belgium, aims to empower front-line staff to discuss labour rights and potential violations, recognise signs of exploitation, and correctly refer victims. Through AMIF, Fedasil funded two additional projects aimed at guiding applicants for international protection towards the labour market.

¹¹³ NARIC stands for National Academic Recognition Information Centres in the European Union and belongs to the ENIC-NARIC network. For more information, visit: <https://www.enic-naric.net/>

5.3 Integration through access to basic services

On 14 July 2023, a new Flemish Decree was adopted amending the 'Growth Package' regarding school allowances.¹¹⁴ Since the 2019-2020 school year, the school allowance has provided additional financial support for families with limited income. It is available for children in preschool, primary, secondary education, and high vocational education (*hogere beroepsopleiding* – HBO5) nursing. To qualify for the school allowance, families must meet certain conditions. The amount awarded depends on family income, family situation, and the type of education.¹¹⁵ Previously, unaccompanied minors received the highest allowance because they did not have parents to support them. However, the regulations did not consider that these minors, who receive care and guidance from the government or a (foster) family, do not incur higher school expenses justifying the higher allowances. With the amendment, unaccompanied minors are no longer classified under the categories of 'independent (16+)' or 'single' pupils, who were entitled to the highest amount. For the school year 2023-2024, the maximum amount unaccompanied minors are entitled to is now € 1 173, reduced from approximately € 3 300 annually. This revision followed warnings from the field that the child and school allowances, which all minors in the Flemish Region are entitled to, were attracting foreign minors to Belgium and sometimes leading to abuses, such as human traffickers claiming the money. The new decree aims to align the school allowance with that received by other young people and prevent potential abuse.

The Flemish Region also introduced **new obligations for social tenants (see also Box 14)**.¹¹⁶ Starting 1 January 2023, social tenants residing in the Flemish Region have to demonstrate Dutch proficiency at level A2 within two years of tenancy, an increase from the previous requirement of level A1. Additionally, tenants of working age must register as job seekers with the Flemish Public Employment Service (*Vlaamse Dienst voor Arbeidsmiddelen en Beroepsopleiding (VDAB)*), barring exemptions due to disability or equity reasons.¹¹⁷ Non-compliance with these regulations may lead to fines of up to € 5 000 per violation. With these measures, the Flemish government aims to alleviate pressure on the heavily saturated social housing market and enhance tenants' economic emancipation and transition to the private housing market.

¹¹⁴ Flemish Decree of 14 July 2023 amending the Growth Package Decree of 2018, regarding the right to selective participation allowances for pupils receiving material aid (Decreet van 14 juli 2023 tot wijziging van het Groeipakketdecreet van 2018, wat betreft het recht op selectieve participatietoelagen voor leerlingen die materiële ondersteuning krijgen), https://www.ejustice.just.fgov.be/doc/rech_n.htm, last accessed on 11 April 2024.

¹¹⁵ More information on the Growth Package is available on <https://www.groeipakket.be/en/benefits-Groeipakket/school-allowance>.

¹¹⁶ Footnotes in Box 15:

(1) Flemish Decree of 18 June 2021 amending regulations within the framework of Flemish social protection (Decreet van 18 juni 2021 tot wijziging van regelgeving in het kader van de Vlaamse sociale bescherming), https://www.ejustice.just.fgov.be/cgi/article_body.pl?language=nl&caller=summary&pub_date=21-07-26&numac=2021021422, last accessed on 11 April 2024.

(2) The Flemish social protection is a compulsory insurance consisting of various allowances, such as the care budget for heavily care-dependent people, the care budget for elderly people with a care need and the care budget for persons with disabilities. Anyone living or coming to live in the Flemish Community is obliged to join a care fund from the age of 26. Flemish social protection is linked to paying an annual premium.

(3) Constitutional Court, ruling nr 112/2023, 20 July 2023.

¹¹⁷ More information on the obligations of social tenants is available at: <https://www.vlaanderen.be/een-sociale-woning-huren-bij-een-woonmaatschappij>.

Box 14: Constitutional Court annuls several amendments to the Flemish decree on social protection

The Flemish Decree of 18 June 2021⁽¹⁾ introduced new conditions on the acquisition of social protection, which raised concerns among several trade unions and various interest groups.⁽²⁾ On 20 July 2023, the **Constitutional Court annulled the following provisions:**⁽³⁾

- Increase of the residence requirement from 5 to 10 years and civic integration obligation as an additional condition for being granted the care budget for heavily care-dependent persons (*zorgbudget voor zwaarbehoevenden*);
- 5-year residency and civic integration obligation as conditions for being granted the socially adjusted care premium (*sociaal gecorrigeerde zorgpremie*).

According to the Court, these conditions significantly reduced the right to social security without any reasonable justification, and led to a significant deterioration of the level of protection previously offered.

The Court also annulled the provision on the exemption from the administrative fee in the event of an administrative appeal. This provision violated the principle of equality and non-discrimination (Articles 10 and 11 of the Constitution) insofar as no full exemption from the administrative fee is provided for all persons entitled to an increased health insurance reimbursement.

5.4 Fight against racism and discrimination

A number of developments took place in Belgium in 2023 related to the fight against racism and discrimination, on three levels: institutional **(5.4.1)**, political **(5.4.2)**, and legislative **(5.4.3)**.

5.4.1 Establishment of the Flemish Human Rights Institute (VMRI)

The Flemish Human Rights Institute (Vlaams Mensenrechteninstituut – VMRI) was launched on 15 March 2023 with a broad, independent mandate to protect human rights within all competences of the Flemish federated entities, such as housing, mobility, welfare, culture, education, sports, etc. The VMRI was designated as an equality body for all recognised grounds of discrimination and as a body to promote, protect and monitor the UN Convention on the Rights of Persons with Disabilities. It aims to increase human rights awareness through policy advice, research, and public reporting. Cooperation with the Flemish Agency Justice and Enforcement (*Agentschap Justitie en Handhaving*) led to the creation of the Flemish Reporting Centre for Transgressive Behaviour (*Vlaams Meldpunt Grensoverschrijdend Gedrag*) in September 2023, where individuals can lodge complaints related to inappropriate sexual

behaviours. The VMRI formally took over the Flemish missions of Unia, the federal independent public institution that fights discrimination and promotes equality.¹¹⁸

5.4.2 Action plans and commitments against racism

As a signatory to the Durban Declaration of 2001, Belgium committed to developing a National Action Plan against Racism, which should include contributions from both the federal level and the federated entities. On 15 July 2022, the Council of Ministers approved the federal contribution to the Action Plan,¹¹⁹ and six months later the Brussels-Capital Region adopted its new anti-racism plan for 2023-2026.¹²⁰ In 2023, **the French Community (*Fédération Wallonie-Bruxelles*) and the Walloon Region each adopted their own anti-racism plans for 2023-2026**, respectively on 23 and 30 March 2023.¹²¹ Each plan focuses on specific areas such as employment, housing, and prevention, and aims to make anti-discrimination legislation more coherent and effective through an inclusive inter-federal process. The Flemish Region and the German-speaking Community are the remaining contributors needed for the National Action Plan against Racism.¹²²

At local level, on 21 March 2023 **the City of Brussels introduced its first plan against racism and antisemitism called 'BXLANTIRACIST'**.¹²³ This plan, like BXL Feminist, BXL Inclusive, and BXLGBTQI+, unites all departments under one goal: to fight discrimination. The plan primarily focuses on awareness and education to combat racism and protect those affected by it.

¹¹⁸ More information is available on <https://www.vlaamsmensenrechteninstituut.be/>, last accessed on 11 April 2024.

¹¹⁹ FPS Justice, 'Action plans', <https://equal.belgium.be/en/introduction/action-plans/action-plan-against-racism>, last accessed on 2 June 2023. The federal measures were reported in the EMN Annual Report on Migration and Asylum 2022, available at www.emnbelgium.be.

¹²⁰ Brussels-Capital Region, 'Plan bruxellois de lutte contre le racisme 2023-2026 / Gewestelijk actieplan tegen racisme', <https://equal.brussels/fr/nouveau-plan-de-lutte-contre-le-racisme-la-region-bruxelloise-veut-continuer-a-jouer-son-role-de-moteur-des-droits-humains/>, last accessed on 25 July 2024.

¹²¹ More information in French and Dutch on <https://www.unia.be/fr/articles/plans-antiracisme-en-belgique-francophone>, last accessed on 11 April 2024.

¹²² Fédération Wallonie-Bruxelles, 'Plan de lutte contre le racisme de la Fédération Wallonie-Bruxelles 2023-2026', <http://www.egalite.cfwb.be/index.php?id=22435>, last accessed on 25 July 2024 ; and Walloon Region, 'Adoption du 1^{er} plan wallon contre le racisme : 38 mesures concrètes', <https://www.wallonie.be/fr/actualites/adoption-du-1er-plan-wallon-contre-le-racisme-38-mesures-concretes#:~:text=%C3%80%20l'heure%20o%C3%B9%20le,pour%20les%20ann%C3%A9es%202023%2D2026>, last accessed on 25 July 2024.

¹²³ City of Brussels, '#BXLANTIRACIST – Plan d'actions contre le racisme & l'antisémitisme / #BXLANTIRACIST – Actieplan tegen racisme & antisemitisme', https://www.bruxelles.be/sites/default/files/bxl/Plan_action_racisme_antisemitisme_2023_FR_VERSION_FINALE.pdf, last accessed on 25 July 2024.

5.4.3 New legislation to combat discrimination

A new law that took effect on 1 June 2023 **offers stronger protection against retaliation for those reporting, witnessing, or assisting in discrimination cases**.¹²⁴ This change follows a CJEU ruling in the *Hakelbracht* case, which found that the Belgian protection system did not meet the obligations of the European directives.¹²⁵ The laws protected only those witnesses who gave written testimony in the context of an official complaint; however, the Court argued that employees who have defended or testified in favour of the protected person, both formally and informally, should also be protected. The European Commission subsequently started an infringement procedure, after which first the decrees and ordinances of the federated entities were amended, followed by the federal anti-discrimination laws. The new law now protects whistleblowers and testifiers (oral or written) and simplifies the proof required to seek protection. It effectively expands the scope of protected persons in the three federal anti-discrimination laws and removes formal requirements. An anti-abuse provision allows judges to penalise false reports intended solely for self-protection.

To harmonise legal standards and meet European obligations, the **law of 28 June 2023 further amended anti-discrimination legislation**.¹²⁶ This included recognising multiple discriminations, broadening definitions, enhancing the ability of interest groups to take legal action, and tripling compensation amounts. Multiple discrimination is now recognised through two categories: cumulative discrimination and intersectional discrimination. The new framework also introduces discrimination by association, and discrimination based on an alleged characteristic. Additionally, courts can now impose positive measures to prevent the recurrence of discrimination, such as implementing a diversity policy.

