



■ Current Immigration  
Debates in Europe:  
A Publication of the  
European Migration  
Dialogue

Jan Niessen, Yongmi Schibel and  
Cressida Thompson (eds.)

## Belgium

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for

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The Migration Policy Group (MPG) is an independent organisation committed to policy development on migration and mobility, and diversity and anti-discrimination by facilitating the exchange between stakeholders from all sectors of society, with the aim of contributing to innovative and effective responses to the challenges posed by migration and diversity.

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The individual reports on Austria, Belgium, the Czech Republic, Denmark, Finland, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Poland, Portugal, Spain, Switzerland, and the UK are available from MPG's website, together with a preface and introduction. See Jan Niessen, Yongmi Schibel and Cressida Thompson (eds.), *Current Immigration Debates in Europe: A Publication of the European Migration Dialogue*, MPG/Brussels, September 2005, ISBN 2-930399-18-X.

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## Belgium

Sonia Gsir, Marco Martiniello, Katrien Meireman and Johan Wets<sup>1</sup>

### 1. Making the case

#### Institutional framework

Belgium is a federal state. It is made up of three Communities (the Flemish Community, the French Community and the German-speaking Community), three Regions (the Flemish Region, the Brussels-Capital Region and the Walloon Region). The decision-making powers no longer rest exclusively the federal government and federal parliament. The country is run by various bodies, which discharge their allotted duties autonomously.

*The federal state* is responsible for managing everything that affects the interest of all Belgians, independently of any linguistic, cultural or territorial considerations: for instance, foreign affairs, national defence, justice, finance, social security and a major share of public health and domestic affairs. Migration policy (visa policy, asylum policy, etc.) is also to a large extent a federal responsibility. It is also the federal state that assumes all the responsibilities that Belgium and its federated entities have vis-à-vis the European Union (EU). The adaptation of the Belgian legislation to European standards belongs to federal competence.

In May 2003, a so-called violet government (coalition between Liberals and Socialists) came to power at the federal level.

*The Communities* have areas of competence that include matters relating to the people composing them, such as language, culture and education. The Communities are therefore responsible for integration policy.

*The Regions* have areas of competence that include territorial matters such as town planning, the environment and employment. The distribution of labour cards and permits is therefore a Regional competence.

The election of 2004 of the Flemish Community and Region resulted in a coalition government of Liberals, Socialists, Flemish identity empowering parties (Spirit and NV-A) and Christian democrats. The government of the Community and the Walloon Region is a coalition of Socialists and Christian Democrats. The government of Brussels-Capital Region is composed of Liberals, Socialists, Christian Democrats and Greens. And finally Liberals, Socialists and Independents govern the German-speaking Community.

The results of the regional and European elections in June brought some changes in the political landscape: a number of persons of foreign origin were elected, in particular in the Brussels Region and for the first time, there is a Minister of Moroccan origin in the government of the French Community (Mrs. Fadila Laanan, who is in charge of Culture policies and others) and a Secretary of State of Turkish origin in the government of the Region of Brussels (Mr. Emir Kir, who is in charge of protection of the regional architectural heritage, social action, family care policies and sports).

Overall, few steps have been taken relating to immigration and integration policy. However, one notable development revolves around granting third country nationals (those from non-EU states) the right to vote in local elections.

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<sup>1</sup> This report is based on information up to 12 May 2005

Another crucial element of the previous government's policy is that for the first time, they developed a specific policy for newcomers. In essence, this confirmed Belgium was a country of immigration. It is also important to note the public and political sentiment surrounding the policy. In Belgium, and particularly in the Flanders region, the public expressed significant concern about security and the rule of law, particularly in relation to immigration. In response, it was decided that an inter-ministerial conference for immigration policy, or a federal ministry for immigration would be better suited to draw up an efficient and coherent immigration policy.

The immigration policy is still under construction, but it is also still on the agenda of the government. The government repeated its resolve during the federal policy declaration (October 2004) to reduce abuses in immigration. It has also stepped up controls to combat marriages of convenience and fraudulent attempts at family reunification. Thus, Belgian immigration policy is giving priority to managing the flows while stressing the rule of law and the fight against smuggling or abuse.

### **1.1. The immigration debate**

*The Belgian government (federal level) does not appear to provide a rationale for immigration policies. There is no structured public debate with stakeholders and the wider public about long-term perspectives. Public official policies restrict themselves to managing the borders within the current legal framework on access to Belgian territory, while focusing on the fight against illegal migration and abuses of migration.*

The policy agreement of the federal government *A creative and solidary Belgium* (July 2003 [www.premier.fgov.be/fr/politics/accord\\_gov.html](http://www.premier.fgov.be/fr/politics/accord_gov.html)) does not contain a separate section concerning immigration. Instead, immigration falls under the heading 'a tolerant community'. Three main ideas are emphasised:

- First, concerning immigration policy, the government asserts its will to fight trafficking and immigration abuses, especially in the case of fraudulent marriages and family reunification. It intends to facilitate the granting of temporary residence permit to parents and grandparents. It will also use the biometric data for visa application.
- Second, concerning the policy for immigrants', the government wants to push forward the idea of 'shared citizenship' (citoyenneté partagée). Its aim is to improve the reception of new comers by fostering their responsibility and their autonomy. It also wants to fight the discrimination of migrants in the framework of employment.
- Third, the government re-emphasised its intention to adapt the national legislation to the Directives related to family reunification (2003/86/EC), to minimal norms for asylum seekers reception (2003/9/EC) and to free circulation (2004/38/EC).

While the policy agreement of the federal government does not contain a separate paragraph on immigration, this does not rule out the subject of immigration as an issue of debate.

In the following section, the report first addresses the general debate on immigration. Then it focuses more closely on family reunification, asylum, illegal and economic immigration.

#### **General debate**

Generally speaking, the immigration debate focuses on three concepts: demography, the economy and the development of the countries of origin.<sup>2</sup>

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<sup>2</sup> It is important to note that unlike elsewhere issues of safety and terrorism are not prominent in the debate.

## Demography

In an opinion piece in the newspaper in late 2003 the Minister for Home Affairs discussed the causes of migration and possible solutions. In this article, the Minister argues that immigration is necessary for both economic and demographic reasons. Both the size and proportion of senior citizens is increasing, and more workers are needed to pay for their social security. It is for this reason that the Minister is in favour of **a quota of immigrants** at the European level. However, specific measures to implement this policy initiative have not followed and the idea has not had a large impact on the overall debate.

Since the publication of this opinion piece, the Minister appears to have changed his position. In February 2005, the Minister went to Denmark to study its migration and asylum policies. Other political parties and NGOs criticised this visit, because in their eyes the **Danish migration policy** was initiated by an extremist party and is not considered a model of openness.

The Social Affairs Committee of the Chamber of Representatives also made the link between immigration and demographics. In its report *Ageing society: challenges for employment and for financing Social Security and Retiring Pensions*, experts examined the possibility of rejuvenating the population with immigration. They calculated that in order to maintain a sufficient numbers of 'active' people, Belgium would need 30,000 new migrants per year increasing to 60,000 in the future. At the moment, Belgium receives on average 15,000 migrants per year. In the process, the experts demonstrated that the idea of linking immigration to demography is not feasible. The main problem being that migrants get old too ([www.dekamer.be/FLWB/pdf/51/1325/51K1325001.pdf](http://www.dekamer.be/FLWB/pdf/51/1325/51K1325001.pdf)). It appears the question of migration **as part** of the solution was not to be mentioned.

