

**OSCE PA AD HOC COMMITTEE ON MIGRATION
VISIT TO BRUSSELS
(5-6 February 2018)**

FINAL REPORT



Members of the Ad Hoc Committee on Migration at the Belgian House of Representatives in Brussels, together with Simon Mordue, Deputy Director-General for Migration and Home Affairs of the European Commission, 6 Feb. 2018

22 February 2018

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I. Introduction

On 5-6 February 2018, 11 members of the OSCE PA Ad Hoc Committee on Migration travelled to Brussels to learn more about Belgian migration and asylum policies, procedures for unaccompanied minors (UAMs) as well as measures to promote the integration of refugees. The visit was hosted by the Belgian delegation to the OSCE PA, headed by Ms. Nahima Lanjri, and the Belgian House of Representatives.¹

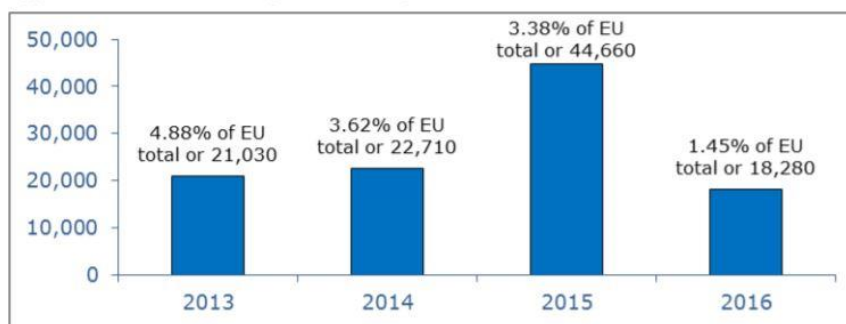
This visit also provided the opportunity to meet with officials from the EU, IOM and UNHCR to follow up on the Committee's recommendations on [Ensuring a Coherent, Shared and Responsible Governance of Migration and Refugee Flows](#) adopted in Minsk in July 2017. The discussions focused on implementation of the European Agenda on Migration and the international community's efforts to deal with the humanitarian crisis in Libya.

II. Background

Belgium is often overlooked as a country of immigration. Indeed, over the last three decades Belgium has become a permanent country of settlement for many different types of migrants. In the 1960s, Belgium set out to attract inflows of immigrant labor migration, concluding bilateral agreements with Southern European and Northern African countries as well as Turkey within a flexible work-permit regime accompanied by lenient family reunification rules. In 1974, however, a formal cap was introduced to limit economic migration. The first comprehensive effort to regulate immigration law dates to 1980.² Policies in the field of asylum, family reunification, citizenship and integration policies have slowly developed over the years.

Since the 1990s, the number in asylum applications has steadily increased. Applications peaked throughout the 1990s and early 2000s. Belgium experienced a 30 per cent increase in the number of refugees and migrants in 2015, although the overall number of persons seeking asylum in Belgium was still relatively small compared to overall asylum applications in the EU. Following the tightening of UK-French border controls and especially after the clearing of the 'jungle' camp in Calais at the end of 2016, Belgium experienced an increase in migrants seeking alternative routes to the United Kingdom. The top three countries of origin of applicants in 2016 and 2017 were Afghanistan (15 per cent of asylum applications), Syria (13 per cent), and Iraq (6 per cent).

Figure 2: Number of asylum applications and as a share of the total number of applications in the EU (2013-2016)



Source: Eurostat migration statistics ([migr_asyappctza](#)), data extracted 02/08/2017

¹ See Annex I for the Programme and List of Participants of this visit. For more on the activities of the Ad Hoc Committee on Migration, see: <http://www.oscepa.org/parliamentary-diplomacy/refugee-and-migrant-crisis-the-osce-pa-responds> [accessed 9 February 2018].

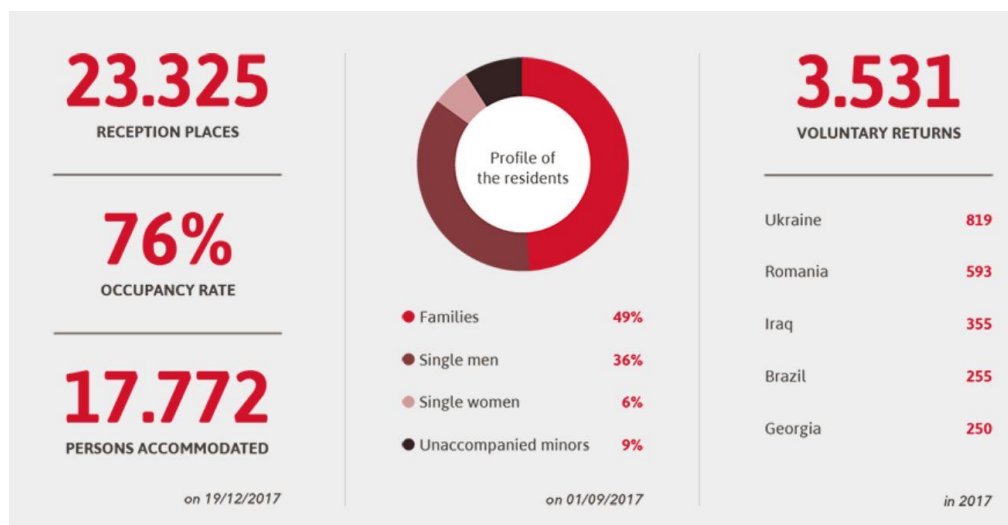
² See the law of 15 December 1980 on entry, residence, settlement and removal of foreign nationals ('Immigration Act') (<http://www.ejustice.just.fgov.be/eli/loi/1980/12/15/1980121550/justel>). The Immigration Act has been amended many times since.