On 10 July 2023, a number of **new legal provisions came into effect in the Brussels-Capital Region to better combat discrimination on the labour market**.¹²⁷ The amendments improve enforcement by the Regional Labour Inspectorates by facilitating the

¹²⁴ The so-called 'Retaliation Act' makes changes to the Welfare Act and the three anti-discrimination laws (Loi du 7 avril 2023 modifiant la loi du 10 mai 2007 tendant à lutter contre la discrimination entre les femmes et les hommes, la loi du 30 juillet 1981 tendant à réprimer certains actes inspirés par le racisme ou la xénophobie, la loi du 10 mai 2007 tendant à lutter contre certaines formes de discrimination, et la loi du 4 août 1996 relative au bien-être des travailleurs lors de l'exécution de leur travail, pour ce qui concerne la protection contre les mesures préjudiciables / Wet van 7 april 2023 tot wijziging van de wet van 10 mei 2007 ter bestrijding van discriminatie tussen vrouwen en mannen, de wet van 30 juli 1981 tot bestraffing van bepaalde door racisme of xenofobie ingegeven daden, de wet van 10 mei 2007 ter bestrijding van bepaalde vormen van discriminatie, en de wet van 4 augustus 1996 betreffende het welzijn van de werknemers bij de uitvoering van hun werk, wat de bescherming tegen nadelige maatregelen betreft, <https://www.ejustice.just.fgov.be/eli/loi/2023/04/07/2023202456/moniteur>, last accessed on 25 July 2024.

¹²⁵ CJEU, case C-404/18 *Hakelbracht and Others*, judgment of 20 June 2019.

¹²⁶ Law of 28 June 2023 amending the three anti-discrimination laws (Loi du 28 juin 2023 portant modification de la loi du 30 juillet 1981 tendant à réprimer certains actes inspirés par le racisme ou la xénophobie, de la loi du 10 mai 2007 tendant à lutter contre certaines formes de discrimination et de la loi du 10 mai 2007 tendant à lutter contre la discrimination entre les femmes et les hommes / Wet van 28 juni 2023 houdende wijziging van de wet van 30 juli 1981 tot bestraffing van bepaalde door racisme of xenofobie ingegeven daden, van de wet van 10 mei 2007 ter bestrijding van bepaalde vormen van discriminatie en van de wet van 10 mei 2007 ter bestrijding van discriminatie tussen vrouwen en mannen), https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2023062807&table_name=loi, last accessed on 11 April 2023.

¹²⁷ Ordinance of 1 June 2023 amending various provisions on combating discrimination in employment (Ordonnance du 1 juin 2023 portant modification de diverses dispositions visant à lutter contre les discriminations en matière d'emploi / Ordonnantie van 1 juni 2023 houdende wijziging van diverse bepalingen inzake het bestrijden van discriminatie in het kader van tewerkstelling), https://www.ejustice.just.fgov.be/cgi/article_body.pl?language=fr&caller=summary&pub_date=23-06-29&numac=2023042713, last accessed on 11 April 2024.

conduct of discrimination tests. The Brussels Public Employment Service, *Actiris*, will support these efforts. The Inspectorates are now also able to organise tests for an entire sector, such as the recruitment and selection sector, in case of reasonable suspicion of discriminatory practice. These larger-scale tests will require the permission of the Labour Auditorate.¹²⁸

The Circular on the Action Framework on Professional Profiling and Monitoring was introduced on 7 July 2023 to **address the risk of discrimination or ethnic profiling in proactive police checks**.¹²⁹ It outlines the principles for fair and respectful police checks, aiming to reduce unnecessary checks and improve public understanding and acceptance of police actions.

¹²⁸ The Labour Auditorate is the prosecution department attached to the labour courts. The Labour Auditor investigates and prosecutes criminal offences in matters related to social and labour law, in particular the performance of undeclared work e.g. non-declaration of employment or social security contributions, non-declaration of employment of foreign workers, and/or the use of letterbox companies. More information in French and Dutch on <https://www.om-mp.be/fr/votre-mp/auditorats-travail>.

¹²⁹ Circular on the Action Framework on Professional Profiling and Monitoring of 7 July 2023 (Circulaire CP 5 fixant le cadre de référence relatif au profilage et au contrôle professionnel / Omzendbrief CP 5 betreffende het handelingskader inzake het professioneel profileren en controleren), https://www.ejustice.iust.fgov.be/cqj/article_body.pl?language=fr&caller=summary&pub_date=23-08-25&numac=2023043797, last accessed on 25 July 2024.

6. CITIZENSHIP AND STATELESSNESS

Belgian citizenship can be obtained through *attribution* (for minors) or *acquisition* (for adults and emancipated minors).¹³⁰ In most cases, the acquisition of citizenship requires the submission of a 'declaration of citizenship', which must answer to a set of conditions outlined in the Belgian Nationality Code¹³¹, including language proficiency in one of the three national languages, social integration, and economic participation (6.1). Persons without a nationality can be recognised as stateless by one of six family courts in Belgium (*familierechtbank / tribunal de la famille*) (see also Box 15)¹³². Recognised stateless persons without a residence permit can make an application to the Immigration Office for regularisation on humanitarian grounds (Article 9bis of the Immigration Act), a process that may soon be reformed with a new draft law (see below). Finally, changes also took place with regard to the possibilities of appeal in the case of a loss or revocation of citizenship (6.2).

Focus on the package of migration reform measures: new right of residence for stateless persons¹³³



One of the four reform measures adopted by the Council of Ministers in March 2023 (see Overarching changes) includes a new draft law introducing a **new administrative procedure by which stateless persons can be granted a residence permit**. The procedure is entrusted to the Immigration Office, which is not obliged to hear the person concerned before making a decision. The CGRS issues an opinion, which is not subject to any appeal. In the event of a positive decision by the Immigration Office, a 5-year residence permit is granted, and the applicant is entitled to family reunification under the same conditions as recognised refugees. In the event of a negative decision, a non-suspensive appeal for annulment is opened before the CALL.

¹³⁰ Acquisition of citizenship can also be done through the process of *naturalisation*, but it is only granted on the grounds of exceptional merits or for recognised stateless persons.

¹³¹ Belgian Nationality Code (Code de la nationalité belge du 28 juin 1984 / Wetboek van de Belgische nationaliteit van 28 juni 1984), https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=1984062835&table_name=wet, last accessed on 25 July 2024.

¹³² Federal Ombudsman, 'Nationalité d'enfants palestiniens / Nationaliteit van Palestijnse kinderen', <https://www.federaalombudsman.be/fr/nationalite-denfants-palestinien>, last accessed on 25 July 2024.

¹³³ References in Box: (1) Nansen and European Network on Statelessness, 'Avis conjoint du Réseau européen sur l'apatridie et de Nansen sur le projet de loi modifiant la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers, en vue de régler le droit de séjour des apatrides', Doc 55 3600/001, 29 September 2023, https://nansen-refugee.be/wp-content/uploads/2023/12/231205-Avis-conjoint-Apatridie-NANSEN-ENS_defi-1.pdf, last accessed 25 July 2024. A summary of the joint opinion is available on the ENS website: <https://www.statelessness.eu/updates/publications/joint-opinion-pending-legal-reform-belgium>.

(2) UNHCR, 'Commentaires du Haut Commissariat des Nations Unies pour les réfugiés relatifs au projet de loi modifiant la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers concernant la demande d'admission au séjour pour apatridie', 3600/001, 5 December 2023, <https://www.refworld.org/legal/natlegcomments/unhcr/2023/fr/147077>, last accessed on 25 July 2024.

The European Network on Statelessness (ENS) and NANSEN published a joint opinion analysing the proposal.⁽¹⁾ They welcomed the introduction of a residence permit for stateless persons, but said the proposed procedure also contains several worrying elements, including the imposition of conditions that go beyond the 1954 Convention and UNHCR guidelines, and the creation of a complex mechanism which is not consistent with Belgium's international obligations. The ENS and NANSEN recommend in particular that the condition of prior legal residence be removed from the draft text. They also want to see three procedural guarantees integrated into the project: an appeal in full litigation, methods of proof in accordance with the standards established by the UNHCR, and the right to be heard. The UNHCR also commented the proposal.⁽²⁾ Like ENS and NANSEN, the UNHCR welcomes the initiative, but fears that in its current form the proposed legislation could weaken the protection of stateless persons in Belgium rather than strengthen it.

6.1 Language requirements in cases of illiteracy

The Belgian Nationality Code mandates – in some cases – proof of language proficiency in one of the three national languages corresponding to level A2 of the European Framework of Reference for Languages (CEFR), which includes both an oral and a written component.¹³⁴

On 23 March 2023, the Constitutional Court (ruling n°53/2023)¹³⁵ declared that **requiring all applicants, regardless of literacy, to complete both oral and written components violates Articles 10 and 11 of the Belgian Constitution**.¹³⁶

These articles uphold the principle of equal treatment, stipulating that different situations should not be treated identically – meaning illiterate individuals should not face the same requirements as literate ones.

The Court argued that the fact that the written component is not achieved cannot necessarily be attributed to an unwillingness to integrate or to a lack of effort, but to a lack of certain basic linguistic competences. The

Belgian Constitution

Article 10

No class distinction exist in the State. Belgians are equal before the law; they are alone eligible for civil and military service, but for the exceptions that can be created by a law for particular cases.

Equality between women and men is guaranteed.

Article 11

Enjoyment of the rights and freedoms recognised for Belgians must be provided without discrimination. To this end, laws and federate laws guarantee among others the rights and freedoms of ideological and philosophical minorities.

¹³⁴ Article 12bis of the Belgian Nationality Code.

¹³⁵ Constitutional Court, ruling nr 53/2023, 23 March 2023.

¹³⁶ Official translation of the Belgian Constitution, available at https://www.dekamer.be/kvvcr/pdf_sections/publications/constitution/GrondwetUK.pdf.

Court highlights the absence of exceptions for illiterate persons who possess oral language skills at level A2 but struggle to attain written skills, even after following language courses.

To address this, **a draft law was introduced on 4 December 2023**,¹³⁷ which proposes to amend Articles 1, §2, 5°, and 12bis of the Belgian Nationality Code. These amendments will specify that illiterate individuals can satisfy the language requirement by demonstrating oral proficiency.

6.2 Strengthening appeal procedures in case of loss or revocation of citizenship

In two separate judgments, the Constitutional Court ruled in favour of appeal procedures that are more favourable to the applicant who loses their citizenship or sees it being revoked¹³⁸:

- **Minors who lose Belgian citizenship must have the right to appeal** (ruling n°12/2023)¹³⁹: according to Article 8, §4, of the Belgian Nationality Code, minors who obtained Belgian citizenship through one of their parents lose their citizenship if the family link with that parent is no longer valid (for instance, if the family link was established based on fraudulent documents). On 19 January 2023, the Constitutional Court made a significant ruling stating that minors in this situation should have the right to appeal. The Court argued that denying the right to appeal the loss of citizenship was disproportionate to the legislative objective. Therefore, if appealed, courts have the authority to retroactively reverse the loss of citizenship if its consequences are deemed disproportional to the individual.