## Economy

As mentioned above, the Minister of Home Affairs has stated that immigration is necessary, not only for demographic, but also for economic reasons.

Recently, the European Commission launched a **Green Paper** on an EU approach to manage economic migration. Until the launch of this paper, economic migration had only been addressed in a limited way, with a few comments from concerned Ministries and Journalists. The social partners (employer and employee representatives) support the advice of the National Labour Council (<http://cnt-nar.be/AVIS/avis-1400.doc>) on the selective immigration of highly skilled workers. This official advice was issued in 2001. The Council considered the link between the national and the European level and defended an integrated approach. It pinpointed various areas that would benefit from co-operation, such as training unemployed residents and fighting discrimination against unemployed immigrants. It recognised the dearth of workers in some sectors but asked for a broad evaluation of the situation involving the joint commissions and the regions. Meanwhile, Belgium adopted a cautious position vis-à-vis the green paper, saying that it will express its thoughts further after the public consultation in June 2005.

More specifically, the government refers to the Constitutional Treaty, to be adopted, where it states that defining the incoming numbers of migrants is (and should remain) a national competence. Further, defining the needs on labour migration at an EU level would be difficult, as Member States do not necessarily have a clear view on such needs themselves. Therefore priority should be given to taking measures that would improve the freedom of movement. Needs can only be quantified and qualified by Member States. Further,

economic migration can be no more than a complementary measure, taking secondary importance after the promotion of the labour market integration of unemployed citizens. Even then, it should be seen in light of the freedom of movement that will be granted to workers of the 'new' Member States.

At the same time, Belgium would welcome a common EU framework that would ensure that all migrant workers are granted the same labour conditions as nationals – a measure that ought not to require any EU legislation initiatives. Differentiation between different sorts of migrants is not an issue: sectoral approaches would be too rigid to meet the demands of a flexible labour market. The government feels that community preference in the recruitment of migrant workers should not be changed; instead, Belgium would support a real improvement of the EURES recruitment information system.

Several NGOs, including ORCA (the Belgian organisation for clandestine workers) and PICUM have sent comments to the government arguing that it is necessary to take into account the presence of undocumented migrants and undocumented migrant workers in Belgium and in Europe. CIRE (Coordination et Initiatives pour Réfugiés et Exilés) has expressed its strong opposition to the idea of attracting new labour migrants while at the same time restricting the access of workers from the 'new' Member States to the labour markets. They are also concerned about the labour market situation of second generation documented or undocumented migrants who are currently unable to find regular jobs. It also had strong objections about the Green paper's utilitarian, economic approach to migration, where the international rights of migrants and their perceptions as *people* should be at the forefront.

There is some fear about migration flows from Eastern countries and in particular the 'new' EU Member States. In this context, the so-called *Bolkestein Directive* proposal on services liberalisation is criticised sharply. The underlying idea is that this directive would entail migration and could thus threaten the social structure and create a situation of social dumping. The argument for rejecting economic migration is the need first and foremost to provide work for unemployed nationals and for residing immigrants and their offspring.

## **The development of the countries of origin**

Another debate on **migration and development** has been progressed by the Commission for External Relations and Defence in the Senate. The Commission aims to mainstream the issues surrounding migration and development in other policy areas. In its report *Migrants and development: strengths of future*, the Commission recommends very concrete measures to the government, such as allowing migrants mobility so they can work on development projects abroad; fostering partnership between municipalities, migrants and migrants associations; encouraging migrants participation in integration policy, in development policy and associations; studying the question of the costs and the transparency related to remittances and also creating a section within the administration 'Migration and Development' responsible for co-ordinating the policies related to migration, integration and development. The Commission argues that migrants and their associations should be recognised as potential actors and educators in the field of development ([www.senate.be/wwwcgi/get\\_pdf?50332888](http://www.senate.be/wwwcgi/get_pdf?50332888)).

The link between migration and development also entered the debate while discussing the possibility to reopen the borders for highly skilled migrants. To know how this impacts on the sending countries, a more profound analysis of the nexus between migration and development is considered necessary. The government advocates for better financial conditions for the remittances of part of what migrants earn in the host countries (in the

framework of the European Commission's communication to be issued on this subject) Further, it pleads for better co-operation with sending countries and their NGOs in order to make the migrant diasporas a real asset to the development of sending countries. Return programmes would also help developing countries and as such, temporary returns should be encouraged.

Some people interpret the link between migration and development in a different way. One and a half months after the report *Migrants and development: strengths of future*, the President of the Chamber expressed his view on migration in challenging terms. That the pressure of migration flows could be reduced by dedicating a quarter of the gross national product (GNP) to development aid. This, he asserted would be a 'civilization insurance'. Such a statement could lead the public to view migration as a risk for Belgium. Moreover, it puts the migration question in the field of conflicting civilizations. His opinion sparked an immediate reaction from the CNCD (Development Co-operation National Centre) research director, who highlighted the rhetoric effect of the 25 per cent GNP proposal, reminding us that Belgium currently hardly gives 0,41 per cent of its GNP to development aid.

## **Types of immigration:**

### **Family reunification**

Marriage between a Belgian and a foreigner depends on the law on family reunification (they need permission). The law on the access to the territory of 1980 is in the process of being adapted in order to better contest fraudulent marriages. Initially, the Minister of Home Affairs proposed to condemn both spouses of a fraudulent marriage to between one and five years prison. This proposal was not adopted, but the Council of Ministers did decide to amend the laws, distinguishing between different types of arranged marriages. On 25 March 2005, a bill was passed distinguishing between three different scenarios: (a) classical marriages of convenience carry the same provisions as the 1989 law: prison from eight days to three months and a penalty fee of up to €100; (b) marriages of convenience involving financial arrangements: up to one year prison and €250 penalty and (c) arranged marriages: up to two years prison and up to €250. This bill is going to be discussed soon.

Belgium is still in the process of adapting its legislation to the **European Directive on family reunification** (2003/86/EC). The text proposal drafted by Minister of Interior is at present being discussed with the ministries concerned. Because of several bilateral agreements, Belgium has adopted already more favourable provisions than those of the directive. However, the sudden interest of the Federal Public Service "Home Affairs" for the Danish regulation of family reunification had led other stakeholders to fear that this would lead to a rather restrictive transposition.

Before representatives of the Federal Public Service Home Affairs paid a visit to Denmark to study the Danish regulation of family reunification, a politician of the Flemish Green Party, started a public debate on the migration of elderly, as part of family reunification. She declared herself as a supporter of a revision of the family reunification law. The migration of elderly people was said to put the Belgian social welfare system under pressure. This statement caused a protest wave. NGOs reacted and even the Flemish green party distanced itself from the idea.

### **Asylum**

In 1998, Semira Adamu, a young Nigerian asylum seeker whose claim of refugee status was dismissed, died from suffocation during her deportation. Six years later, four state policemen were sentenced for her death. In reaction to this, a committee was set up to define the rules on the removal of illegal persons in an ethical way (the so-called Committee Vermeersch). In the beginning of 2005, this committee published its report. Four main ideas were put forward:



1. During removal of illegal persons who offer resistance, compulsory measures, such as handcuffs, may be used;
2. One may never administer medicines to repatriates, in order to facilitate the removal;
3. Police officers in charge of repatriation should spend a minimum of six per cent of their working hours training, with an emphasis on role play (an effort to avoid conflict and violence); and
4. The use of video recording to control the actions of the policemen (a request from of some NGOs) was rejected.