The current asylum procedure came into force on 1 June 2007.³ Prior to that, no material support framework existed for asylum applicants beyond the admissibility phase of the asylum procedure. To respond to increasing reception needs, additional human and financial resources were allocated to structurally expand reception places and improve asylum procedures.

In general, immigration and asylum related issues fall under the competence of the federal government. Integration is mainly the competence of the Communities and in Wallonia this is transferred to the Region. A single State Secretary oversees asylum and migration policies at the level of the Federal government.⁴

The Federal Agency for the Reception of Asylum Seekers (Fedasil) was created by the law of 19 July 2001 and has been operational since May 2002. In October 2014, it was transferred to the competence of the Belgian State Secretary for Asylum Policy and Migration, Theo Francken. Following a significant drop in 2016 in the number of asylum-seekers, the government decided to reduce capacity by about 10,000 places, in particular by closing around 30 temporary centres opened in 2015. Currently, about 17,700 asylum seekers are accommodated in 60 centres managed by Fedasil or partner organizations. A total of 24,400 places are available⁵.

The right to reception ends once the asylum procedure has ended and all possible appeals have failed. If the subject has been granted asylum, he/she receives a residence permit and is allowed to stay at the centre for an additional **two months** while searching for accommodation. If the subject is not granted asylum, he/she receives an order to leave the country and is referred to one of the four centres that organize voluntary returns managed by Fedasil.



In October 2012, formal integration requirements were adopted, including proof of economic participation and knowledge of language, were introduced with the aim of increasing the chances of integration. The minimum residence requirement was also increased to five years. Belgium also reformed its flexible family reunification policy in 2011, introducing stricter conditions and a stronger legal framework to combat marriage fraud.

³ See the Law of 12 January 2007 which regulates reception conditions for asylum seekers and for certain other categories of foreigners (<http://www.ejustice.just.fgov.be/eli/loi/2007/01/12/2007002066/justel>).

⁴ The current State Secretary for Asylum Policy and Migration is Mr. Theo Francken who was sworn in in October 2014. He is attached to the Minister of Security and the Interior, Mr. Jan Jambon.

⁵ See <https://www.fedasil.be/en/news/reception-asylum-seekers/who-are-these-asylum-seekers> and <https://www.fedasil.be/en/reception-centres>

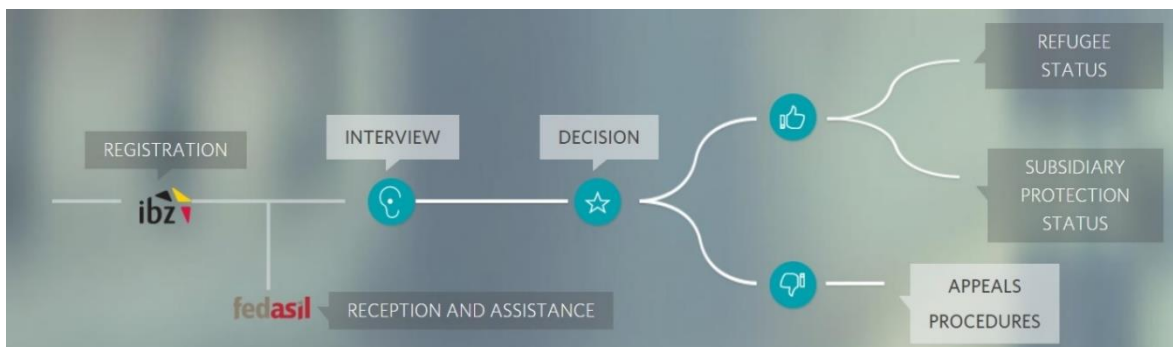
III. Working Visit to the Federal Agency for the Reception of Asylum Seekers (Fedasil)



The first session took place at a Fedasil reception centre in the municipality of Rixensart, located in the province of Walloon Brabant near Brussels, where the delegation was briefed on **Belgian asylum procedures and main actors** followed by an **overview of the reception system**. Federal authorities are responsible for reception and asylum legislation, the organising and financing of reception, forced and voluntary returns as well as resettlement and relocation. The regions deal with integration, education, housing, and

specific groups such as unaccompanied minors (UAMs).