In response, a draft law was introduced on 4 December 2023 to insert a new Article 7ter in the Belgian Nationality Code.¹⁴⁰ This article specifies that if a court annuls the family link between a minor and their Belgian parent, the loss of nationality does not automatically occur if the court decides to maintain Belgian nationality. Additionally, the draft article states that if Belgian nationality is revoked, the court ruling must include information about the right to appeal the revocation within 15 days of notification.

- **Individuals who have their Belgian citizenship revoked *in absentia* must have more time to appeal** (ruling n°13/2023)¹⁴¹: as per Article 23, §5, of the Belgian Nationality Code, individuals whose Belgian citizenship is revoked through a court ruling issued *in absentia*¹⁴² are granted an 8-day period to contest this decision. On 26 January 2023, the Constitutional Court delivered a ruling deeming this 8-day window insufficient. The Court cited Article 13 of the Belgian Constitution, which guarantees the right of access to a competent court. It argued that individuals cannot reasonably

¹³⁷ Draft law of 4 December 2023 containing provisions on the digitization of justice and various provisions (Projet de loi portant dispositions en matière de digitalisation de la justice et dispositions diverses *Ibis* / Wetsontwerp houdende bepalingen inzake digitalisering van justitie en diverse bepalingen *Ibis*), <https://www.dekamer.be/FLWB/PDF/55/3728/55K3728001.pdf>, last accessed on 25 July 2024.

¹³⁸ Revocation of citizenship happens when a court of appeal decides to take Belgian citizenship away from a person in order to protect society (for instance, if the person is convicted of terrorist offences).

¹³⁹ Constitutional Court, ruling nr 12/2023, 19 January 2023.

¹⁴⁰ Draft law of 4 December 2023, *op. cit.*

¹⁴¹ Constitutional Court, ruling nr 13/2023, 26 January 2023.

¹⁴² *In absentia* means that the person concerned was not present and not represented in the proceedings.

be expected to learn about such a decision and prepare a defense within such a brief timeframe, especially if they are not present or represented during the proceedings.

This ruling prompted legislative amendments. Article 75 of the Law of 19 December 2023 revises Article 23, §5, of the Belgian Nationality Code to extend the appeal period to one month after receiving notification of the court ruling. This amendment became effective on 6 January 2024.

Box 15: Municipalities withdraw Belgian citizenship from children born in Belgium to Palestinian parents

Between October and December 2023, there were **reports that the Immigration Office had instructed several municipalities to withdraw the Belgian nationality of children born in Belgium to Palestinian parents**, who had acquired it on the basis of Article 10§1 of the Belgian Nationality Code (according to which a child born in Belgium who does not have any other nationality before turning 18 or being emancipated is Belgian).

This practice sparked significant criticism: the instructions issued by the Immigration Office are considered illegal as it does not have competency in this matter. In January 2024, the Federal Ombudsman issued a recommendation urging the Immigration Office to cease this practice immediately. According to the Ombudsman: "by asking municipalities to change the nationality of these children on the basis of an interpretation that is not based on a solid and uniform legal position of the competent authorities, the letters from the Immigration Office create legal uncertainty and confusion".⁽¹⁾

Initially, the Immigration Office defended its actions by citing instances of abuse, where Palestinians travelled to Belgium from other EU countries to have children who could then acquire Belgian nationality and benefit from family reunification. After the Ombudsman's recommendation, the office of the Secretary of State for Asylum and Migration clarified that the Immigration Office had not officially instructed municipalities to withdraw nationality, but rather informed them of cases where one of the child's parents held Palestinian nationality, thus negating the need to grant Belgian nationality solely on the basis of the child having no other nationality.

7. BORDERS, VISA AND SCHENGEN

In order to enter the Belgian territory, individuals who do not have Belgian nationality must be able to prove that they meet certain requirements for legal entry. As Belgium is a signatory to the Schengen Agreement, which eliminates controls at the internal borders of the Schengen area, conditions for accessing the territory are only checked at external borders.¹⁴³ Whereas border security is managed by the **Federal Police (7.1)**, the **Immigration Office** is responsible for issuing visas, working hand in hand with the diplomatic and consular network of the **Federal Public Service (FPS) Foreign Affairs, Foreign Trade and Development Cooperation (7.2)**. Whereas long-term stays (more than three months) are a national competence, access to the territory for short-term stays falls under a common European visa policy, as part of a wider Schengen governance **(7.3)**.

7.1 Roll-out of digital border management systems

As the Schengen area is shared across multiple countries, information sharing is a critical component of border security. In 2023, **several developments took place with regard to the digital border management systems** that exist to facilitate this coordination between members of the Schengen area.

- The **Entry/Exit System (EES) (see definition)** is a digital system that will replace the manual stamping of passports for third-country nationals entering and exiting the Schengen area. The EES will store this information in a central database, making it easier to manage external borders and verify compliance with authorised stay periods. The roll-out of the EES is being prepared legally and practically, including the installation of new equipment. The EES is scheduled to become operational in October 2024. During tests connecting to the central system of eu-LISA¹⁴⁴, Belgium was the first Member State found to be 100% ready.
- The **European Travel Information and Authorisation System (ETIAS) (see definition)** is a digital system designed to strengthen security at external borders of the Schengen area by providing a pre-screening process that will identify potential security, migratory and health risks. Visa-exempt visitors will be required to obtain a pre-travel authorisation online before their arrival. This authorisation will be valid for a period of up to three years. On 12 May 2023, the Council of Ministers approved a draft law on

¹⁴³ The Belgian external borders of the Schengen area are: international airports (Brussels, Antwerp, Ostend-Bruges, Brussels South Charleroi, Liège and Kortrijk-Wevelgem); ports (Antwerp-Bruges, Ostend, Ghent, Nieuwpoort, Blankenberge); and the Eurostar terminal at Brussels-Midi railway station (as the United Kingdom is not part of the Schengen area).

¹⁴⁴ The European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) is an EU Agency established to provide a long-term solution for the operational management of large-scale IT systems, which are essential instruments in the implementation of the asylum, border management and migration policies of the EU. The Agency currently manages Eurodac, the Schengen Information System (SIS) and the Visa Information System (VIS). Further to these, eu-LISA is developing the Entry/Exit System (EES), the European Travel Information Authorisation System (ETIAS) and the European Criminal Records Information System – Third-Country Nationals (ECRIS-TCN). All definitions can be found below.

the creation and organisation of the ETIAS National Unit.¹⁴⁵ This draft law aims to clarify responsibilities between interested parties, and appoints the ETIAS controller.¹⁴⁶ The draft law was submitted to several governmental and judicial actors for review and comment: the Supervisory Body for Police Information (*Organe de contrôle des informations policières / Controleorgaan op de politionele informatie*), the Data Protection Authority (*Autorité de protection des données / Gegevensbeschermingsautoriteit*), the Council of State, and the Belgian Standing Intelligence Agencies Review Committee (*Comité permanent de contrôle des services de renseignement et de sécurité / Vast Comité van Toezicht op de inlichtingen- en veiligheidsdiensten*).

- In 2023, the **National Travel Targeting Centre (NTTC)** took the first step to implement the interoperability regulation, an EU project that aims to improve the data quality of all EU databases used in the Smart Borders framework and fight against identity fraud. A business analysis was conducted to report to all national stakeholders implicated in the interoperability project on the ways to represent their positions at European level.

7.2 Visa policy: new measures for third countries

The new EU Pact on Migration and Asylum aims to fully digitalise visa procedures by 2025, including the ability to submit visa applications online. The **FPS Foreign Affairs began the digitisation process of visa procedures** in 2023. External service providers digitise the files and transfer them to the FPS's Visa-on-Web platform, where applicants must submit their applications online before obtaining an appointment with a consular or diplomatic post. In addition, pilot projects started to process visa applications from diplomatic posts in Iran, Russia, and China based on scanned documents. This process aims to reduce the processing time of visa applications.

Similarly, the European Visa Centre in Kinshasa, managed by the Belgian Embassy in DR Congo, was equipped with a **secured e-appointment system**. This change was prompted by a surge in visa applications, cases of fraud in the appointment process, and a backlog of close to 20 000 pending visa appointments. The optimisation has resulted in quicker visa procedures and reduced costs.

Finally, in the first quarter of 2023, **Belgian consular posts in Turkey and Morocco blocked the issuance of economic migration visas** (770 files in Turkey and 100 files in Morocco) due to suspicions of fraudulent applications. The Brussels-Capital and Flemish Regions were encouraged to take additional measures and reinforce checks, resulting in policy

¹⁴⁵ Law of 29 March 2024 related to the creation and organisation of the missions of the ETIAS National Unit (Loi du 29 mars 2024 relative à la création et à l'organisation des missions de l'Unité nationale ETIAS / Wet van 29 maart 2024 betreffende de oprichting en de organisatie van de opdrachten van ETIAS Nationale Eenheid), https://www.ejustice.just.fgov.be/cgi/article.pl?language=nl&sum_date=2024-06-17&htit=ETIAS&choix1=et&choix2=et&fr=f&nl=n&du=d&trier=promulgation&lg_txt=n&pd_search=2024-04-29&s_editie=&numac_search=2024003936&caller=list&2024003936=2&view_numac=2024003936F, last accessed on 25 July 2024.

¹⁴⁶ Article 57 of the ETIAS Regulation requires all Member States to establish a national ETIAS unit and connect it to the central ETIAS system. Regulation EU 2018/1240 of the European Parliament and of the Council of 12 September 2019 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018R1240>, last accessed on 25 July 2024.

changes, primarily in the Flemish Region. A legislative proposal was also tabled in the Brussels-Capital Region but has not yet been adopted.

7.3 Monitoring and evaluating Schengen governance

The new Schengen Evaluation and Monitoring Mechanism (SEMM) regulation entered into force on 1 October 2022.¹⁴⁷ The SEMM monitors the implementation of the Schengen acquis (**see definition**). The purpose of the mechanism is to ensure an effective, consistent, timely and transparent application of Schengen rules by Member States. In 2023, **Belgium continued to expand this pool of experts** established under the new mechanism (from the Federal Police, Foreign Affairs, Home Affairs, and the Immigration Office) for each area concerned by the Schengen evaluation and monitoring activities.

In January 2023, a **visit of the Schengen Evaluation Working Party (SCHEVAL) took place in Belgium**, concerning the management of the external borders. The delegation visited the central services (General Directorate of Administrative Police (*Direction des opérations de police administrative / Directie operaties bestuurlijke politie*) and the National Coordination Centre for Crisis Management (*Centre de crise national / Nationaal Crisiscentrum*)), the border crossing point of the Port of Antwerp, and the Maritime Information Centre (MIK) in Zeebrugge. The visit assessed Belgium's progress in implementing the action plan established after the first SCHEVAL visit in 2020.

¹⁴⁷ Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, and repealing Regulation (EU) No 1053/2013, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32022R0922>, last accessed on 25 July 2024.

