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Belgium and Migration

The Immigration Department



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Foreword

In view of the Belgian Presidency of the Council of the European Union as from 1 July 2010, it is my pleasure to present to you the spectrum of missions that are fulfilled by the Immigration Department in Belgium.

There are many hundreds of millions of migrants in the world today. Each year, economic and political circumstances, family situations and demographic or ecological developments cause large numbers of people to take up residence in a foreign country. An adequate approach to current and future migration is one of the major challenges for all European countries. As an immigration country, Belgium tries to contribute to the efforts made to meet that challenge.

Every day, the Immigration Department does its utmost to meet requests of new migrants. The Department issues short- or long-stay visas, is responsible for the registration of asylum applications in Belgium and is in charge of voluntary return or removal of illegal foreigners from the country.

The Immigration Department highly values good quality reception, efficiency and strict observance of rules and regulations.

I believe in Belgium as a free area with room for cultural diversity and respect for everyone.

Freddy Roosemont
Director-General of the Immigration Department

Mission and values

Together with various partners, the Immigration Department manages migration flows. It ensures the implementation of the Act of 15 December 1980 and the Royal Decree of 8 October 1981 on access to the territory, residence, establishment and removal of foreigners.

For every foreigner, the Department takes a **decision** that bears the following characteristics:

- **transparent**: following clear and well-defined rules
- **objective**: according to an unprejudiced assessment
- **correct and appropriate**: in conformity with the law, and legally and factually substantiated
- **quick**: within a short period of time
- **case by case**: each application receives individual treatment.

Structure and organisation

The Immigration Department comes under the Federal Public Service for Home Affairs:

- more than 1,800 employees spread over the central services in Brussels (993 people) and five detention centres (834 people)
- led by a Director-General who is assisted by several Advisors-General and Advisors who specialise in certain subjects.



Competence

Access and residency

Since the Schengen Convention came into force (1995), its members no longer issue national short-stay visas, but instead provide uniform visas, called 'Schengen visas'. As such, Belgium joins the pursuit of a common area that guarantees free movement of people and where national safety and public order are protected.

The Immigration Department issues **short-stay visas** for:

- tourism
- business trips
- family visits or medical advice.

To this end, the Immigration Department closely cooperates with the Belgian diplomatic posts (FPS Foreign Affairs).

The Immigration Department also deals with applications from people coming to Belgium for a **long stay**:

- students
- employees
- people seeking family reunion
- stays for humanitarian reasons.

In the exercise of its competences the Immigration Department constantly exchanges information with municipal authorities and public prosecutors.



The Immigration Department actively counteracts:

- fraud
- marriages of convenience
- human trafficking and people smuggling.

It offers protection **to victims** of human trafficking and smuggling.

It offers specific guidance to **unaccompanied foreign minors** during their stay in Belgium.

Asylum

Registration

The Immigration Department is in charge of registering all asylum applications submitted on Belgian territory or at the border.

Eurodac system

The use of the European fingerprint analysis system Eurodac allows the Immigration Department to determine which state is responsible for examining the asylum application (Dublin Regulation). The Regulation deters submission of asylum applications in several EU Member States by the same asylum seeker.

Multiple applications

The Immigration Department examines repeated asylum applications and checks if they contain data justifying a new procedure.

Solidarity

In view of the war in Iraq and the massive influx of refugees to neighbouring countries, in 2009 the European Council called on the Member States to initiate new resettlement projects. Belgium honoured that request: a pilot project was started for the resettlement in Belgium of 47 Iraqi refugees who had found temporary refuge in Syria and Jordan. Helped by the International Organization for Migration (IOM) who took care of transportation of the refugees, the Immigration Department then provided their definitive residence permits. With this project, Belgium joined an international solidarity initiative and thus contributes to the development of a common asylum policy.



Return

The Immigration Department must verify that foreigners comply with the immigration and residence regulations:

- if necessary, it issues an order to leave the territory
- it ensures that returns effectively take place, be it voluntary or by force
- it manages the detention centres for asylum seekers who were denied asylum and for illegal foreigners.

The Immigration Department ensures a **humane and respectful approach** as regards its removal policy. Families with children awaiting return, for instance, are offered alternative shelter: instead of placing them in detention centres they are accommodated in houses or apartments that are more suitable for family life.

This approach is unique in Europe.

Disputes and appeals

The Immigration Department is charged with the follow-up of legal procedures and with the provision of legal advice in administrative decisions that are appealed before

- the Council for alien law litigation
- the Council of State
- the civil courts and tribunals.

The Immigration Department also deals with requests for release and cassation appeals.





Partners

To carry out its missions, the Immigration Department regularly consults with the following partners:

- the Office of the Commissioner-General for Refugees and Stateless Persons (CGRS)
- the Federal Agency for the Reception of Asylum Seekers (Fedasil)
- local authorities
- the federal police
- public prosecutors
- diplomatic posts
- the International Organization for Migration (IOM).



International relations

The Immigration Department participates in working groups at both European and Benelux level:

- for the purpose of developing European regulations on migration and asylum
- to negotiate readmission agreements.

The Immigration Department participates in several forums, such as:

- the Inter-governmental Consultations on Asylum, Refugee and Migration policies (IGC)
- the General Directors' Immigration Services Conference (GDISC).

At a European level, the Immigration Department has been appointed as the **'responsible authority'** of the EBF (External Borders Fund) and the ERF (European Return Fund). Several projects have been implemented within this scope, for instance concerning escorted return of vulnerable groups.

The Immigration Department also houses the Belgian contact point of the European Migration Network (EMN).

In the countries of origin (India, Democratic Republic Congo, Kosovo, etc.), the Immigration Department organises prevention campaigns about the dangers of illegal immigration.





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