The participants learned about the main stages of the asylum process as well as possible outcomes, including **refugee status** (for those who are found to be persecuted on the grounds defined in the 1951 Refugee Convention) or **subsidiary protection** (for persons at real risk of serious harm if they return to their country of origin). In the case of a negative decision, an appeal may be filed within 30 calendar days of a decision with the Council for alien law litigation, unless the person is in a closed centre or prison in which case they have 15 days.



While Belgium experienced a spike in first asylum applications in 2015, their overall number was smaller than in 2000 during the Kosovo crisis when their number exceeded 45,000. Latest figures for 2017 indicated 15,373 first time applications and 4,315 multiple applications. The top nationalities were Syria, Afghanistan and Iraq. The average recognition rate (all nationalities) in 2017 was 50.7% (and much higher for Syrians alone), up from 22.5 % in 2012. The average duration of the asylum procedure ranges from 6 months (for Syrians) to about 2 years (for Iraqis).

Fedasil is responsible for the reception of asylum seekers, UAMs, voluntary returns, refugee resettlement, relocation of applicants for international protection, and international co-operation. The legal basis for its activities is provided by the **2007 National Reception Act** and the **EU Reception Conditions Directive**.⁶ Reception is provided either in large, collective centres or individual reception facilities until a decision is reached on the asylum application. If it is positive, the person has two months to find accommodation (unless there are special circumstances). In case of a negative decision, the person is transferred to a reception for voluntary returns for 30 days.

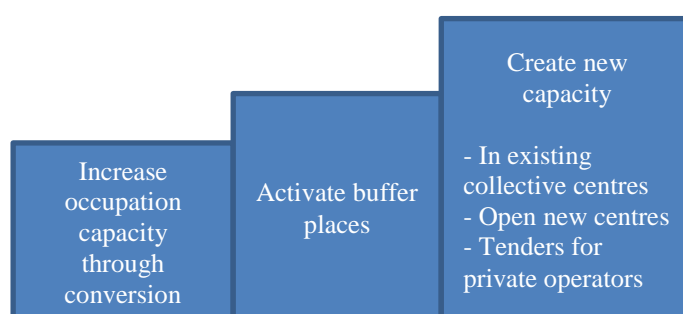
⁶ Originally adopted in 2003, it was recast in 2013 (Directive 2013/33/EU of the European Parliament and Council of 26 June 2013 laying down standards for the reception of applicants for international protection).

Faster access to individual reception places is offered for certain categories of persons: those granted or likely to be granted refugee status or subsidiary protection, as well as persons with special needs (e.g. persons with disabilities, pregnant women, UAMs) in order to establish a **clear link between the asylum procedure and reception**. Overall capacity is currently about 24,000 places, of which 2/3 are in 57 medium to large **open collective centres** managed by Fedasil and its partners. There are also smaller centres and local initiatives. The aim of individual housing managed by municipalities is **faster integration** as it is hoped that people will settle there rather than in the big cities.



The **flexible reception model** designed in 2014 incorporates “buffer places” (rented flats which are kept empty). It also seeks to take into account special reception needs: together with partners (NGOs), a number of centres specialised in vulnerable groups. Since 2016, there has been a phasing out of places down from 35,000 due to reduced demand. A public tender has been made to the private sector for the provision of reception capacity. A contingency plan is also being prepared.

Creating capacity: flexible reception model



Although there has been no comprehensive evaluation yet, overall feedback thus far is positive. Certain challenges have also been highlighted, e.g. in finding suitable accommodation after asylum is granted, access to healthcare (due to language barriers as well as psychological issues), and access to employment/training opportunities.

Rixensart reception centre

Opened in 1997, Rixensart is a medium sized centre with a total capacity of 170 places of which 42 are reserved for UAMs, specifically pregnant girls or young mothers (the only one of its kind in Belgium). It employs 40 members of staff and offers medical and psychological care, legal aid and information, psycho-social support as well as a nursery. As it has been operating for over twenty years, it is well integrated in the local community and involves 60-70 local volunteers who help the children with their homework and other activities.

Adapted care

The residents are dispatched by Fedasil in Brussels within a week of registration, following preliminary screening. A further assessment of individual special needs is made at the centre within 30 days and an individual guidance plan is drawn up. If necessary, a resident can be referred to individual housing after 4 months. Specific needs can be identified throughout the reception pathway. Two nurses offer individual care programmes. The aim is for the stay in a collective centre not to exceed 8-9 months. Residents are also informed about the programme of voluntary returns upon their arrival.



“Bed, bath and bread”

Residents are provided with “bed, bath and bread”, i.e. basic needs, and pocket money (€7.70/week/person or €6/week/child). They also have the possibility of helping with tasks in the centre in exchange for remuneration (up to a maximum of €185/month). Meals are catered by private suppliers. Kitchens are currently being built and residents will receive vouchers so that they can prepare their own food, and also have the opportunity to socialise around meal preparation.

Transition to integration

Due to a significant increase in recognition rates (over 50 per cent), there is a new integration mission called “**transition to integration**”. After 4 months, all applicants can request a work permit. Staff assist with evaluating the residents’ skills, professional background and interests. Adults are also offered language courses. Children must attend local schools, either in separate classes where they receive language instruction or in classes jointly other children. Some schools have been able to survive thanks to the additional funds received for these purposes.