More generally, the number of asylum applicants has fluctuated significantly in the last ten years. Between 1995 and 2000, numbers grew from 11,500 to 42,500. However, since 2001, the numbers have decreased each year down to 15,000 in 2004. This recent decline has been caused by changes to the reception policies. Since 2001, asylum applicants receive material aid (the so-called bed-bath-bread formula) instead of financial aid. In the political as well as the public discourse, this policy measure has been accepted positively.

To reduce the number of asylum applicants even further, the Minister of Home Affairs declared himself to be a supporter of reception in the countries of origin and of transit. This was one of the ideas announced during his official visit to Denmark in February 2005. Both Germany and Italy are also in support of such measures. However, this idea was immediately rejected immediately by left wing political parties and by NGOs.

In 2000, the number of asylum seekers in Belgium peaked. However, as mentioned above, at the end of 2000 there was a significant change in aid for asylum seekers. At this time the principle of LIFO (last in, first out) was also introduced, which left a significant number of asylum seekers who requested for asylum before 2001 caught in the system. In December 2004, the Minister of Home Affairs decided to speed up the individual regularisation of these asylum seekers.

This campaign is the concrete answer given to the mobilisation of the Forum Asylum and Migration, which argued that more than 12,000 persons have been waiting on an answer for more than three years. The conditions included proof of their integration in the Belgian society (knowledge of languages, social networks, commitments in the neighbourhoods, having a job, etc.). It seems that a large number of asylum seekers who are eligible to this individual regularisation have indeed applied. Due to these large numbers, journalists labelled this decision as an 'undeclared regularisation campaign'.

Finally, it is also important to note that at the end of 2004, the Council of Ministers accepted a note from the Minister of Home Affairs for the transposition of subsidiary protection into Belgian law. This subsidiary protection related to the protection of aliens who are not, or who are insufficiently, protected by the Geneva Convention.

### **Illegal immigration**

In 2004, the Federal Public Service Home Affairs implemented a new database to fight irregular migration. The regions and the communities have access to this database.

As mentioned above, a key element of the Belgian migration policy focuses on combating irregular migration. The police systematically look for undocumented migrants. If they are caught, they are put in a so-called 'closed centre' (an administrative detention centre). However, the administrative detention of undocumented migrants raises the question of the preservation of basic human rights. 'What procedure should be followed to lodge an appeal by the detainees?' 'What can be expected?' and 'Who is responsible for what?' Several organisations and/or administrative bodies oversee the situation, including the board of the Federal Ombudsman, the newly established grievance committee for closed centres, the

committee P (a control body controlling the police) and the general inspection of the federal and local police.

## **Economic migration**

In 2002, the Belgian government developed specific policies to facilitate the employment of highly skilled foreign workers on the one hand, and of foreigners who are already in Belgium and who have been granted a stable status on the other. In doing so, the law related to foreign workers employment (Law of 30 April 1999 and Royal Decree of 9 June 1999) was amended (Royal Decrees 2 and 6 April 2003). The amended regulation came into force on 1 April 2003. It mainly simplifies administrative procedures.

First, this rather supple regulation concerns the entry and employment of privileged categories of third countries. The highly skilled foreign workers are allowed to renew their work permit for another four years, and even longer. This 'supplying up' is also available to executive staff and the spouse or children of a third country national working in Belgium. The amended law also increases and modifies the categories of workers who do not need a work permit: foreigners with an unlimited residence permit, sportsmen and sportswomen, and also providers of service, and postdoctoral researchers under certain conditions.

Second, the new legislation introduces a new kind of work permit. Beyond work permit A (unlimited in time and jobs) and work permit B (limited in time - up to one year - and limited to one job), there is the work permit C. This work permit is limited to one year but available for various jobs. It is an important change because it allows new categories of foreigners to work. It is a particularly important amendment for asylum seekers and victims of smuggling, the almost regularised (foreigners in the regularisation process but who have not yet received a response), students and other specific categories.

The changing legislation however, cannot hide the poor labour market position of the migrant population. Their participation in the labour market is low and unemployment figures are high. Non-European migrants work mainly as blue-collar workers in bottom end jobs, concentrated in certain 'ethnic' niches of the labour market (outlined further in section 1.2).

## **1.2 The integration debate**

Integration policies developed quite late in Belgium because until the 1980s there was a hidden consensus on the temporary nature of immigration: understood by both the migrants themselves and the host institutions.

Integration, as well as most issues linked to it (education, health, housing, and to some degree employment), is dealt with either by the communities or by the regions, i.e. the federated entities of the Belgian state. Therefore, there is no Belgian model of integration. Historically, different approaches developed in the North and in the South of the country.

### **Integration at the federal level**

At the federal level, access to citizenship has been seen as a means to stimulate integration. Belgian citizenship law has changed several times in the past 15 years. The most recent change took place in March 2000. The new nationality law presents three main novelties:

1. The acquisition of Belgian nationality by a simple declaration is now open to foreigners who have legally resided in Belgium for seven years with an unrestricted permit.

2. Access to naturalisation is made easier. Three years of legal residence for foreigners and two years for refugees are required to apply for naturalisation and the procedure is free.
3. The notion of willingness to integrate has been suppressed as a basic condition to be granted naturalisation. It is fair to say that Belgium has one of the most liberal laws on nationality in the European Union. However, the implementation of the law is highly problematic. It seems that the administration often privileges a very restrictive interpretation of this liberal legislation with the result of creating a growing backlog of applications.

The Belgian integration debate has been nourished by several events in 2004.

First, at the beginning of 2004, following a rise in racist crimes and violence, a consultative body (**The Commission for the Intercultural Dialogue** - [www.dialogueinterculturel.be](http://www.dialogueinterculturel.be)) was created in the framework of the last government agreement.<sup>3</sup> It aims to improve the social cohesion of Belgium's culturally diverse society and it is focused on four areas: citizenship, gender equality, basic principles for the public services, and the role of religion in a secular society. An intermediate report was released in December 2004 and some of the recommendations of the Commission have been highlighted by the Minister of Integration (PS): a charter of citizenship; a ceremony for foreigners adopting Belgian citizenship; language courses and education on Belgian institutions for newcomers; and a legal provision to temporarily remove the civic and political rights of people accused of racism.

Second, 2004 was the 40<sup>th</sup> anniversary of the signature of the agreement signed by Belgium and Morocco, providing an opportunity to celebrate the agreement. An association was created thanks to the initiative of several of citizens (most of them from foreign but not necessarily Moroccan origin): **EMIM** (Espace Mémorial de l'Immigration Marocaine/ Memory Space for Moroccan Immigration - [www.emim.be](http://www.emim.be)). Sponsored by the authorities, this association organised events to run throughout the year, including concerts, shows, exhibitions and conferences, etc. The purpose was to remind people of the history of Moroccan migrants in Belgium and it was also a way for Moroccan children to pay tribute to their parents.

Third, after a long and passionate political debate, which almost lead to the break-up of the governing coalition **the right to vote at local election** has been granted to non-European's residing in Belgium for at least five years. However, this right is subject to specific conditions: foreigners must sign a declaration to show their commitment to the Belgian laws, the Constitution and to the European Convention on Human Rights. They must also put their names down on electoral lists.

Non-Europeans are not allowed to stand as a candidate.