Definitions of key abbreviations

Eurodac: the name given to an informatics system, the purpose of which, via the collection, transmission and comparison of fingerprints, is to assist in determining which EU Member State is to be responsible pursuant to Regulation (EU) No 604/2013 (Dublin III Regulation) for examining an application for international protection lodged in a EU Member State by a third-country national or a stateless person, and otherwise to facilitate the application of Regulation (EU) No 604/2013 under the conditions set out in the Regulation establishing Eurodac.

Entry/Exit System (EES): system which registers entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Schengen States.

European Travel Information and Authorisation System (ETIAS): an automated online system for identifying irregular migration, security or public health risks associated with visa-exempt third-country nationals traveling to the EU prior to their arrival.

Schengen Evaluation and Monitoring Mechanism (SEMM): a mechanism established to verify the application of the Schengen acquis in the Schengen Member States to which it applies in full as well as in Schengen Member States to which, in accordance with the relevant Protocols annexed to the TEU and to the TFEU, the Schengen acquis applies in part to ensure an effective, consistent and transparent application of the Schengen rules and regulations while at the same time maintainin a high level of mutual trust between those Member States.

Schengen Information System (SIS): a joint information system that enables the relevant authorities in each EU Member State, by means of an automated search procedure, to have access to alerts on persons and property for the purposes of border checks and other police and customs checks carried out within the country in accordance with national law and, for some specific categories of alerts (Art. 96), for the purposes of issuing visas, residence permits and the administration of legislation on aliens in the context of the application of the provisions of the Schengen Convention relating to the movement of persons.

Visa Information System (VIS): a system for the exchange of visa data between EU Member States, which enables authorised national authorities to enter and update visa data and to consult this data electronically.

8. IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

Border security measures are designed to combat *inter alia* irregular migration, a phenomenon that refers to the movement of persons outside the regulatory framework of sending, transiting or receiving countries. In addition to these measures, the fight against irregular migration includes preventive measures such as information campaigns in countries of origin (8.1) as well as measures on the Belgian territory to prevent irregular migration to neighbouring countries (8.2). When the irregular movement of persons benefits a third-party, directly or indirectly, financial or material, the phenomenon becomes a case of migrant smuggling (see definitions under chapter 9). The police and judiciary authorities cooperate to investigate and prosecute smugglers and smuggling organisations (8.3). Finally, as a movement that involves the crossing of a border, international cooperation between authorities is a key dimension of the fight against irregular migration (8.4).

8.1 Preventing irregular migration through dissuasion campaigns

In November 2023, an unprecedented collaboration between the Immigration Office and Enabel led to the organisation of an awareness campaign in Guinea on the risks of dangerous migration (“*campagne de sensibilisation sur les risques de la migration dangereuse*”) (see also 9.4). The campaign aimed to raise awareness and inform the targeted population – potential Guinean migrants and their communities, with a particular focus on young people – about the risks of dangerous migration while supporting the General Direction of Guineans Abroad¹⁴⁸ in the implementation of migration policy in Guinea through the management of existing information on opportunities for socioeconomic integration in Guinea and legal mobility to Europe. The campaign was implemented through a caravan theatre, in cooperation with the Tinfan circus, a local actor with proven experience in organising cultural activities for educational purposes. Shows took place on the Conakry-Kindia-Mamou-Labé axis.¹⁴⁹ Performances expressed *inter alia* the high mortality of migrants, including children, crossing the sea in makeshift boats, or the violence, hunger and thirst encountered while crossing the desert. The actors spoke in the popular languages of the beneficiary localities, on sites frequented by a large audience of young people. Deployed over 90 days, the campaign reached around 5 000 persons in total (at least 600 per site), with a focus on vulnerable young people (18-35 years old) and migrants returning to Guinea as well as youth group leaders, local actors and public actors.

¹⁴⁸ The General Direction of Guineans Abroad (*Direction Générale des Guinéens de l'Étranger*) is one of the departments of the Guinean Ministry of Foreign Affairs and Guineans Abroad. It is responsible for monitoring and managing government policy on migration in general and the diaspora in particular.

¹⁴⁹ More particularly in the communes of Matoto, Matam and Dixinn in Conakry, and in the communes of Kindia, Mamou, Dalab, Pita and Labé.

8.2 Combating irregular migration and migrant smuggling through police action

Belgium is a transit country for migrants attempting to reach the United Kingdom. To prevent dangerous and irregular crossings by migrants using flimsy small boats, in 2023 **the Federal Police launched an information campaign called "Together in the Fight Against Human Trafficking – Help Save Lives" (Small Boat Campaign)**. This campaign aimed to raise awareness among citizens and shop owners in the small boat supply chain, encouraging them to notify the police of any suspicious purchases or movements on the beach.

Over the last years, several accidents were reported involving migrants attempting to reach the UK by land. Specifically, on the Westkerke and Mannekensvere car parks on the E40 highway, migrants in transit were killed attempting to cross the highway to board trucks heading to the UK. Small-scale measures had already been taken in the past to prevent such incidents, such as fencing parking spaces and installing security cameras. However, in October and November 2023, **a full-fledged road divider fence was installed to prevent migrants in transit from crossing the highway** near both car parks.¹⁵⁰

The Police took other actions to dismantle camps established near highways by migrants illegally residing or transiting on the Belgian territory. In December 2023, **the local and Federal Police jointly intervened in the area of Froyennes** where the parking lot along the highway, due to its proximity to France, was used by smugglers trying to get migrants into trucks. 23 persons were apprehended, mainly young Ethiopians, Eritreans and Iraqis staying there in tents. This operation aimed to disrupt the activities of smugglers. While it was well received by local populations who highlighted the insecurity in the area, the operation was also criticised by some associations¹⁵¹ as well as by Members of Parliament for its poor timing given the cold temperatures during winter months.¹⁵²

¹⁵⁰ EMN Belgium, 'A 1.5 kilometre fence to prevent transmigrants from crossing the highway', 16 October 2023, <https://emnbelgium.be/news/15-kilometre-fence-prevent-transmigrants-crossing-highway>, last accessed on 25 July 2024.

¹⁵¹ Florence Dussart, 'Tournai : fallait-il démanteler le camp de migrants en plein hiver ?', RTBF, 5 December 2023, <https://www.rtbef.be/article/tournai-fallait-il-demanteler-le-camp-de-migrants-en-plein-hiver-11296296>, last accessed on 25 July 2024.

¹⁵² Chamber of Representatives, Written question and answer n°2197 – Legislature 55, 18 December 2023, https://www.stradalex.com/fr/sl_src_publ_div_be_chambre/document/QRcrb_55-b128-1192-2197-2023202422829, last accessed on 25 July 2024.

Box 16: Public debate on irregular stay in Belgium

On 16 October 2023, a **terrorist attack in the centre of Brussels** left two people dead and one injured, all three of whom were Swedish. The perpetrator, an irregularly-staying migrant, had arrived in the EU in 2011 and stayed in several countries, including Norway, Sweden and Portugal, before coming to Belgium. In Belgium, his application for international protection was denied in 2020, after which he received an order to leave the country. After the attack, it was revealed that the Tunisian authorities had made an extradition request to Belgium on 15 August 2022, more than a year before the attack. However, the Brussels Public Prosecutor's Office failed to act on the request.

The attack received extensive coverage in the Belgian media and sparked a public debate on preventing irregular stay and enforcing return decisions. During a joint press conference on 18 October 2023, the Belgian Prime Minister, the Swedish Prime Minister, and the President of the European Commission called for stricter rules to return individuals ordered to leave the EU. Critics pointed out the poor information sharing between judicial authorities, the police and migration authorities, leading to the **resignation of the Belgian Minister of Justice on 20 October 2023**.

8.3 Investigating and prosecuting migrant smuggling through judicial proceedings

In 2023, **several important judgments on migrant smuggling were rendered**:

- On 18 October 2023, **the criminal court of Bruges sentenced the leader of a Kurdish migrant smuggling gang** to 11 years in prison and a penalty of € 80 000. The gang smuggled migrants on makeshift boats (inflatable dinghies) from France to the United Kingdom, making large profits in the process. During searches at 36 locations, the police found 119 boats, 33 engines and 967 lifejackets. The court sentenced 19 other defendants to prison terms ranging from 30 months to 10 years.
- On 13 December 2023, **the criminal court of Liège sentenced the head of a criminal organisation active in the smuggling of migrants** to 10 years of imprisonment, a fine of € 4 522 000 and the confiscation of € 500 000. The case involved 31 defendants and 569 identified victims. The criminal organisation, active between January 2019 and June 2022, recruited individuals in Belgium to drive Afghan, Iranian, Iraqi, Egyptian and other migrants across the so-called 'Balkan route'. The Liège branch of this network was mainly responsible for transporting migrants from Croatia, Slovenia and Hungary to Italy or Austria.

Myria, the Federal Migration Centre, took part as a civil party in both proceedings.

8.4 International cooperation to counter irregular migration and migrant smuggling

In November 2023, **authorities in Belgium and Greece dismantled a network that was smuggling migrants via Belgian airports** to other European countries, including Norway. Mainly Iraqi migrants travelled from Greece to Charleroi Airport and Brussels Airport on falsified or stolen documents, paying between € 5 000 and € 6 000 per person. With the active assistance of Eurojust and EUROPOL, 11 people were arrested and 16 places searched, including two travel agencies in Athens.

Cooperation between Belgium and Greece was also strengthened at other levels, notably between their respective **Passenger Information Units**, which are responsible for collecting, processing and storing data on passengers entering the Schengen area.¹⁵³ Collaboration between the two countries resulted in 76 arrests in Greece in 2023.

Box 17: New method to estimate population in irregular stay

Demographers at the Free University of Brussels (*Vrije Universiteit Brussel – VUB*) developed a **new statistical method to determine the real population of undocumented persons in Belgium**. They believe this simple yet innovative method will provide the most accurate figures yet.

Statistics on irregular stay are difficult to establish, as undocumented persons can remain under the radar for a long time, sometimes until their death. A new study co-authored by Pieter-Paul Verhaeghe and Sylvie Gadeyne from the VUB suggests to determine the undocumented population in Belgium by comparing the number of deaths across the country – which are recorded in the official national statistics – to the number of people who do not appear in the population registry. Each year, approximately 500 people who are not recorded in the population registry die in Belgium. Based on this data, researchers have calculated that there are 489 000 unregistered people in Belgium on any given day. Excluding the population of asylum-seekers and occasional tourists, researchers estimate that there are approximately 112 000 undocumented migrants from outside the Schengen area in Belgium, almost half of which are in Brussels.

¹⁵³ The Belgian Passenger Information Unit (BelPIU) is part of the Crisis Centre of the Federal Public Service (FPS) Interior. The BelPIU collects, saves and analyses 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. More information on BelPIU can be found on the website of the National Crisis Centre.