Unaccompanied minors

The Royal Decree of 11 July 2003 defining the functions of and the judicial procedures for the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) established a special procedure for dealing with asylum applications by unaccompanied foreign minors from third countries.⁷ A number of additional legislative acts were subsequently adopted, including an amendment in 2014 expanding the procedure to also include minors from EU states in a very vulnerable position or victims of human trafficking.⁸



⁷ Royal decree of 11 July 2003,

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2003071105&table_name=loi

- UAMs are sent first to a COO (Observation and Orientation Centre) where they spend one month at most. In case of doubt regarding the minor's age, an age determination test is carried out (a medical test consisting of a triple radiograph of the teeth, collarbone and wrists). If the person is found to be a minor, or if there is no doubt, a guardian is assigned by the Guardianship Service⁹ and the minor's psychological and medical needs are assessed. The legal guardian also helps the minor decide whether or not to apply for asylum.
- The most adapted reception facility is then designated based on the needs assessment. Most reception centres also shelter UAMs who have dedicated staff and receive extra care in a separate section. UAMs can also stay with relatives in Belgium.
- If the UAM is granted protection, individual housing can be proposed, depending on age and level of autonomy. Minors under 15 years old fall under the Belgian youth care system.

In the **discussion**, a number of issues were raised, namely controversies around **age determination tests** and the **need for common European guidelines**. As these tests have a wide error margin (about two years), the lower age is always accepted. The participants also heard that children may not be detained and that the COOs were created with the aim of avoiding the detention of minors. If an UAM 'ages out' before a decision is made on the asylum application, then they are moved to the adult section. If a negative decision is reached before the child turns 18, then the legal guardian helps decide the best option together with the child which can include staying in Belgium if there are prospects for school/training. Very few minors 'disappear' from Rixensart.

Committee Member Nahima Lanjri explained in further detail the **special protection** which minors can apply for instead of asylum. After three years, if the guardian can prove that it is in the child's best interest to stay in Belgium, they receive a residence permit (if they are still under 18). She also noted that, following an amendment to the 1980 Immigration Act adopted in 2015,¹⁰ unaccompanied minors could now simultaneously apply for asylum as well as special protection.

IV. Working Visit to Brussels Integration Agency (BON)

The delegation then visited the Brussels Integration Agency located in the Brussels municipality of Molenbeek. BON (Brussels Onthaalbureau/Welcome Office, an affiliate of the Agency for Integration and Citizenship) was created in 2004, when integration programmes were made compulsory for all newcomers in Flanders. BON has four local offices and 120 employees and is financed by the Flemish Government. Its target audiences are newcomers as well as "old comers", including minor newcomers, as well as local authorities, companies and the general public. BON welcomes 4-5,000



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⁸ See in particular the Law of 23 June 2011 modifying the Immigration Act of 15 December 1980, which granted temporary residence to foreign unaccompanied minors

(<http://www.dekamer.be/FLWB/PDF/53/0288/53K0288010.pdf>), as well as the 3 April 2014 amendment (<http://www.dekamer.be/FLWB/PDF/53/3469/53K3469005.pdf>).

⁹ See: Guardianship Act of 24 December 2002,

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&table_name=loi&cn=2002122445.

¹⁰ Law of 22 January 2015, <http://www.dekamer.be/FLWB/PDF/54/0377/54K0377005.pdf>.

persons each year (out of 20-30,000 newcomers in Brussels each year). The majority (60 per cent) are under 35. BON offers a range of programmes including a five-week social orientation courses in one of 20 ‘contact’ languages; elementary Dutch courses; individual guidance and career orientation – so far all free of charge. An individual path is defined based on the results of a cognitive test as well as language skills and level of education, and candidates sign a commitment contract. Practical help is also offered with social services, day care, immigration procedures, etc. Support for diploma recognition is also provided. Individual guidance is the key to successful integration, according to the regional manager who also underlined the importance of volunteering.

Following the presentation, the Committee members briefly attended one of the sessions of Café Coloré, in which refugees and Belgians engage in discussions on topics related to family and relationships, work, leisure activities, religion, etc. MPs took part in the lively discussion concerning women’s participation in the workforce and issues related to equal remuneration and maternity leave.



V. Working Visit to the NGO ‘Minor-Ndako’



The delegation also visited a facility managed by Minor-Ndako,¹¹ dedicated to the care of 24 children between the ages of 2 and 18, most of whom are UAMs but also include Belgian children in the youth care system. Following a brief tour of the facilities, the delegation was briefed on the reception system for UAMs, which historically dates back to the Spanish Civil War when Belgium took in over 5,000 children. The current system was also prompted by the deaths of two young boys from Guinea who were found frozen to death in the landing gear of a plane in 1999.