Fourth, a Commission has been created, by law, to organise **elections for a Muslim representative body**. The election took place on 20 March 2005 ([www.ccm-cie.be](http://www.ccm-cie.be)). The elected body is called the Exécutif du culte musulman auprès des autorités belges/ Executive of the Muslim faith to Belgian authorities. At this point it is important to remember that Islam has been recognised by the Belgian state since 1974. Since this time it has been sponsored by the state, the same as other religions.

In 2004, some significant steps were taken to acknowledge Belgium as a country of immigration.<sup>4</sup> In 2005, one might say that another hurdle has been crossed. On 2 May 2005, the final report from the Commission for the Intercultural Dialogue (see above) was

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<sup>3</sup> The government agreement is the text containing the outline of what a coalition government intends to do during the years they are in power.

<sup>4</sup> The next step might be to establish a museum of immigration.

presented to the public. It clearly acknowledged cultural diversity as an asset and not a threat. It recommended, among other things, the creation of a Belgian Institute of Islam, a Museum of Immigration and an Interuniversity Observatory (a type of research centre aimed at analysing migrations and cultural minorities (p. 71 of the final report)) on Migration and Ethnic Minorities. Its conclusion's are outlined in a draft proposal for a charter of citizenship entitled *Being a citizen in Belgium*. Its ten points define the Belgian multicultural society and the rights, duties and values for improving this society, stressing the importance of everybody's participation. The Minister of Integration announced that an inter-ministerial conference would take place soon in order to examine the report. This report has clearly chosen a model of society that fosters the cohabitation of different cultures. Nevertheless, as has been pointed out by one of reporters, cultural diversity is acknowledged but there must be a universal vision of humanity and Belgian citizenship ([www.dialogueinterculturel.be](http://www.dialogueinterculturel.be)).

## **Integration in Wallonia**

Superficially, the Flanders' approach to integration has for a long time been inspired by the Dutch multicultural model, while Wallonia has been more attracted by the French republican model.

The Walloon Region has placed the responsibility of integration on the immigrant. In Wallonia, the reception programme includes improved co-ordination of French and literacy courses, giving new immigrants information relating to their socio-cultural and civic integration, the setting-up of reception and information bureaus in certain municipal authorities and the co-ordination of the various participants involved in the integration process. It emphasised vocational integration with its announcement of adaptations to the equivalence qualification system and the accreditation of professional competences, the simplification of procedures for obtaining work permits, access to public sector jobs and its plans to set up measures against job recruitment discrimination. The Walloon Region also indicated its plans to focus the resources of FIPI (Fund for Immigrants Policy Promotion) on concerted objectives and to cooperate with the relevant bodies in order to improve neighbourhood actions.

The French Community has indicated that the integration of foreigners should be achieved by means of improved co-ordination between authorities, which fund language and literacy courses and by adapting professional competencies. It also emphasises the integration of new immigrants and it has stated its intention to focus on illiteracy especially in people of foreign origin. Finally, it announced an education policy aimed at stimulating intercultural dialogue, with a particular focus on providing support to the development of joint courses by teachers of religion and secular ethics teachers, and by organising courses on immigration history.

The **Carrefour Interculturel Wallon** (Intercultural Walloon meeting point) was created in 2004 (after a ruling by the Walloon government in 2002). The intercultural policy aims to foster the agreement of and co-ordination between all local and regional actors ([www.ciweb.be](http://www.ciweb.be)).

Another body created to provide advice on the access of foreigners to social, cultural, economical and other rights, is the **Walloon Consultative Council for the Integration of Foreigners and of Persons of Foreign Origin**. Strategies developed after the 2004 regional election include measures to combat discrimination in housing, education and employment.

## **Integration in Flanders**

Until 2004, integration was a subdivision of the Ministry of Welfare. Things changed with the inauguration of the new Flemish government in 2004: for the first time Flanders has a

Minister of Civic Integration. This suggests that the subject of integration is becoming more important.

As mentioned above, Flanders' approach was for a long time inspired by the Dutch multicultural model. In the mid 90s more weight was given to social and economic considerations in the integration policies. The decree of 28 April 1998, concerning the policy of minorities, defines integration as the full participation of foreigners in Flemish society. However, the strategies for implementing this goal have been the subject of years of political and social debate. More and more, the proficiency in the language (Dutch) and of the prevailing values and norms were brought into focus. In this context, the Flemish government agreed on a civic integration decree (28 February 2003): starting on 1 April 2004 all adult newcomers<sup>5</sup> registering in a Flemish municipality are obliged to participate in an integration programme. This introductory programme consists of two parts: a training programme and one-on-one study path guidance. The training programme comprises a language course (Dutch), social guidance and career guidance. The idea is to enable the newcomers to learn the daily routine of the host society. A team of partners (the welcome office, the House of the Dutch language and the unemployment service (VDAB) ensures that the integration process is tailored as much as possible to the newcomer. The integration process is free for most newcomers.

In 2004 a new Flemish government was inaugurated and for the first time in history, Flanders established a Minister for Integration. In his policy plan, the Minister focuses on the management of the existing diversity in the Flemish society. Foreigners and natives need to pursue an 'active and shared citizenship', with shared values and norms. They may no longer shut themselves in their own communities. Instead, immigrants must be receptive to other communities. In the process he introduced new terminology. Instead of talking about an 'integration policy for minorities', he prefers to use the term 'diversity policy'. This change in terminology goes together with a changing view in society. The policy plan stresses that the time of monocultures is over, that the Flemish society is no longer a society where different communities live isolated from each other. The new policy aims to make a society in which individuals with different backgrounds live together and respect this diversity. The individuality and cultural identity of each citizen needs to be respected, within a set of prevailing norms and values that are to remain the cornerstones of the democratic society.

The policy of the Minister of Integration foresees a change in the sanctions for not participating in the integration process. He links the participation not only to the right to live in a social housing but also to the right to receive a social security benefit. Several NGOs and academics have criticised this proposal. Nevertheless, some housing departments have announced that they have considered adopting this rule.

Another change the Minister wants to implement concerns the target group of the integration policy. Until now, only 'new comers' were obliged to take the integration course. The Minister now wants the 'old-comers' to take the lessons as well. Asylum seekers, whose application has not yet been deliberated upon, are excluded from the integration process.

Recently, a public debate was held in Flanders concerning the financing of migrant organisations, organised by nationality. According to some political parties, the fact that the government is financing these organisations is an obstruction to the successful integration of migrants in the Flemish society. They are in favour of 'inclusive' organisations. Several NGOs, including the *Minderhedenforum (Minority Forum)*, voiced their opposition to this idea. Some politicians reacted by proposing to introduce a quota in the organisations.

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<sup>5</sup> This obligation does not apply to all newcomers. Those exempt include members of the EU and highly-skilled people who intend on staying in Flanders or Brussels for no more than four years, and those who have full time work.

## Integration in Brussels

The region of Brussels, a crossroad between Belgian national groups, is trying to develop its own approach by combining elements from all of the available models. The regional elections of June 2004 show also that in Brussels, a significant number of Belgians of foreign origin have been elected.

In 2004, an investigation into **discrimination in housing** in Brussels has been published. The report *Désolé, c'est déjà loué!* (Sorry, it is rented already!) has been published by MRAX and described the difficulties for foreigners to find a house in Brussels ([www.mrax.be/Campagnes/dejaloue/livre noir.pdf](http://www.mrax.be/Campagnes/dejaloue/livre noir.pdf)). There has been a discussion on a project of royal ordinance on testing methods which divided the government. This way of investigation (testing in order to prove the existence of discrimination) is not accepted by all in particular liberal parties. Employer's federation and landholder's organisations also disapprove ([www.mrax.be/article.php3?id\\_article=127](http://www.mrax.be/article.php3?id_article=127)).