9. TRAFFICKING IN HUMAN BEINGS

Trafficking in human beings (or human trafficking) is the act of exploiting people for financial gain through sexual (prostitution, child pornography, exploitation) or economic means (degrading working conditions, exploitation of begging), and can include acts such as organ removal or forced criminality (**see definition**). Though human trafficking does not necessarily entail a cross-border element, migrants are particularly vulnerable to trafficking during their journey, and migrant workers are more at risk of labour exploitation. Because human trafficking is a crime, the fight against it involves the existence of a national legal and policy framework (**9.1**), the detection, identification and protection of victims (**9.2 and 9.3**), the prosecution of perpetrators and the fight against criminal networks (**9.4**).

Trafficking or smuggling ?

Trafficking in human beings refers to the recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Smuggling of migrants refers to the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the irregular entry of a person into a (UN) Member State of which the person is not a national or a permanent resident.

Note: Whereas human trafficking is *exploitation-based*, smuggling is *transportation-based* and always involves a cross-border element. They can be interlinked, as a crime may start out as human smuggling but quickly turn into human trafficking. Both human trafficking and migrant smuggling are punishable in Belgium.

In Belgium, various actors are closely involved in the fight against human trafficking. The [Interdepartmental Coordination Unit for Action against Trafficking in and Smuggling of Human Beings](#), under the authority of the Federal Public Service (FPS) Justice, is the main coordinating body (*Cellule interdépartementale de coordination de la lutte contre la traite et le trafic des êtres humains / Interdepartementale Coördinatiecel ter bestrijding van de mensensmokkel en mensenhandel*). A Bureau staffed by representatives from multiple departments (*inter alia* the Board of General Prosecutors, the Federal Police, the Immigration Office, the Social Inspection Service, etc.) handles the unit's day-to-day work. It prepares and executes decisions, recommendations and initiatives. The Communities and Regions are also represented. Three [specialised reception centres](#) for victims of trafficking run by the NGOs PAG-ASA in Brussels, Payoke in Antwerp and Sürya in Liège, which can accommodate adult victims, are part of the Inter-departmental Unit. [Myria, the Federal Migration Centre](#) acts as the independent National Rapporteur on human trafficking and maintains its role as an observer within the Inter-departmental Unit and its Bureau.

In June 2021, the Inter-departmental Unit adopted a new Action plan on Fighting human trafficking 2021-2025,¹⁵⁴ which focuses on enhancing legislative or regulatory instruments, training stakeholders, refining victim status and improving the situation of reception centres, maintaining international vigilance, and raising awareness.

9.1 New legislative, policy and evaluation frameworks

The government coalition agreement of 30 September 2020¹⁵⁵ contained specific commitments to intensify efforts against human smuggling and trafficking. It outlined plans to evaluate existing strategies and legislation through a parliamentary committee or working group. In February 2022, a special Commission for the evaluation of the legislation and policies on human trafficking and human smuggling was established within the Belgian Chamber of Representatives. In June 2023, **the Commission presented a comprehensive report with 100 recommendations**, which were adopted by the Chamber of Representatives in a plenary session. These recommendations target all parties involved in combating human trafficking and smuggling and are currently under review within the Interdepartmental Coordination Unit for Action against Trafficking in and Smuggling of Human Beings.

During the Commission's proceedings, the then Minister of Justice, Vincent Van Quickenborne, announced the **opening of a position for a National Operational Coordinator for human trafficking and smuggling**. The Operational Coordinator's primary task is to develop a crisis plan for situations where a large number of trafficking victims are discovered in Belgium and where existing reception capacities are overwhelmed. The necessity for such a plan became evident after the 'Borealis case' in May 2022, wherein 174 individuals reported labour exploitation at a construction site in Antwerp operated by the chemical company Borealis. At that time, Belgian authorities and specialised reception centres faced challenges in providing immediate assistance to victims. In June 2023, the National Operational Coordinator was officially appointed.

9.2 Detection and identification of victims

Early identification of trafficking victims is crucial for providing prompt assistance, support, and protection. In 2023, efforts to improve the detection and identification of victims focused on the delivery of specialised training for front-line staff of public authorities **(9.2.1)**, awareness-raising campaigns **(9.2.2)**, enhanced cooperation between national actors **(9.2.3)** and between EU Member States **(9.2.4)**.

9.2.1 Training

Training frontline officers is key to enhancing their capacity and sharing best practices in victim identification. According to the EU Strategy on Combatting Trafficking in Human Beings 2021-2025, "training activities are encouraged to focus on the specific features of trafficking for different forms of exploitation (sexual, forced labour, forced criminality, forced begging, child trafficking), the complex dynamics between trafficking in human beings and other illicit

¹⁵⁴ Service de la Politique criminelle, 'Action plan Fighting human trafficking 2021-2025', http://www.dsb-spc.be/doc/pdf/NAP_TIP_2021_2025_ENG.pdf, last accessed on 14 June 2023.

¹⁵⁵ Belgium.be, 'Accord de gouvernement', 30 September 2020, https://www.belgium.be/sites/default/files/Accord_de_gouvernement_2020.pdf, last accessed on 25 July 2024.

activities, methods for detecting the crime and its financial aspects, the role and use of internet and social media, as well as on developing skills in managing investigations and moving them towards prosecutions.”¹⁵⁶

In 2023, **training efforts in Belgium were particularly targeted at inspection services.** Specialised anti-trafficking labour inspectors from the ECOSOC teams of the National Social Security Office (NSSO) (*FR: Office National de Sécurité Sociale (ONSS); NL: Rijksdienst voor Sociale Zekerheid (RSZ)*) participated in various training courses. These included sessions on detection, information on, and protection of victims’ interests, organised by the Directorate Trafficking in Human Beings of the NSSO. Given the increasing use of social media by traffickers to recruit victims for labour exploitation, inspectors also engaged in the European Multidisciplinary Platform Against Criminal Threats (EMPACT) ‘Trafficking in Human Beings Hackathon’ in the Netherlands, focusing on recruitment tactics for sexual and labour exploitation.¹⁵⁷ Additionally, they attended a training session on labour exploitation and labour law violations by the European Labour Authority (ELA)/European Agency for Law Enforcement Training (CEPOL) in Cyprus, which aimed to enhance inspectors’ knowledge and capacity to identify victims and detect cases of labour exploitation, with a focus on mobile workers within the EU. Inspectors also completed online interactive training modules provided by the ELA to further their skills in organising joint inspections.

Training efforts also extended to justice professionals in Belgium. In the fall of 2023, the Judicial Training Institute (*FR: Institut de Formation Judiciaire; NL: Instituut voor Gerechtelijke Opleiding*) and the College of General Prosecutors (*FR: Collège des procureurs généraux; NL: College van procureurs-generaal*) conducted a joint training session for human trafficking and youth magistrates. This training aimed to equip them with knowledge of the unique aspects of child trafficking and the appropriate procedures, thereby improving detection and care for potential minor victims.

9.2.2 Raising awareness

Raising awareness through campaigns is crucial for improving the detection of trafficking victims and reducing the risk of individuals falling victim to trafficking. These campaigns aim to educate the general public, employers, and users of services provided by victims of human trafficking about the issue. They can target specific high-risk sectors and environments.

In 2023, as in previous years, Belgian authorities and various partners supported the **Blue Heart Campaign** by the United Nations Office on Drugs and Crime (UNODC) to raise awareness about trafficking and its impact on society. The theme for 2023 was ‘Reach every victim of human trafficking, leave no one behind’. National efforts to join the Blue Heart Campaign started with a kick-off event in Liège on 24 July 2023, hosted by the Belgian Ministry of Justice and attended by the Mayor of Liège, speakers from the UNODC and Sürya, along

¹⁵⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy on Combatting Trafficking in Human Beings 2021-2025, COM/2021/171 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021DC0171>, last accessed on 25 July 2024.

¹⁵⁷ European Labour Authority, ‘Labour inspectors participated at the three-day long operational action targeting online criminal activities that enable human trafficking’, 27 October 2023, <https://www.ela.europa.eu/en/news-event/newsroom/labour-inspectors-participated-three-day-long-operational-action-targeting#:~:text=A%20recent%20hackathon%20organized%20by,and%20the%20International%20Justice%20Mission,> last accessed on 25 July 2024.

with national and local stakeholders from across Belgium, including PAG-ASA and Payoke. The campaign concluded on 30 July with events marking the World Day Against Human Trafficking. It involved many other actors, including municipalities, police, sports associations, and the media, and sparked many actions throughout the country and on social media.

On 18 October 2023, for EU Anti-Trafficking Day, the non-profit organisation Samilia initiated an awareness day in Belgium focusing on **human trafficking in the nail bar sector**. The campaign featured testimonies, insights from social inspection services and the judiciary, and included displays in the 17 busiest metro stations in Brussels. Additionally, influencer Vanessa Licata shared a video on social media to explain trafficking in nail salons to a younger audience. The campaign also provided a QR code linking to the Samilia website,¹⁵⁸ offering additional information and contact numbers for customers who may witness trafficking or for victims themselves.

9.2.3 Cooperation between national actors

The three specialised reception centres for trafficking victims in Belgium – Payoke in Antwerp, PAG-ASA in Brussels, and Sürya in Liège – are available 24/7 by phone during working hours and on-call systems outside of working hours. However, to streamline contact and information provision, since the end of July 2023, a **central telephone number – 078 055 800** – was made available for potential victims and witnesses. Social and legal workers at these centres handle calls, assess situations, identify possible trafficking indicators, and schedule appointments for potential victims or refer them to appropriate organisations. An on-call person provides assistance round-the-clock outside of working hours.

The three reception centres collaborated with Myria, the Federal Migration Centre, to develop a new case management system, **'MyEldo'**, launched in March 2023. It allows staff of reception centres to register and manage cases of trafficking victims. Supported by the EU Internal Security Fund, this accessible, user-friendly case management system aims to contribute to a better understanding of human trafficking in Belgium (profiles of victims, sectors involved, actors detecting victims, legal and administrative procedures, etc.).

Additionally, a cooperation was established to **revise the procedure for referring trafficking victims who are minors**. Two working groups within the Interdepartmental Coordination Unit are revising the government's Circular of 23 December 2016 on multidisciplinary cooperation,¹⁵⁹ which outlines the national referral mechanism for trafficking victims and certain serious smuggling cases. Meetings with representatives from the College of Prosecutors and federated entities were organised to clarify the standards for youth

¹⁵⁸ The Samilia Foundation is based in Brussels and specifically targets sexual and economic exploitation through awareness raising in Belgium and through education and prevention programs in countries of origin of victims in Western Africa and Eastern Europe. Samilia also develops social inclusion programs for survivors in partnership with the private sector. The report can be found on their website at Samilia, 'Sous le vernis, l'exploitation humaine', <http://samilia.org/projets/campagne-de-sensibilisation-2023/>, last accessed on 25 July 2024.