The participants were given an overview of the three care routes for UAMs in Belgium:

1. Normal trajectory: Fedasil (1,097 registered UAMs in 2017). During the asylum procedure, they get minimum assistance only: “bed, bath and bread” as well as social, legal, medical and psychological assistance.
2. Youth care: Minor-Ndako (for young and vulnerable UAMs)
This route offers more assistance and care and a more familial setting on a smaller scale.
3. Staying with family, friends or on the street

¹¹ Minor-Ndako was founded in 2000 and is funded by the Flemish government as an organization within the youth care system. It offers specialized care to children and young people, with a focus on the most vulnerable, including unaccompanied minors. It employs 130 staff and provides care to over 200 persons.

The asylum trajectory starts at the **Immigration Office** where the minor is registered with the government-run guardianship office. The **Commissioner-General for Refugees and Stateless Persons** conducts a second interview, based on which a decision is reached. There are 3 possible outcomes: (1) refugee status; (2) subsidiary protection; or (3) repatriation order. The **Council for Alien Litigation** examines appeals concerning age determination.

Other possible procedures for UAMs include:

- Special residence for UAMs (permit to stay for 6 months);
- Humanitarian regularization;
- Medical regularization;
- Victims of human trafficking/smuggling

A **guardian** is appointed as soon as possible to guard the rights and wellbeing of the child, ensure enrolment in school, help with procedures, etc. The guardian is legally responsible for the child until they turn 18, as long as they are in Belgium. The child does not live with the guardian. Legal help is provided by a lawyer. There are certain issues related to the quality of guardianship due to the number of UAMs assigned to each guardian (as many as 20-25) and the fact that some are volunteers. While there was a shortage of guardians in 2015/16 due to the large number of UAMs, resulting in waiting periods of up to 8 months, this is no longer an issue.



Education is provided to all children with the goal of integrating them into regular education after the first year during which the focus is to learn Dutch (unless the child is from a French-speaking country). Separate reception classes are organized within regular schools. **Health care services** provided include psychological and medical help. Medical costs are covered for minors in federal care. For those not in federal care, insurance is granted after three months in school. Refugees and beneficiaries of subsidiary protection receive free health care when they are granted legal residence. **Social workers and assistants** provide guidance regarding the minor's future. The minor has the right to request **family reunification** for parents and underage siblings after a residence permit has been granted. However, this is a very costly process for the minor due to the DNA testing usually required, flight tickets, etc. Furthermore, all members of the family must live together for 5 years until they can be granted individual residence permits, following new rules adopted in April 2016.

A variety of **living options** are available with the aim of providing **adapted care** and fostering **integration, autonomy and independence**, including: semi-residential arrangements (for minors between 16 and 18, with 24/7 care); small housing units (for 16-25 year olds, with daily visits from a social assistant); and independent living (for 16-25 year olds, with weekly appointments with a social assistant). For under 13 year olds, the main approach is immediate placement in a **foster family**. **Social cohesion and inclusion** are promoted through sports, joint living arrangements with Belgian students, and support networks involving volunteers who engage in activities with the youngsters. There is also an initiative for former UAMs to share their experiences with newcomers.

According to the NGO representatives, there are few 'disappearances' of minors and this occurs mostly in large reception centres where UAMs wait until a youth care facility becomes available (current waiting times are 6 months for residential care, up to 1 year for independent living).

VI. Unaccompanied foreign minors in Belgium – Presentation by the Immigration Office (Bureau Minors, Direction Entry and Stay – MINTEH) and the Office of the Commissioner General for Refugees and Stateless Persons (CGRS)

In the final session on Tuesday afternoon, the representative of the Immigration Office focused on the specific procedures in place for UAMs in Belgium which aim to provide **durable solutions**. The **procedure for assessing the ‘best interests of the child’** was described, based on thorough checking of facts and background on the country as well as evaluating whether adequate reception and care are available in the home country (with the help of embassy officials where possible). The holistic approach to this procedure was highlighted by the interlocutors as an example of ‘best practice’. A number of challenges were also highlighted, e.g. due to children not always telling the truth and difficulties in implementing returns when the family does not cooperate.

The Immigration Office representative also highlighted the problem of **transit migration**: Belgium has increasingly become a stop along the route to the United Kingdom, which has translated into increasing numbers of children sleeping on the streets. The Immigration Office has set up a task force to establish a **comprehensive registration system** as well as a **standardized approach to deal with disappearances** and hopes to develop a cooperation protocol for the main actors involved. She also underlined the crucial importance of **access to appropriate reception**, noting that Belgium is in the process of adapting existing facilities and establishing specialized centres.

The CGRS co-ordinator for children focused on the mandate of this office which is an independent institution established in 2004 when the Guardianship Act was adopted. The 69 highly-trained case workers examine claims which can result in international or subsidiary protection. A guide has also been developed for UAMs; for those who cannot read, other means must be developed. The benefit of the doubt is always applied in favour of the child. Every year, about 2,000 UAMs are registered of which half obtain asylum. About 65-70 per cent of all children receive a protection status.