In the framework of the Social Pact for Employment in Brussels signed in 2002, the government of Brussels has ordered a new study on **job recruitment discrimination**. The ORBEM (regional office for employment in Brussels) had opened, in May 2003, a window for complaining in case of discrimination.

The report, *Discrimination against persons of foreign origin in the Brussels Capital Region labour market* ([www.orbem.be/fr/observatoire/observatoire\\_publications\\_kul\\_ulb\\_fr.htm](http://www.orbem.be/fr/observatoire/observatoire_publications_kul_ulb_fr.htm)), was published by the University of Leuven (KULeuven) and the Free University of Brussels (ULB) in Spring 2005. It outlined different aspects and contexts of discrimination in Brussels. Different categories of workers and unemployed persons have different (unequal) opportunities for employment. Workers of Moroccan or Turkish origin are frequently employed in the sectors with lower wages. Belgian nationality does not change the situation. It also found that the period of unemployment is longer for the same category (Turkish and Moroccan) even if they are qualified (with higher education). The report also points the various types of discriminations and shows how persons of foreign origin are absent in specific jobs (particularly those with higher wages). It demonstrates how the job distribution is ethnically based.

Following this report, the Minister of Employment in the Brussels region presented a strategic plan of global action to fight job recruitment discrimination. This plan has six main objectives: (1) giving tools to the Brussels region in order to study the phenomenon of job recruitment discrimination and in particular statistical tools; (2) informing students on their rights and access to employment from secondary school; (3) networking all the public vacancies and creating a school of cadets for all authority bodies; (4) improving training opportunities, especially languages courses; (5) launching a charter of diversity in the companies and (6) creating a sponsorship network between employers and freelance immigrant workers.

### 1.3 The brain drain debate

As in many countries, the Belgian Migration policy is to a large extent still based on legislation dating from the end of the sixties and implemented in 1974, the so called 'migration stop'. This *stop* did not imply a complete closure of the borders, but meant limited entry to the Belgian labour market for foreigners. Only highly skilled people, managers and some other specific categories could enter the country through the labour market scheme and this for only a limited period (for more information, please see section 1.1).

The Flemish employers' organisation VOKA (then called VEV: Vlaams Economisch Verbond) has advocated since 2000 a reopening of the borders for new (mainly highly skilled)

migrants. International evolutions, the demographic situation and shortages on the labour market necessitate a relaxation of the migration policy, says the VEV. The organisation sparked off the debate. The senate organised a commission that invited all relevant stakeholders, and published a report on it. Social partners and other actors formulated positions and conferred in the National Labour Council that produces advice related to the issue (advice 1,400 issued in 2001).

This could have led to a real debate on the highly skilled, but the economic and political situation changed on 11 September 2001 - the positive attitude towards new migrants to fill the shortages on the labour market, melted away.

The Minister for Home Affairs has breathed new life into the debate, in the same way that the former EU Commissioner Vittorino did when he argued strongly in favour of the migration of the highly skilled to Europe. He took a clear position and waited for reactions from civil society (see section 1.1). The topic is (still) not high on the political agenda, although it emerges every so often in the press, such as when it became clear that some larger companies are working with Indian ICT specialists.

Given the fact that no structural public debate on labour migration seems to be launched in Belgium, the question of the brain drain has never been elaborated in public discussion, neither in general nor in relation to specific sending countries. The brain drain argument has been used by both sides of the debate – both *for* and *against* labour migration.

## **2. Basing policies on evidence and consultation**

A migration policy is a multi-faceted policy. It involves labour migration, asylum, (forced) return, regularisation, integration and policies targeting illegal migration, human trafficking, smuggling, etc. As outlined above, Belgium is a federal state where the competencies related to migration policy in general are divided among different departments of the federal state and among the federal state and the Communities and the Regions. The decision-making powers are no longer exclusively with the federal government and federal parliament. The country is run by various bodies, which fulfil their assigned responsibilities autonomously.

Apart from the government bodies, different (national and international) non-government organisations are active in the field of advocacy, lobbying, and the protection of the rights of migrant communities, etc. A third group of organisations in the debate are the international governmental organisations, such as IOM, which collaborate with the government in the implementation of the migration policy.

### **2.1 Making use of knowledge**

In the following, we refer to some scientific studies about the issues of migration, integration and brain drain.

#### **Studies on migration**

In 2003-2004, CEDEM (University of Liège - ULg), GERME (ULB) and KULeuven carried out research on the involvement of various stakeholders in immigration policy (financed by the Belgian Science Policy). Following a framework of inquiry suggested by UNESCO-MOST, the aim of the research was to evaluate the impact of research on migration policies between 1989 and 2002. "This research has confirmed the general and indirect influence that social sciences have at the level of circulation of concepts and theories that participate in the structuralisation of knowledge in the public sphere" (a summary is available at [www.belspo.be/belspo/home/publ/pub\\_ostc/WM/UN1201\\_en.pdf](http://www.belspo.be/belspo/home/publ/pub_ostc/WM/UN1201_en.pdf)). The research shows that several elements influence the importance of scientific information in making migration policy. These include political factors, such as changes in the institutions; the international context (the issues at the top of the international agenda); and the role lobbyists take in the interface between scientific and political worlds, etc. It also pinpointed the lack of data, which could facilitate the monitoring of ethnic minorities' participation in the society. Furthermore, it highlighted the precarious situation of the scientific research in the framework of the changes in the European universities and the risk that scientific research loses its independency.

If scientific research can help the policy-making, an exclusively policy-driven approach would lose its specificity. Indeed, the objectives of a policy-driven research and of scientific research are different. Among others, the first tries to find policies responses or answers to migration issues, the second aims primarily at increasing knowledge in the field of migration and to better understand migration. The research itself gives also several recommendations regarding research policy in social science in the field of immigration and regarding the interactions between the scientific community, the political community and other stakeholders. Among the latter, the report recommends setting up a partnership between these three types of actors, the setting up of centres of excellence in the field of immigration at the different levels of the government (as in Canada) and last, but not least exchanging data between the various levels of competences.

The Belgian Science Policy also financed other researches to conduct studies on migration, such as the study of informal and formal patterns of solidarity within the field of migration



(Blommaert, J. Et al 2005) and the attitude towards asylum seekers (Meert, H. et al 2004, Meireman K. et al. 2004, and Gsir S. et al. 2004).

Recently, a research team of the KULeuven and Idea Consult studied the consequences of the EU enlargement on the Flemish labour market. This research was financed by Viona and ESF. Their main conclusion is that we may not overestimate the current and future presence in Flanders of migrant labour forces, coming from the 'new' EU Member States ([www2.vlaanderen.be/ned/sites/werk/viona/2003/R\\_Gevolgen\\_EUuitbreiding\\_Vlaamse\\_arbeidsmarkt.pdf](http://www2.vlaanderen.be/ned/sites/werk/viona/2003/R_Gevolgen_EUuitbreiding_Vlaamse_arbeidsmarkt.pdf)).

### **Studies on integration**

Without a doubt, the most prominent issue in current research focuses on the integration of foreigners in the labour market.

Okkerse and Termote concluded in their research that it is more difficult for foreigners, coming from non-EU Member States, to find a job, than it is for native Belgians, and the situation is particularly difficult for Turks and Moroccans ([http://statbel.fgov.be/studies/study111\\_nl.asp](http://statbel.fgov.be/studies/study111_nl.asp)).