¹⁵⁹ Circular of 23 December 2016 related to the implementation of multidisciplinary cooperation regarding victims of human trafficking and/or aggravated forms of migrant smuggling (Circulaire du 23 décembre 2016 relative à la mise en œuvre d'une coopération multidisciplinaire concernant les victimes de la traite des êtres humains et/ou certains formes aggravées de trafic / Omzendbrief van 23 december 2016 inzake de invoering van een multidisciplinaire samenwerking met betrekking tot de slachtoffers van mensenhandel en/of van bepaalde zwaardere vormen van mensensmokkel), https://etaamb.openjustice.be/fr/circulaire-du-23-decembre-2016_n2017030090.html, last accessed on 25 July 2024.

assistance and trafficking victim procedures, and to inform youth aid actors about specific procedures for minor trafficking victims. This work is expected to be completed in the first half of 2024.

9.2.4 Cooperation between (Member) States

Belgium is part of the European Multidisciplinary Platform Against Criminal Threats (EMPACT). In 2023, **Belgian labour inspectors took part in several EMPACT Joint Action Days**. These action days focus on detecting and disrupting organised crime groups involved in, inter alia, trafficking in human beings and on identifying, protecting and referring victims and potential victims, in this case of human trafficking, for assistance. For example, they participated, between 10 and 17 June 2023, in joint action days targeting human trafficking for labour exploitation purposes, with actions carried out in the free-floating sector and exotic restaurants. The joint action days were led by the Netherlands and carried out by law enforcement and labour authorities from 31 countries with support from Eurojust, the European Labour Authority and Frontex. As a result, 57 suspects were identified, 21 were arrested for labour exploitation, and 261 victims were identified.

9.3 Protection and assistance to victims

Once detected and identified, victims of trafficking must receive essential information about the availability of protection and assistance mechanisms, as well as the possibilities of obtaining compensation from perpetrators.

9.3.1 Child victims

The EU Strategy on Combatting Trafficking in Human Beings 2021-2025 emphasises that children in migration, particularly unaccompanied migrant children, are particularly vulnerable to traffickers. Therefore, protecting, supporting and empowering these victims, especially children, should be a central priority for EU Member States (**see also Box 18**)¹⁶⁰.

Recognising the urgency of this issue, the Federal Judicial Police worked throughout 2023 to raise awareness and increase the focus of political, judicial and police authorities at both national and European levels on the exploitation of minors. In collaboration with relevant national and international partners, **the Federal Judicial Police developed a European strategic analysis of minors' exploitation**. This document provides a comprehensive analysis of:

- The most common forms of exploitation faced by minors in the EU;
- The threats that make young people particularly vulnerable and the reasons why this phenomenon is especially concerning; and
- The situation in EU Member States, including legal frameworks, data, and best practices.

¹⁶⁰ Reference in Box 18:

(1) ECPAT, 'Panorama de la situation de mineur.es victimes d'exploitation sexuelle en Fédération Wallonie-Bruxelles', <https://ecpat.be/exploitation-sexuelle-des-enfants-en-federation-wallonie-bruxelles-etude-ecpat-2023/>, last accessed on 22 August 2024.

This analysis was communicated and presented to the human trafficking and smuggling expertise network of the College of General Prosecutors, which includes magistrates and representatives of the FPS Justice. On 29 December 2023, the analysis was also shared with all EU Member States through EUROPOL. This document will serve as a foundational analysis for the EMPACT 2024-2025 action plan on the exploitation of minors.

Box 18: ECPAT study on minors victim of sexual exploitation in Wallonia and Brussels

In March 2023, the Belgian branch of the international network ECPAT published a **study on the sexual exploitation of minors in the Wallonia-Brussels Federation**.⁽¹⁾ The study, conducted in collaboration with frontline actors such as those from the justice, police, and youth aid sectors, shed light on concerning trends regarding the available, albeit incomplete, data on minor victims of sexual exploitation. ECPAT Belgium emphasised the increasing use of hidden methods of exploitation, particularly in prostitution, such as private rentals, which contribute to the invisibility of the issue.

In addition to highlighting these findings, ECPAT made several recommendations to address the situation. One key recommendation is the implementation of compulsory training on sexual exploitation and human trafficking for frontline actors, including police officers, justice personnel, grassroots associations, and workers in youth aid and protection services. This training should specifically focus on identifying and addressing lesser-known or less detectable forms of exploitation.

9.3.2 Victims' rights

In its 2022 evaluation report on Belgium, the Group of Experts on Action against Trafficking in Human Beings (GRETA) of the Council of Europe expressed concerns about the limited number of trafficking victims who received compensation, and urged Belgian authorities to take additional measures in this regard. **To better inform trafficking victims about compensation options, the FPS Justice produced a brochure in 2023.** The brochure serves as an additional resource to the support provided by specialised reception centres, as compensation procedures can be complex.

The 'Borealis case' in 2022 and the rising number of irregularly employed third-country nationals by EU companies underscored the need to combat economic exploitation and protect victims' rights. In response, **the FPS Justice created an information flyer in 2023 to educate visa applicants on the risks of economic exploitation** after obtaining a single permit to work in Belgium (**see also 1.1.3 and Box 19**)¹⁶¹. It outlines their rights

¹⁶¹ Reference in Box 19:

(1) Myria, '2023 Annual report on trafficking and smuggling of human beings', 24 July 2024, <https://www.myria.be/en/publications/2023-annual-report-trafficking-and-smuggling-of-human-beings>, last accessed on 22 August 2024.

(employment terms, working hours, salary, etc.) and provides information on Belgian entities that can assist them. While initially available online, the flyer will be strategically disseminated in 2024, potentially through embassies.

Box 19: Myria’s annual report on human trafficking: focus on economic exploitation

Myria, the Federal Migration Centre and independent rapporteur on trafficking in human beings, published its annual report analysing the fight against human trafficking in Belgium. In this 2023 report titled **“A chain of responsibilities”** Myria stresses that human trafficking for economic exploitation is prevalent in less regulated sectors experiencing labour shortages.⁽¹⁾ Myria urges competent authorities to intensify proactive controls in high-risk sectors. Additionally, Myria recommends implementing a legal duty of vigilance, wherein companies would develop policies specifically aimed at mitigating the risks of economic exploitation and human trafficking.

9.4 Cooperation with third countries

Information campaigns in third countries play a vital role in educating target groups in third countries about the risks associated with irregular migration, including human trafficking and exploitation, while also highlighting legal and safe alternatives. In 2023, such campaigns, including components addressing anti-trafficking, were conducted in Vietnam and Nigeria.

The tragic incident in Essex in 2019 where Vietnamese migrants were found dead in a refrigerated container, and the subsequent interception of two large groups of irregular migrants from Vietnam in 2021, underscored the need for information campaigns in the region. At the beginning of 2023, **the Immigration Office completed an information campaign in Vietnam** in collaboration with the Pacific Links Foundation¹⁶², which began in October 2022. This initiative aimed to enhance the capacity of vulnerable populations, frontline responders, and stakeholders in preventing trafficking, forced labour, exploitation, and irregular migration in targeted areas. Specifically focusing on at-risk youth, the Pacific Links Foundation conducted a social media campaign and awareness events. Additionally, they provided capacity-building training and organised field visits for Belgian government representatives to enhance the capacity of frontline responders and stakeholders in addressing trafficking, forced labour, and modern slavery. In October 2023, another information campaign was launched in Vietnam in partnership with the Pacific Links Foundation. This campaign included a social media initiative aimed at establishing a youth-led group to create posts, content, and conduct contests and activities to continually promote messages on trafficking prevention and safe migration. Awareness events were organised to help people

¹⁶² Pacific Links Foundation is a US-based non-governmental organisation with 20+ years of experience in empowering women and youth in Vietnam. Its modern slavery prevention portfolio inter alia aims to increase knowledge among at-risk youth and trafficking survivors, empowering them to make safer economic choices and reducing (re-)trafficking risks. To learn more, visit <https://pacificlinks.org/countertrafficking>.

recognise traffickers' tactics and misinformation and understand the risks associated with trafficking and irregular migration. Capacity-building training activities were also conducted to expand the role of frontline responders and stakeholders in preventing trafficking and promoting safe migration.

A significant increase in applications for international protection from Nigerians in Belgium and a notable rise in human trafficking victims of Nigerian nationality prompted the initiation of an information campaign. In November 2023, **the Immigration Office launched an information campaign against trafficking and irregular migration in Nigeria** in collaboration with Pathfinders Justice Initiative, Inc.¹⁶³ This four-month strategic campaign adopted a three-pillar approach:

- (i) Incorporating the voices of survivors into campaign design and implementation, to allow for a better understanding of the root causes of trafficking and how policymakers and law enforcement officers can combat it effectively;
- (ii) Utilising data to highlight the dangers of irregular migration and slim chances of securing international protection;
- (iii) Providing viable economic alternatives to vulnerable communities and potential irregular migrants in high-risk source locations in Nigeria through effective messaging and mediums tailored to target audiences. Nigerians were informed about and connected with organisations that can assist them in finding employment.

¹⁶³ Pathfinders Justice Initiative, Inc. aims to eradicate sex trafficking and the sexual exploitation of women and girls in Nigeria through advocacy, empowerment, judicial reform and community transformation. The community transformation/education project brings awareness to local communities about the hidden realities of sex-trafficking, its impact and economic alternatives. To learn more, visit <https://pathfindersji.org/>.

10. INFORMING AND GUIDING IRREGULARLY STAYING MIGRANTS TOWARDS LONG-TERM SOLUTIONS

In response to the growing complexity of the migration landscape in Belgium, Fedasil and the Immigration Office have developed various projects to guide migrants in irregular stay (**see definition**) towards long-term solutions.

10.1 Institutionalisation of information and orientation services for migrants

In 2023, **the 'Conex network', a collaboration of diverse stakeholders active in Belgium's migration landscape, was strengthened.** Partners in the network include Fedasil, IOM, Caritas, and several municipalities such as Brussels, Antwerp, Ghent, Liège, and Charleroi. The network aims to (re)establish contact with irregularly-staying migrants and provide them with access to local information and services. This approach helps migrants gain a better understanding of their current situation, enabling them to make informed decisions about their future, whether that be in Belgium, their country of origin, or elsewhere.