In the **discussion**, a number of challenges were mentioned such as the remaining **backlog** of asylum applications from 2015 (when about 5,000 claimed to be minors, although in the end only about 3,000 were found to be minors). There are also language obstacles as French-speaking guardians are needed for reception centres in Wallonia and Dutch-speaking guardians for reception centres in the Flemish-speaking part of Belgium. Issues related to the **training of guardians** as well as children being told what to say by relatives were mentioned. The **lack of a common European approach to age assessment** as well as **determining the ‘best interests of the child’** (BIC) were also noted. The European Asylum Support Office (EASO) has been approached and is now elaborating a guide on the BIC issue. The **length of the procedure** for applying the Dublin regulation (up to 18 months) was listed as the main reason for disappearances. When children succeed in reaching the United Kingdom on their own, they pass the message on, encouraging other children to do the same. The need for **comparable and reliable data** as well as **improved information sharing** regarding UAMs was also highlighted. The interlocutors also stressed the need for **improved cross-border cooperation as well as the sharing of expertise and information on procedures** between countries. The interlocutors also recommended **informing children in countries of origin**.

* * *

VII. Discussions with officials from the European Commission, European External Action Service (EEAS), UNHCR and IOM

The visit to Brussels also provided the opportunity to meet with officials from the European Commission, European External Action Service (EEAS), International Organization for Migration (IOM) and Office of the UN High Commissioner for Refugees (UNHCR) to follow up on the Committee's recommendations and assess progress in implementing the European Agenda on Migration. The discussions on Tuesday focused in particular on the international community's efforts to deal with the humanitarian crisis in Libya and to facilitate legal and safe alternatives to the Central Mediterranean route.

The European Agenda on Migration and Reform of the Common European Asylum System

In this first session, the speaker from the European Commission noted the dramatic fall in arrivals via the **Central Mediterranean** route at the end of 2017 (120,000 compared to 180,000 in 2016), which was the result of hard work by Italy as well as tough policy choices with respect to Libya. He also underlined that, thanks to the efforts of the EU together with IOM, about 15,000 persons had been released from detention centres and sent back home through voluntary return programmes. Emergency evacuations had also taken place from Libya to Niger from where safe and legal pathways to Europe were available through resettlement packages. While working with Libyan coastguards was controversial, and further training was needed, it had enabled the rescue of over 20,000 people. In summary, the EU's choice to engage with Libya was the right one.



A number of positive steps by the EU were also noted, namely:

- **Offering legal pathways to migration (resettlement):** so far about 26,000 persons have been resettled in the EU under the resettlement scheme launched in July 2015 and the EU-Turkey Statement of March 2016. In September 2017, the Commission proposed a new resettlement scheme for 50,000 additional places for particularly vulnerable persons in need of international protection; 40,000 have been pledged thus far. Resettlement is also being offered further south (Ethiopia, Sudan).
- **High-level projects for economic migration**, e.g. a pilot project for North Africa and potentially also sub-Saharan Africa.
- **Disbursement in record time of the facility for refugees in Turkey** (€3 billion) to provide education and health care for Syrians.

A number of challenges were also highlighted:

- **Return rates:** there is a need for more efficient, and individually targeted procedures to improve differentiation between people in need of protection and economic migrants. After the procedure is completed, people must be effectively returned. The current average return rate of 36 per cent gives a false picture as the effective return rate is less than 10 per cent in the case of African partners. There is a need for incentives to increase return rates. The European Border and Coast Guard Agency (Frontex) also needs to be more effective with respect to returns. The global compacts on refugees and migration should also recognize the importance of returns.

- **Reform of the Common European Asylum System (CEAS):** Not much progress has been made. Relocation has been a reasonable success in number terms (33,570 relocated thus far) although not necessarily in political terms. With about 200,000 arriving across the Mediterranean (30,000 along the Eastern Mediterranean, 125,000 along the Central Mediterranean and 25,000 via the Western Mediterranean route), **we can no longer talk about a migration crisis**, but rather a self-made political crisis. The failure to design an asylum procedure that differentiates between those who need protection and those who do not is clogging up the system. A reformed CEAS should work for the good days as well as the crisis days. The right balance must be found between responsibility and solidarity. While the EU must seek to find pathways based on voluntary participation, each EU Member State will have to contribute. It is very difficult to enlist broad support when some do not take part in schemes. The Dublin regulation is no longer fit for purpose. There is currently a window of opportunity which must be seized upon.

In the **discussion**, members of the Committee raised a number of issues related to the challenges of replacing disorderly flows with managed migration. **The need to invest much more in integration** was stressed by the speaker and a recommendation was made to start the process of integration before arrival in Europe, e.g. by attending language courses. The need to implement forced returns in order to incentivise voluntary returns was also underlined. The discrepancies between recognition rates between countries, e.g. in the case of Afghan nationals, and the **need to address the nexus between asylum and return procedures** were also highlighted. The need for a **common list of safe countries** at the EU level was also underlined.