Lieven Devisscher has also interviewed asylum seekers and other stakeholders about the possibilities and limitations for asylum seekers to get a job ([www.ociv.be/pdf/samira.pdf](http://www.ociv.be/pdf/samira.pdf)).

A consortium of HIVA (KULeuven) and OASeS (University of Antwerp) evaluates the Flemish integration Policy (inburgeringsbeleid). This research is ongoing.

More recently, as mentioned above, the University of Leuven (KULeuven) and the Free University of Brussels (ULB) undertook a study on "The discrimination of persons of foreign origin on the Brussels Capital Region labour market". The study, coordinated by Albert Martens and Nouria Ouali, highlights the specific problems met by a migrant's children, the so-called second generation.

### **Studies on brain drain**

There are currently no studies on brain drain or the migration of the highly skilled immigrants. However, the topic is addressed in some research, such as the research commissioned by the Flemish Inter-university Council (VLIR), which is in favour of the Belgian Development co-operation (DGDC) by HIVA (KULeuven). HIVA also wrote a report on the needs of the labour market and the debate to re-open the borders for (highly skilled) migrants. Other related topics are also studied, including, for example, the position of the highly skilled migrants on the labour market, but none of these studies addresses the so-called 'brain drain' debate directly.

Apart from the research requested by the governments, some events can be ventures for the circulation of ideas. Such was the case in October 2004, when a consortium of universities organised a Colloquium *Thinking immigration in another way* (Penser l'immigration autrement). It was privately funded and supported by several foundations and government bodies. It contributed to the aim of realising a state of the art of immigration and integration policy and to debate recent research in the field. The initiative also aimed to show the positive aspects of immigration.

Last February, the Council of Ministers approved the research programme *Society and future*. The Belgian Federal Public Science Policy has launched a first call to Belgian university institutions and research and study centres from the non-profit sector for research projects. The programme focused on several points and one of them is dedicated to the

multicultural society and the social cohesion. The call indicates the priorities of research for the Government: the multicultural society, women migrants and new migrations.

## 2.2 Stakeholder consultation

The debate on future migration challenges and policies coordinated by the Belgian Senate in 2001 can be considered a rare example of a well-structured public consultation, with considerable resources to enable high quality background information and reporting. A range of stakeholders participated in the process, including officials, academic experts in different disciplines, trade unions, employers and NGOs, for example. The conclusions of that debate did not, however, lead to the consolidated implementation of ideas due to the events of 11 September 2001.

Since September 2001, public discussions have been focused on detailed questions – to a large extent the questions have remained on the public agenda thanks to social and political forces. One cannot say that there is no involvement of stakeholders in the decision-making processes dealing with migration and integration – on the contrary, constant advocacy seems to be at work. And one cannot say, either, that migration and integration policy making does not involve all public stakeholders: migration and integration, at least in their policy competences have permeated a large number of policy fields at the federal, regional and local level.

Three conclusions can be drawn from an observation of the public dialogue:

- **'Labour migration'** is, first and foremost a matter of primary concern for social partners (employers and trade unions): they are in a strong position to steer the issues, and mould the policy agenda;
- **'Migration and development'** will need a primarily consensus between both spheres of competences (be it between public bodies or between NGOs) as regards the objectives of development aid that migration could serve
- **EU migration policy making** as such does not give rise to a comprehensive, structured public dialogue as regards its consequences for Belgium. King Baudouin Foundation's initiatives seem to be the only attempts to raise awareness about it.

## The stakeholders

### 1. Government departments

Belgium has neither a single government body responsible for all migration related issues, such as a ministry of migration, nor an efficient institutionalised consultation structure for migration. Entry policy is the responsibility of the Federal Public Service Home Affairs; social integration and housing or sheltering of asylum seekers are the responsibility of the Federal Public Service Social Integration; labour policy is the responsibility of the Federal Public Service Employment, Labour and Social Dialogue. The implementation of the labour policy is the responsibility of the governments at the regional level and integration is the responsibility of the Communities.

At the federal level, the *Inter-ministerial Conference for Immigrants' Policy* aims to organising the dialogue between the various departments (federal, regional, and community) in charge of migration and integration in order to ensure the integration and connection between the policies decided at the various levels of government. The Prime Minister chairs the conference and the secretariat falls to the Centre for Equal Opportunities and Opposition to

Racism. The present government has called the conference only once to deal with integration issues. This interesting tool has been under-used despite its enormous potential.

## **Federal competence**

*Federal Public Service Home Affairs* ([www.ibz.fgov.be](http://www.ibz.fgov.be))

The Federal Public Service Home Affairs hosts different asylum authorities: the Aliens Office (AO), the Commissioner General for Refugees and Stateless People (CGRS) and Permanent Commission of Appeal for Refugees (PCA).

*Aliens office* (Office des Etrangers/ Dienst Vreemdelingenzaken — [www.dofi.fgov.be](http://www.dofi.fgov.be))

The Aliens Office (A.O.) is responsible for the management of the entry of foreigners to Belgian territory, their stay, their settlement and, when deemed necessary, the removal of foreigners from Belgian territory. The service employs approximately 1500 people in the central administration in Brussels and in the closed asylum centres.

The main tasks of the Aliens Office, in relation to migration policy are five-fold:

- To manage migration flows and make quick decisions on the validity of applications (including asylum, family reunification and short term stay);
- Adapt the legislation to comply with European law;
- Modernise the Aliens Office and rationalise the processes;
- Assure the repatriation policy takes into account the inevitable regularity of the forced repatriation (voluntary return is, of course, promoted); and
- Boost the struggle against human traffickers in collaboration with other services involved.

The Aliens Office is also the first step in the asylum procedure. The A.O. registers the application of the asylum seekers and examines its accessibility.

*Commissioner General for refugees and stateless people* (Commissariat Général aux Réfugiés et Apatrides (CGRA)/ Commissariaat-generaal voor de Vluchtelingen en Staatlozen (CGVS) - [info.cgrs@mibz.fgov.be](mailto:info.cgrs@mibz.fgov.be))

The Commissioner General for Refugees and Stateless people is an independent body that deals with the next stage of the asylum procedure. The CGRS is an independent authority. The files of asylum applicants, which are admissible, are studied more thoroughly by the CGRS, whose responsibility it is to either grant or deny refugee status. The Commissioner General can also revoke the status of refugee. The CGRS also delivers documents (Registry Office) to people with the status of refugee.

*Permanent Commission of Appeal for Refugees* (Commission Permanente de Recours pour les Réfugiés/ Vaste Beroepscommissie voor Vluchtelingen - [www.cpr.fgov.be](http://www.cpr.fgov.be))

The Permanent Commission of Appeal for Refugees is an administrative court where a revoked asylum applicant can lodge an appeal against the decision that does not recognise the applicant as a refugee. The Permanent Commission of Appeal consists of two chambers, a Dutch chamber and a French chamber. The appeal leads to either a confirmation of the Commissioner General's decision or recognition of refugee status.

*Contact Point* (Point de contact / Contactpunt – 66 Koningsstraat, 1000 Brussels)

Recently, another service was established within the Federal Department of Home Affairs: The Belgian Contact Point of the European Migration Network. The main task of the contact point will be collection and distribution of data on migration.