Irregular stay

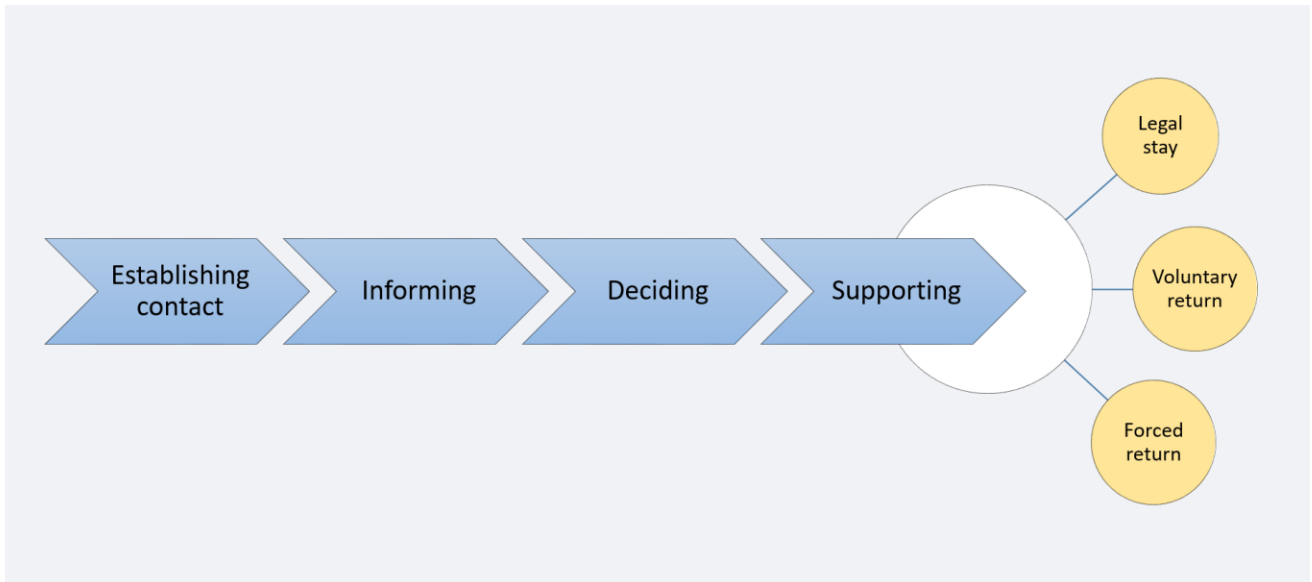
The presence on the territory of an EU Member State, of a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Art. 5 of the Regulation (EU) 2016/399 (Schengen Borders Code) or other conditions for entry, stay or residence in that EU Member State.

In 2023, Fedasil developed a new strategy to support and guide migrants living in precarious situations, regardless of their legal status. As part of this effort, **Fedasil established integrated information points, or 'one-stop desks'.** These desks serve as central hubs for accessing information, guidance, and referrals to essential services such as medical care and homelessness shelters. The first information point, located at Bordet in Brussels, opened in September 2023. Fedasil leads this initiative in close collaboration with Caritas International.

10.2 Offering individual coaching towards a long-term solution

In 2023, **the Immigration Office significantly expanded its 'Alternatives to Detention' (ATD) department,** which has been in operation since June 2021. The primary responsibility of this department is to develop and implement alternative solutions to the detention of third-country nationals in irregular stay, primarily through Individual Case Management (ICAM) coaching programmes. This year, the ICAM network became operational in all Belgian regions. ICAM coaches are tasked with providing proactive and effective coaching for individuals who have been issued an Order to Leave the Territory, working with migrants in irregular stay to explore sustainable solutions, such as a legal stay or voluntary return (**see Figure 1 and see 11.2**).

Figure 1: ICAM trajectory



Source: adapted from website of the Immigration Office

11. RETURN AND READMISSION

The Belgian return policy has two pillars: voluntary and forced return. Fedasil manages the assisted voluntary return programme (11.1) in partnership with Caritas International and IOM (see Box 20 and Box 21¹⁶⁴). The return journey is organised from Belgium to the country of origin. Based on the returnees' situation, the programme might include reintegration support into their country of origin.¹⁶⁵ In cases of non-compliance or refusal to leave the country voluntarily, the Immigration Office may proceed to detain individuals in a closed centre to facilitate their (forced) return to their country of origin. Families with minor children are not held in detention facilities but in dedicated family units (see box below on the reform measures related to return). During their stay in a detention facility or a family unit, the Immigration Office continues to provide information about voluntary and forced return procedures (11.2).

¹⁶⁴ Reference in Box 21:

(1) IOM and Fedasil, 'BE INCREASE: Increased sustainability of the reintegration support through combined and tailored interventions', <https://belgium.iom.int/sites/g/files/tmzbd1286/files/documents/2023-05/amif-project-sheet-2.pdf>, last accessed on 23 July 2024.

¹⁶⁵ For more information on this topic, consult the EMN Inform on the Implementation of Coherent Return and Reintegration Assistance, to be published in 2024 on the website of EMN Belgium (www.emnbelgium.be).

Focus on the package of migration reform measures: reforms related to return



One of the four reform measures adopted by the Council of Ministers in March 2023 (see Overarching changes) concerns a reform of the return policy framework. The proposed legislation aims to streamline the return processes for individuals residing illegally in Belgium, while also legally institutionalising a proactive return policy. Key provisions include:

- The **expansion of the number of ICAM coaches** (see 11.2) within the Immigration Office to provide intensive guidance, personalised follow-up, and encouragement for voluntary returns to their countries of origin;
- The **extension of the Dublin transfer period** in cases involving imprisonment or absconding;
- **Mandatory cooperation with medical examinations**, with the exception that force cannot be used on minors;
- The **prohibition of the detention of families with minors** in closed centres: the draft law introduces amendments that will make it illegal to detain families with minor children in closed centres while maintaining the possibility to accommodate families with minor children in the open family units of the Immigration Office. In open family units, families have freedom of movement under certain conditions – they can run errands, consult a lawyer, visit a doctor, or take their children to school. An adult family member must always remain in the unit.

11.1 Voluntary return

After a decline in 2020 and 2021 due to the impact of the COVID-19 pandemic, **the figures related to return procedures rebounded in 2022 and 2023**. Fedasil, which oversees the national assisted voluntary return programme, intensified its efforts to facilitate voluntary returns, including through the Frontex Application for Return (FAR) and its own voluntary return programme. This led to 3 107 individuals voluntarily returning to their country of origin, reflecting a 13 % increase compared to 2022. To accommodate this growth, Fedasil's FAR booking team was expanded from 1 staff member and 1 Frontex expert to 3 staff members and 1 Frontex expert, effective September 2023.

Since 2022, Fedasil has been contributing to **Frontex's Return and Reintegration Counselling Trainings**. This commitment is two-fold: (1) active involvement from Fedasil's Voluntary Return Service in developing training modules, and (2) delivering some of these

modules during Frontex training sessions. In 2023, Fedasil contributed to training sessions focused on Communication, Communication & Culture, Decision-Making Processes, Factors Affecting Return, the Role & Objectives of Return and Reintegration Counselling, and Working with Interpreters. Participants in these sessions included Frontex Standing Corps members and return counsellors from EU Member States.

In order to benefit from reintegration support, third-country nationals who return voluntarily to a third country must meet specific criteria. In 2023, in response to a surge in requests for return and reintegration support to Mongolia, Belarus and Brazil, **Fedasil revised the criteria to benefit from return and reintegration support** in these countries:

- From 1 May 2023, a new criterion mandates that individuals must have resided in Belgium for a minimum of one year, with the exception of vulnerable returnees (subject to a case-by-case approval by Fedasil);
- Reintegration support was limited to the basic return allowance (effective from 1 March 2023 for Belarus, and 1 May 2023 for Mongolia and Brazil);
- Due to a significant increase in applications from certain countries, eligibility criteria for additional reintegration support have been revised to allow fewer returnees to benefit from them, except for those with a vulnerable profile.

Box 20: Caritas International expands its operations under Frontex's EURP

In 2023, **Caritas International Belgium expanded its reintegration operations under Frontex's EU Reintegration Programme (EURP)**, extending its reach from 18 countries in 2022 to 24 countries in 2023. This expansion aims to enhance the delivery of return and reintegration support for returnees across a broader range of countries of origin. It ensures that individuals returning to their countries receive comprehensive assistance to navigate any challenges they may face during or after their return.

Box 21: Launch of IOM's BE-INCREASE project

In 2023, **the IOM Country Office for Belgium and Luxembourg launched its 'BE-INCREASE' project, co-financed by AMIF and Fedasil⁽¹⁾**. This new project aims to complement the national Assisted Voluntary Return and Reintegration (AVRR) programme to enhance the sustainability of reintegration support. Specifically, by placing the focus on social and psychosocial aspects of reintegration instead of purely financial support, the project aims to promote sustainable and holistic reintegration. The project will mainly be implemented in the following 15 countries: Armenia, Brazil, Colombia, El Salvador, Georgia, Ghana, Iraq, Mongolia, Morocco, North Macedonia, the Philippines, the Russian Federation, Somalia, Sudan and Türkiye. Migrants who are returned to one of these countries are offered additional support for reintegration, such as access to daycare and school, business support, psychological support, and network events to bring together returned migrants from Belgium.

Finally, in May 2023, **an agreement on return and legal migration was signed with Senegal**. The Secretary of State for Asylum and Migration and the Senegalese Deputy Minister of Foreign Affairs signed an agreement on return and legal migration, outlining collaboration between Belgium and Senegal regarding the return of individuals in illegal stay and legal migration. While not limited to facilitating voluntary return, the new agreement between Belgium and Senegal has a strong focus on voluntary return. It addresses the challenges faced in recent years, particularly regarding the return of individuals from Senegal who do not obtain international protection in Belgium. Senegal committed to assisting these voluntary returnees with their reintegration into society upon arrival.

11.2 Forced return

On 31 July 2023, a new law was adopted "to make the justice system more humane, faster, and stricter"¹⁶⁶. This law introduces **significant changes to the implementation of prison sentences and avenues for release**. Notably, it establishes that all prison terms ranging from six months to three years must be served in full (which was not always the case for sentences of less than three years). Detainees seeking provisional release must obtain approval from a judge, whereas previously prison directors had the authority to release detainees after they had served one-third of their sentence. The implementation of these new release procedures has led to a notable decrease in the number of forced returns of foreign offenders. Third-country nationals who are detained must apply for provisional release before removal from the territory can take place. The Immigration Office notes that detainees do not always make this request and therefore remain in detention.

¹⁶⁶ Law of 31 July 2023 for a stronger, faster and more humane justice (Loi du 31 juillet 2023 visant à rendre la justice plus humaine, plus rapide et plus ferme IV / Wet van 31 juli 2023 om justitie menselijker, sneller en straffer te maken IV), <http://www.ejustice.just.fgov.be/eli/loi/2023/07/31/2023044140/moniteur>, last accessed on 20 March 2024.

12. MIGRATION AND DEVELOPMENT COOPERATION

In Belgium, the link between migration and development cooperation has increased, and the actors involved in this field have multiplied. The [Directorate-General for Development Cooperation and Humanitarian Aid \(DGD\)](#) of the Federal Public Service (FPS) Foreign Affairs, Foreign Trade and Development Cooperation looks after the various aspects of Belgian Development Cooperation. Additionally, [Enabel, the Belgian development agency](#), implements the policy priorities of Belgian governmental cooperation and promotes sustainable international development. Enabel's human mobility department promotes the improved governance of human mobility for development at national, regional and local levels and, amongst others, aims at improving the protection and resilience of (displaced) individuals and communities. Finally, [IOM Belgium and Luxembourg](#) manages several projects related to diaspora engagement and skills mobility, which have a development component.