A suggestion was also made to also address practices by employers who recruit illegal workers and to engage in a **review of the Employers' Sanctions Directive**. With respect to the **Dublin III Regulation**, it was acknowledged that it has been valuable in the case of family reunification but it was not designed for mass arrivals by sea in a handful of Member States. In response to a question concerning **why resettlement mechanisms were more popular than relocation**, the explanation was offered that some Member States prefer resettlement because

it is based on voluntary pledging and that they are able to exercise more choice with respect to the candidates for resettlement and run health and security checks before the person arrives.

On the topic of **NGOs engaging in search & rescue** and whether they have acted as a pull factor, it was noted that the Code of Conduct which Italy asked them to sign addressed precisely these issues. Furthermore, the actions of some NGOs were questionable, whether deliberately or not. The single most effective measure to disincentivise dangerous crossings, however, is to have an effective returns mechanism. The significant increase in the EU's ability to tackle the **root causes of migration**, including through a €44 billion investment plan for the private sector in Africa, was also highlighted.



Regarding **unaccompanied minors**, the speaker stressed that the EU must become more astute in how it deals with them as many are deliberately sent in advance by their families and that EU Member States should also be able to return minors, especially as it is not always in their best interest to stay. More can also be done with respect to **border management**, which currently only accounts for 0.4 per cent of the EU's budget. As to proposals to process claims in countries of origin, this was not a realistic proposal as it would necessitate the creation of 27 separate jurisdictions on third country territory.

Countering irregular migration across the Central Mediterranean with a focus on Libya

The second session focussed on the **Central Mediterranean and the situation in Libya**, with speakers from the EEAS, UNHCR and IOM.



The speaker from the **EEAS** emphasized the need for dialogue with third countries as well as the need for a serious and credible EU offer for credible partnerships which move beyond the 'carrot and stick' approach. He thus called for embedding migration in foreign policy. He also highlighted the EU added value, and that Member States alone could not resolve the situation in Libya alone.

The second speaker from **UNHCR** presented an overview of the organization's efforts in Libya where it has registered 560,000 persons of concern, including 46,000 refugees and asylum seekers. One quarter of the 46,000 are in administrative detention. It is furthermore estimated that about 1 million persons are in need of urgent medical assistance. An emergency transit mechanism (ETM) was established by UNHCR at the end of 2017 in Niger. As of 2 February, 676 individuals had been evacuated from Libya, of which 162 directly to Italy. It is estimated that about 1,500 persons will be evacuated by the end of February 2018. However, this ETM is a temporary lifesaving measure. An Emergency Transit Centre (ETC) in Timisoara (Romania) is also being used. In September 2017, the UN High Commissioner for Refugees called for 40,000 resettlement places to address the situation in the Central Mediterranean alone; about 17,000 pledges have been made to date of which 7,000 from Europe. Globally, about 1.2 million persons are in need of resettlement. The particular needs of UAMs was also underlined (about 30 per cent of the persons evacuated from Libya are unaccompanied and separated minors).

UNHCR has appointed Vincent Cochetel as Special Envoy for Libya. A core group on resettlement for the Central Mediterranean, chaired by France, has also been established. Other pathways for resettlement should also be offered. He also noted that the US, which has historically provided the vast majority of resettlement places was making drastic cuts. Furthermore, EU resettlement which has until now focused on Syrians in Turkey should not be at the expense of other nationalities. Resettlement needs to be part of a broader response, he concluded. Indeed, efforts should also be made to **reduce population movements towards Libya**, to **address the root causes** and to **reduce pull factors**.

The third speaker from **IOM** highlighted the important role which parliamentarians play in developing and implementing migration policies and expressed support for the Committee's recommendations. However, rather than discussing how to counter irregular migration across the

Central Mediterranean, she suggested examining how to facilitate regular, safe and managed migration. With respect to **Libya**, she underlined the scale of the problem in a country plagued by increasing instability. Detention camps have existed for many years. However, after the fighting between rival militias in September 2017 in the coastal town of Sabratha which acted as a smuggling hub, it is estimated that there are 17-20,000 migrants and refugees being held.

IOM has increased its programme of **assisted voluntary returns** to relieve the suffering of the stranded migrants. A total of 19,000 were returned to 27 countries in 2017, with EU financial support. The Voluntary Humanitarian Return (VHR) assistance programme also includes support for **reintegration**. She also called for EU Member States to harmonise their approach to reintegration and returns, and for reintegration to be carried out with the full support of the governments of the countries of origin as well as host communities. However, UNHCR can only assist 7 nationalities which the Libyan government considers as countries in conflict, thus limiting the scope of action.¹² IOM has called for the Libyan government to expand the programme to other nationalities; establish safe places for vulnerable persons (pregnant women, UAMs); close the detention centres. The communities along the migration routes also need to be stabilised. The fight against smuggling and human trafficking also needs to be strengthened. In conclusion, she noted that stabilisation and security are of fundamental importance in Libya. She also the major role which parliamentarians will play in implementing the global compact and called for a broader and integrated response.