#### *Federal Public Service Social Integration*

*Federal Agency for the Reception of Asylum seekers:* responsible for housing / shelter (Agence fédérale pour l'accueil des demandeurs d'asile/ Federaal agentschap voor de opvang van asielzoekers – [www.fedasil.be](http://www.fedasil.be))

To manage the network of reception centres in an efficient and co-ordinated way, the federal government decided to set up a federal agency for the reception of asylum seekers (law of 16 February 2001). The agency is responsible for the humane reception of asylum seekers in Belgium. The reception of asylum seekers must be organised efficiently so as to respond in a flexible way to the arrival of newcomers. The agency also stands for the quality of the reception.

The reception network includes 13,000 reception places. The organisation and management of this number of places requires central co-ordination. The reception policy relies to a large extent on co-operation between government bodies, NGOs and non-public partners. The partners include the Red Cross, OCIV – Vluchtelingenwerk Vlaanderen, Cire, The PCSWs and non-public partners.

#### *Federal Public Service of Foreign Affairs* ([www.diplomatie.be](http://www.diplomatie.be))

Visa section - Requests for information about access procedures and any visa requirements for aliens seeking to come to Belgium may also be made to the Visa Section, of the Federal Public Service Foreign Affairs or the Belgian Embassies and Consulates General outside Belgium.

#### *Secretary of State / Minister for Development Co-operation*

The government realised that large scale international migration can be considered a problem. The Secretary of State for Development Co-operation, who is responsible for developing a policy that will link migration and development, now addresses issues relating to new arrivals, and return migration. One of the cornerstones of the concept of sustainable development is *partnership*. The role migrant communities can play in the development policies is also being studied. The function of the Secretary of State for Development Co-operation was upgraded in the last elections to Minister for Development Co-operation.

#### *Directorate-General for Development Co-operation* ([www.dgdc.be](http://www.dgdc.be))

While the Secretary of State has the political responsibility of the development policy, the Directorate-General for Development Co-operation is responsible for the implementation of that policy. In early 2002, a new programme was established within this administration: the programme *Migration and Development*. The goal of this programme is to use the knowledge and expertise of foreigners residing in Belgium, in development initiatives in their country of origin.

#### *Federal Public Service Employment, Labour and Social Dialogue* (<http://meta.fgov.be>)

A new regulation on the employment of foreign workers came into force on 1 April 2003. The legislation comes under the jurisdiction of the Federal Ministry of Labour. While this ministry

designs the framework, the implementation of the legislation is, to a large extent, the competence of the Regions (see below).

The recent change in the legislation was not a surprise. First, the different labour departments at the Regional level (Flanders, Wallonia and Brussels) had already argued that the legal framework could be improved by adapting it to the problems they were facing while implementing the policy. Secondly, some companies, through the sectors and employers organisations, pleaded to re-open the borders for (high skilled) labour migration. This request appears to have been met in the new law, through increased flexibility for the highly skilled. Before incorporating it into the law, the issue was discussed on a number of different levels, including the Senate (see above) and the National Labour Council. Both employer's organisations and Trade Unions are represented in the National Labour Council. The National Labour Council formulated its recommendations based on some 1,400 interviews with stakeholders (Lamberts & Wets, 2002). The recommendations are considered a workable alternative for the time being. A European Guideline is also expected, which will force general deregulation, generating a need for the Belgian government (and social partners) to re-think the legislation on the employment of foreign workers.

*Centre for Equal Opportunities and Opposition to Racism ([www.antiracisme.be](http://www.antiracisme.be))*

The Centre for Equal Opportunities and Opposition to Racism is an Autonomous part of the public service, established by an Act of Parliament on 15 February 1993. It was born out of the political will of the Parliament and the Government in response to proposals by the Royal Commission for Immigrant Policy and the emergence of extremist movements in Belgium

Its principal tasks include: fighting racism and discrimination, maintaining a focus on integration policy; foreigners' rights and recent immigration; fighting poverty; fighting human trafficking; training; documentation and information campaigns.

A Decree of the Council of Ministers of 17 March 2000 based on Article 13 of the Treaty of Amsterdam gives the Centre wider-ranging tasks and powers to fight discrimination on the grounds of gender, sexual preference, birth, civil status, ill health, age and disability, etc.

The Centre implements specific initiatives of a preventive, legal and educational nature.

The Centre offers advice and recommendations to the authorities:

- It has proposed amendments to the law: 1981 Anti-Racism Act, criminal proceedings against press offences, etc;
- It addresses, for instance, intercultural mediation in hospitals after research;
- It protects of the rights of foreigners and active support for parties requesting regularisation;
- It develops proposals concerning naturalisation and the right to vote;
- It monitors the non-discrimination policy in education; and
- It provides guidance in the process of recruiting members of minority groups to the police, etc.

A recent evolution is the creation of a Migration Monitoring Unit in the Centre. The Minister of Interior had decided the establishment of this service upon years ago, at the beginning of this legislature. After a long political discussion, the government decided to entrust the Centre with this Monitoring function.

## **Regional competence / competence of the communities**

### *Brussels*

The Brussels region is competent for the distribution of labour cards and working permits.

Intercultural mediation and an interpreting service have been developed in the health sector in the Brussels Region. There is a need for this service in the hospitals, nurseries, mental health services and social services that take care of the people and refugees who either don't or hardly speak any French.

The Brussels region and the Vlaamse Gemeenschaps Commissie (VGC: the Flemish Community Commission) invest in intercultural mediation in the Brussels region. The non-profit organisation *De Foyer* organises training and employment projects (Onthaalcentrum voor Migranten).

### *Flanders*

Flemish Ministry for Civic Integration ([www.inburgering.be](http://www.inburgering.be))

The Flemish government is responsible for issues like integration (community responsibility) and the distribution of labour cards. This policy is supported by bodies and entities within the administration including:

- Cell integration (cel inburgering)

This section of the Flemish administration is created to follow up the newly developed Flemish integration policy (inburgeringsbeleid) ([www.inburgering.be](http://www.inburgering.be)).

- Inter-departmental Commission for ethnic cultural minorities (ICEM - [www.wvc.vlaanderen.be/minderheden/minderhedenbeleid/icem/](http://www.wvc.vlaanderen.be/minderheden/minderhedenbeleid/icem/))

The Flemish Interdepartmental Commission Ethnic Minorities focuses on five target groups: caravan dwellers, new migrants, migrant youth, irregular migrants and labour migrants. The ICEM supports the Flemish policy related to these groups.

- Cell Migration

The main task of the Cell Migration of the Section employment of the Administration Employment of the Ministry of the Flemish community is the distribution of labour cards and labour permits ([www2.vlaanderen.be/ned/sites/werk/mig\\_kort.htm](http://www2.vlaanderen.be/ned/sites/werk/mig_kort.htm): info only in Dutch).

CAW Centres of general welfare work.

The centres focus on people in need. Two of the target groups are related to the inflow of foreigners. The centres take care of victims of human trafficking and assist asylum seekers with the procedure and with questions of daily life in Belgium: housing, social administration, income, relations.

### *Wallonia / French speaking community / German speaking community*

Labour Market Policy. Labour cards or working permits are competencies of the Ministry of Walloon Region ([www.wallonie.be](http://www.wallonie.be)) or the Ministry of the German speaking Region ([www.dglive.be](http://www.dglive.be)).