More generally, the Belgian Development Cooperation brings together all the development cooperation actions at the federal level. These are governmental (from country to country), non-governmental (NGOs, universities, trade unions, etc.) and multilateral (international institutions). Its core mission is to do its part to create a world with less poverty and inequality. To this end, it supports actions, especially in the Sahel region, the Great Lakes region, North Africa and the Middle East. It also includes an important humanitarian aid component.¹⁶⁷

12.1 Policy monitoring: tracking migration and development cooperation

The Organisation for Economic Cooperation and Development (OECD) defines Official development assistance (ODA) as government aid that promotes and specifically targets the economic development and welfare of developing countries. It is, in essence, a measure of donor effort. ODA is sometimes used to implement migration projects to support developing countries. Migration projects can be ODA-eligible if they meet the following criteria:¹⁶⁸

- Development is a primary purpose of the migration project;
- The ODA is not diverted towards donors' immediate interests on migration;
- Mutual benefits for both the provider and developing country are recognised but developing countries' interests must remain at the centre of ODA eligibility;
- The ODA is aligned with development, humanitarian and human rights objectives and principles;
- The ODA integrity is preserved through a focus on developing countries' main benefit;

¹⁶⁷ EMN Belgium, in cooperation with its national partners and EMN Sweden, developed an Inform on the Migration and Development Nexus, to be published in 2024 on the website of EMN Belgium www.emnbelgium.be.

¹⁶⁸ OECD, 'Migration-related activities in official development assistance (ODA)', [https://web-archive.oecd.org/temp/2024-01-04/648574-migration-oda.htm](https://web.archive.org/temp/2024-01-04/648574-migration-oda.htm), last accessed on 25 July 2024.

- Activities that intercept and return migrants with the main objective to restrict migration to provider countries are excluded from ODA.

The OECD uses markers for project level data across a number of sectors to help the international community track the inclusion of specific policy objectives in development cooperation activities. In 2023, **the DGD introduced a new 'migration marker' in the Belgian ODA-database**. This marker helps categorise development actions related to migration into three types:

- Actions with migration as the general objective (marker 2);
- Actions with specific migration-related objectives, including at least one measurable result and indicator related to migration (marker 1);
- Actions where migration is integrated into broader development goals (marker T).

This methodology is based on the European migration marker. The marker does not include in-donor-refugee costs or humanitarian aid directed to refugees.

The objective of implementing this marker is to improve the monitoring and evaluation of funding allocated to migration and development. It enables the Belgian Development Cooperation to analyse various aspects, such as the thematic areas covered by the recent 'Strategic Note on migration as a lever for development'¹⁶⁹ (**see Box 22**), and the main funding sources for migration-development programmes and initiatives. The migration marker identified 153 migration-development nexus initiatives in the ODA-database between 2016 and 2022. Out of these, 114 actions were financed by the Belgian Development Cooperation for a total of € 210 million.

Box 22: Establishment of a consultation and monitoring platform

On 8 May 2023, **the DGD organised a consultation and monitoring platform**, as part of the follow-up of the objectives of the 'Strategic Note on migration as a lever for development'. The first edition brought together a wide variety of public and private actors dealing with specific aspects of the development-migration nexus. The aim of the platform is to develop an overview of the various actions through which these actors contribute to the objectives and result areas of the Strategic Note, to share results, lessons learned and good practices, and to encourage mutual exchange and strengthened cooperation in the future.

¹⁶⁹ FPS Foreign Affairs, 'Strategy Paper: migration as a driver for sustainable development', <https://diplomatie.belgium.be/nl/beleid/ontwikkelingssamenwerking-en-humanitaire-hulp/wie-zijn-we/strategienotas>, last accessed on 2 June 2024. See also EMN Belgium's 2022 Annual Report on Asylum and Migration, available at www.emnbelgium.be.

12.2 Implementation of mobility projects

In its Communication on the Delivery of the European Agency on Migration in 2017,¹⁷⁰ the European Commission launched pilot projects on legal migration to reinforce the role of legal migration channels in the EU's overall cooperation with non-EU countries on migration management, with a particular focus on African countries. In 2023, development cooperation actors in Belgium launched, continued, or ended several mobility projects with partner countries.¹⁷¹

In May 2023, **Enabel officially launched the Project for Entrepreneurial Mobility between Côte d'Ivoire and Belgium (PEM-N'Zassa)**.¹⁷² Funded by the EU, this circular mobility scheme started in November 2022 and will run for a period of 42 months. It is implemented in coordination with institutional partners in both Côte d'Ivoire and Belgium, including the Regional Economic Agencies, the Immigration Office, Fedasil, and other economic actors, such as incubators and diaspora-led businesses.

The project aims to increase the socioeconomic added value created by Ivorian small and medium enterprises by providing circular mobility opportunities to 120 talented entrepreneurs from Côte d'Ivoire. The goal is to have 300 entrepreneurs benefit from tailor-made training and coaching. The project identified four primary sectors: agro-food, digital sector, green economy, and cultural and creative industries.

Circular migration

A repetition of legal migration by the same person between two or more countries.

This mobility scheme follows up on the pilot project 'PEM-WECCO' on entrepreneurial mobility between Belgium and Senegal. With this new project, Enabel aims to further test new labour mobility pathways, this time focusing on entrepreneurs who visit Belgium with a business visa, and to implement an innovative approach to circular migration (**see definition**) between economic operators from Côte d'Ivoire and Belgium.

In 2022, IOM Belgium and Luxembourg publically launched the Displaced Talent for Europe (DT4E) project.¹⁷³ This is a three-year pilot project that runs until the end of 2024, and which aims to facilitate and strengthen labour mobility schemes by connecting displaced foreign talent in Jordan and Lebanon with employers in Belgium, Ireland, Portugal and the United Kingdom. **In 2023, the successor of this project, 'DT4E 2.0' was accepted** under the AMIF Call for proposals on transnational actions on asylum, migration and integration. DT4E 2.0 will start in 2024 and will further upscale and expand a 'hybrid model' which has been

¹⁷⁰ European Commission, 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Delivery of the European Agency on Migration', COM(2017) 559 final, 27 September 2017, https://home-affairs.ec.europa.eu/document/download/651b20ad-9a55-4fac-871e-60c506078afe_en?filename=20170927_communication_on_the_delivery_of_the_eam_en.pdf, last accessed on 25 July 2024.

¹⁷¹ Development actors were also involved in return and reintegration programmes (see chapter 11). Other mobility projects, which are not necessarily implemented by development actors, are discussed under chapter 1.

¹⁷² Enabel, 'Human mobility – Project for Entrepreneurial Mobility between Ivory Coast and Belgium', <https://open.enabel.be/en/CIV/2516/p/human-mobility-project-for-entrepreneurial-mobility-between-ivory-coast-and-belgium.html>, last accessed on 2 June 2023.

¹⁷³ IOM, 'Displaced Talent for Europe (DT4E)', <https://belgium.iom.int/displaced-talent-europe-dt4e>, last accessed on 25 July 2024.

developed and piloted by IOM in the framework of DT4E and which combines work and training in a continuum throughout the talent’s mobility trajectory.

Enabel’s THAMM project, which stands for ‘Towards a Holistic Approach to Labour Migration Governance and Labour Mobility in North Africa’, **was extended for one year until the end of 2024**. The project is a mobility initiative between Morocco, Tunisia and Belgium based on the concept of ‘Global Skills Partnership’. It aims to promote mutually beneficial labour mobility through legal pathways (**see definition**). The extension of the project aims to ensure further mobility in three sectors, notably construction, ICT, and industry.

Legal pathway

In the EU context, every legal mechanism and policy that enables regular migration from a third country to an EU Member State, for both international and humanitarian protection needs and labour market needs (labour migration, family reunification, student migration).

In 2023, **Enabel concluded the five-year implementation of the INTEGRA-programme in Guinea**, which offered sustainable reintegration services to returning migrants, as well as socioeconomic opportunities to youngsters who could otherwise engage in dangerous and risky migration experiences. At the closing of the project, more than 2 700 youngsters received opportunities of training, employment and self-employment when they returned to Guinea or when they looked for opportunities in their communities of origin. The project:

- Supported local training institutes to offer trainings adapted to the local market associated with employment opportunities for people returning from migration experiences;
- Helped returning migrants insert in work settings;
- Supported the creation of small businesses.

12.3 Remittances

In June 2023, **IOM Belgium and Luxembourg launched the ‘O-REMIT project’**, which focuses specifically on remittances and diaspora engagement. It is a two-year project funded by the Belgian government and implemented by IOM Belgium and Luxembourg in partnership with Zidicircle, Entrepreneurs for Entrepreneurs (*NL: Ondernemers voor Ondernemers*) and the National Bank of Belgium. The project has three specific objectives:

- To understand the remittance flows and behaviours of diaspora communities in Belgium;
- To encourage investment opportunities in countries of origin (DR Congo, Senegal, Morocco);
- To offer cost-effective alternatives for remittances and opportunities for investment of savings within three targeted African economies.

Activities in 2023 included the launch of a survey and the organisation of trainings.

Box 23: Belgium at the Global Refugee Forum

At the occasion of the Global Refugee Forum in 2023, **Belgium pledged to increase its attention to forcibly displaced persons in development actions**. More specifically, it committed to include refugees, internally-displaced persons and returnees more systematically in its development cooperation programmes, from the planning and design stages until the implementation of these programmes. This pledge is an important formalisation of a practice that had been in place for several years already.

Annex: Publications of the European Migration Network in 2023

The present annex lists the **studies** and **informs** published by the European Migration Network (EMN) in 2023. Studies are the longest publication format, with information collected and analysed over the span of four to six months. They compile the answers provided by Member and Observer Countries to around 18 to 25 detailed questions on a specific topic. For most studies, EMN Belgium produces an additional '**standalone**' publication specifically on the Belgian context. Informs are a shorter publication (approximately 6 to 10 pages) and aim to provide a quick but comprehensive overview of the practice and policies of Member and Observer Countries on a specific topic. They compile the answers provided to a total of 12 detailed questions.

The EMN also produces **ad-hoc queries**, which are the fastest and most used outlet to collect information across the network. Following a quality and relevance-check internal system, anyone can make use of the ad-hoc query system and launch a query on any topic related to asylum and migration.

All EMN publications are available for download at: www.emnbelgium.be.

Studies	
October 2023	Integration of applicants for international protection in the labour market (+ Belgian standalone)

Informs	
January 2023	Organising flexible housing in the context of international protection
February 2023	Prospects for displaced persons in non-EU first reception and transit countries
April 2023	Accompanied children's right to be heard in international protection procedures
April 2023	Statelessness in the EU, Norway and Georgia (update)
May 2023	Displacement and migration relate to disasters, climate change and environmental degradation
June 2023	Resettlement, humanitarian admission and sponsorship schemes