## Local level

### *Public Centres for Social Welfare (PCSW)*

A number of local administrations (PCSW) also offer a relief facility for asylum seekers. An asylum seeker can be assigned to a particular PCSW if they are deemed in need and if he/she is in the substantive phase of the procedure<sup>6</sup>. To guarantee the harmonious spreading of the asylum seekers over the municipalities, a *Distribution Plan* was developed. Each PCSW of the country has to take care of a quota of asylum seekers depending for example of the size of the municipality. It aims to distribute the charge of reception and it encourages the CPAS in creating LIR (Local initiatives of reception) by the principle of double counting. One asylum seeker lodged in a LIR is equivalent to two asylum seekers in the quota assigned. During the admissibility phase, the asylum seekers have to stay in open reception centres in order to receive assistance. As soon as they are assigned to a PCSW, they can choose their place of living except if they accept to be lodged in a LIR managed by their PCSW. They are not obliged to live in the municipality of their PCSW.

## Mixed initiatives

### *Centre for Voluntary Return and Development*

The migration and, more specifically, the asylum policy continuously monitored by different NGOs, including the OCIV – Vluchtelingenwerk Vlaanderen and CIRE (see below). In some of the policy developments, the influence of these organisations is very visible. In 2002, for example, the *Centre for Voluntary Return and Development* was established, an organisation where the government participates together with NGOs (like OCIV and CIRE) and international government organisations. There are two key goals of the centre. The first goal is to provide material and psychological support to rejected asylum seekers and to those illegally residing in the country. The second goal is to investigate the possibilities for individual returnees to develop 'development relevant' initiatives to assure that the return facilitates the development of the region of origin.

### *Regional Centres for Integration (Brussels and Wallonia) (www.cbai.be)*

Following the transfer of competencies to the regional level in the field of integration, the Walloon Government decided in 1996 to develop its integration policy in relation with local political institutions and NGOs. The decree on the integration of foreigners and citizens with foreign origins instituted seven regional centres for the integration whose mission is to develop at the local level, regional integration policies. These centres are legally non-profit organisations (www.ceraic.be).

These seven centres are part of a federation called FECRI (Fédération des Centres Régionaux d'Intégration). The federation aims to promote integration and cooperation between the actions of the seven centres.

Aside from this, following an initiative of the Walloon Minister of Social Integration, a new organisation was created in 2002 called *Carrefour Interculturel Wallon*, a non-profit organisation. The *Carrefour Interculturel Wallon* has four missions:

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<sup>6</sup> Since 1 January 2001, the asylum seeker receives only **in-kind assistance** (food and shelter) during the first stage of the asylum procedure judging if he/she is admissible (admissibility phase). During the second stage (substantive phase), he/she can receive cash benefits. The material help is conditioned by residing in a centre or ILA.

- a) The promotion of dialogue between the various local and regional stakeholders, public and private in order to ensure better transferability of public policies in the field of integration;
- b) The valorisation of intercultural initiatives at the sub-regional, regional and international level;
- c) The construction of policy evaluation tools;
- d) Wide dissemination of information about integration.

It is far too early to say anything about the results of this new organisation

## **Non-governmental organisations**

### **National non-governmental organisations**

A lot of NGOs are active in relief work for asylum seekers, refugees and undocumented migrants, etc.

Some of them are listed below:

*OCIV – Vluchtelingenwerk – CIRE* ([www.ociv.be](http://www.ociv.be); [www.cire.be](http://www.cire.be))

OCIV – Vluchtelingenwerk Vlaanderen in the Dutch speaking part of the country and CIRE Coordination et Initiatives pour Réfugiés et Etrangers in the French speaking part of the country, are umbrella organisations of non-government organisations which specialise in asylum matters. In co-ordination with other member organisations (Caritas International Aid, Social Service of the Socialist Solidarity), OCIV and CIRE offer a relief capacity of several hundreds of beds in private houses, spread across the country.

The main goals of OCIV are to guard the asylum procedure; promote relief and (re)integration of asylum seekers, refugees and those not recognised as refugees. OCIV works through individual support as well as through advocacy and lobbying to change the Regional, Federal and European legislation.

CIRE is a federation on NGOs who promote the rights of refugees and foreigners in Belgium. The main services of CIRE are sensitisation, housing, employment, interpreter services, assisting voluntary return and assisting initiatives of returnees in the countries of origin.

*Vlaams Minderhedencentrum (VMC) Flemish Minorities Centre* ([www.vmc.be](http://www.vmc.be))

The main tasks of the centre are the reception of newcomers, offering relief and assistance to illegal residents. The centre also supports the integration sector to integrate migrants, asylum seekers in the admission phase, recognised refugees, people in the process of family reunion, labour migrants and undocumented migrants to integrate in the Flemish society

*Centre National de Coopération au Développement (CNCD)* ([www.cncd.be](http://www.cncd.be))

The National Centre for Development Cooperation has a three-fold objective: questioning the national and international political stakeholders on cooperation and development issues, providing information on development and cooperation to a wide audience and through the 11.11.11 operation funding development projects. Conscious that migrants are also actors of development, the CNCD has also a migration and development platform which is focused on this issue and gather several stakeholders (for more information, please go to [www.cncd.be/pages/thema\\_coop\\_mig\\_cont.cfm](http://www.cncd.be/pages/thema_coop_mig_cont.cfm)).



*Ligue des droits de l'homme/ liga voor de mensenrechten.* The general goal of the *league of Human Rights* is to fight against injustice and struggle against any arbitrary attack on the rights of an individual or the society.

*Mrax Mouvement contre le racisme et la xénophobie* ([www.mrax.be](http://www.mrax.be)) The Movement against Racism and Xenophobia monitor racism and xenophobia in Belgium and provides information campaign and helps victims of racism such as migrants.

*Medimmigrant* ([www.medimmigrant.be](http://www.medimmigrant.be)) Medimmigrant (previously called Medisch Steunpunt Mensen Zonder Papier) is an organisation, which aims at giving access to irregular migrants to medical help. It also lobby's for the consideration of migrant's medical needs to be written into the migration policy.

*Centra voor Algemeen Welzijnswerk (CAW)* ([www.caw.be](http://www.caw.be))

### **International non-governmental organisations**

*Red Cross (Rode Kruis Vlaanderen / Croix Rouge de Belgique, Communauté Francophone.* ([www.croix-rouge.be](http://www.croix-rouge.be)) The goals of the Red Cross activities are fourfold. First the reception of asylum seekers: The Red Cross is giving shelter and information on the asylum procedure. The second goal is integration: The asylum seekers introduced to Belgian society, language classes are organised and the asylum seekers are assisted in their efforts to find a job. The third and the fourth goals are respectively psychological and medical assistance.

*Caritas International* ([www.caritas-int.be](http://www.caritas-int.be)) Caritas Belgium provides help to asylum seekers, refugees and new migrants. It gives them social accompaniment and helps them in housing. Recently, it also participates to a voluntary return programme for asylum seekers

### **International governmental organisations**

*IOM* ([www.belgium.iom.int](http://www.belgium.iom.int)) Just as in many other countries, the IOM is active in Belgium. The IOM is focused on assisting returnees and trans-migrants to reach their destination.

### **Social Partners**

#### *Employers organisations*

Recently, the employer's organisations have also started to participate in the migration debate. Shortages in the labour market have inspired some federations and umbrella organisations to re-open the debate on Labour Migration. Given the actual situation of the economy, and the expected prospects, their voices are not as loud, even though some sectors struggle with structural shortages of labour.

#### *Trade unions*

As soon as the employer's organisations proclaimed their ideas on the re-opening of the Belgian labour market to foreign workers, there was a reaction by the trade unions. However, both parties met one another in the National Labour Council, where a compromise was formulated (advice 1,400).

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