In the **discussion**, participants highlighted a number of challenges, especially the need to develop a **credible EU policy** as well as a common European foreign policy, and the fact that individual countries cannot tackle global challenges alone. The issue of **returns** and the need for a more effective approach was also raised. Proposed plans to set up ‘hotspots’ in Libya were dismissed as unrealistic. It was also emphasized that **human mobility** will continue to grow in the future, and that the solution must be found together with the countries of origin as well as migrants themselves. There is no crisis anymore in Europe, concluded one speaker, but we will have to cope with continued flows. Politicians should generate the **new narrative**, and change the anti-migration discourse.



¹² Libya is not a party to the 1951 Refugee Convention nor its 1967 Protocol. In the absence of a government-led mechanism, UNHCR undertakes Refugee Status Determination (RSD) by virtue of its mandate. However, registration and RSD is currently limited to seven nationalities considered by the Libyan authorities as countries in conflict: Somalis, Ethiopians/Oromos, Sudanese/Darfuris, Eritreans, Syrians, Palestinians and Iraqis. UNHCR is in ongoing discussions with the Libyan government to expand protection to persons beyond these seven nationalities.

ANNEX I

Visit of the OSCE PA Ad Hoc Committee on Migration to Brussels (5-6 February 2018)

Final Programme

Monday, 5 February: Belgium's asylum and migration policies with a special focus on integration and unaccompanied foreign minors

- 09:15-09:45 Transfer by bus from the hotel to the municipality of Rixensart
- 10:00-12:00 Working visit to the **FEDASIL** (Federal Agency for the Reception of Asylum Seekers) reception centre in Rixensart (*Rue du Plagniau 1, 1330 Rixensart*)
- Welcoming words, Mr. Thierry PIRE, Reception Centre Director
 - Overview of the asylum and reception system in Belgium, Ms. Geraldine LAMFALUSSY, International Unit, Direction Operational Services
 - Reception conditions and the management of a reception centre, Mr. Thierry PIRE, Reception Centre Director
 - The reception of asylum seekers with specific needs: focus on policies and projects designed for UAMs, Mr. Thierry PIRE, Reception Centre Director
 - Tour of the centre, with additional explanations on the kindergarten and UAM section, Mr. Thierry PIRE, Reception Centre Director
- 12:00-13:30 *Lunch and informal discussions*
- 13:30-14:00 Transfer to Brussels
- 14:00-16:00 Working visit to **BON** (Brussels Integration Agency) in Molenbeek (*Rue de l'avenir/Toekomststraat 35, 1080 Molenbeek*)
- Mr. Eric DE JONGE, Regional Manager, BON Brussels
- 16:00-16:30 Transfer to the municipality of Anderlecht
- 16:30-18:30 Working visit to **Minor Ndako** (NGO working mostly with unaccompanied minors) (*Rue Chant d'Oiseaux/Vogelenzangstraat 76, 1070 Anderlecht*)
- Ms. Semma GROENENDIJK, staff member Minor-Ndako, external communications and logistics
 - Ms. Charlotte SMOLDERS, Project Officer, Manorea Helpdesk-Expertise center for UAMs

Tuesday, 6 February

Venue: Belgian House of Representatives, Salle Magritte, Forum Building (rue de Louvain 48).

- 09:00-09:45 **The European Agenda on Migration and Reform of the Common European Asylum System (CEAS)**
- Mr. Simon MORDUE, Deputy Director-General for Migration and Home Affairs, European Commission

10:30-12:30 Roundtable on Countering irregular migration across the Central Mediterranean with a focus on Libya

- Mr. Leonello GABRICI, Deputy Managing Director, Human Rights, Global and Multilateral Issues and Head of Division, Migration and Human Security, European External Action Service
- Ms. Eva WIPLER, Migration Expert, Migration and Human Security, European External Action Service
- Mr. Peter O’SULLIVAN, Resettlement Officer, UNHCR Bureau for Europe
- Annabelle ROIG GRANJON, Senior External Relations Officer, UNHCR Brussels Office
- Ms. Irune AGUIRREZABAL QUIJERA, Head of Policy and Programme Division, IOM Regional Office for the EU, Norway and Switzerland

12:30-14:00 Lunch hosted by the Head of the Delegation of Belgium to the OSCE PA
(*Salle Simenon, Moniteur Restaurant, Forum Building*)

14:00-14:45 Unaccompanied Foreign Minors in Belgium

- Ms. Anja DE WILDE, Coordinator, Office of the Commissioner General for Refugees and Stateless Persons (CGRS)
- Ms. Veerle PETERS, Bureau Minors of the Direction Entry and Stay (MINTEH), Immigration Office
- Mr. Herbert JEGERS, Bureau Minors of the Direction Entry and Stay (MINTEH), Immigration Office

14:45-15:15 Debriefing

List of Participants

1. Mr. Filippo LOMBARDI (MP, Switzerland), Chair
2. Mr. Pascal ALLIZARD (MP, France), Vice-Chair
3. Ms. Sena Nur CELIK (MP, Turkey), Vice-Chair
4. Mr. Laurynas KASCIUNAS (MP, Lithuania), Vice-Chair
5. Ms. Isabel SANTOS (MP, Portugal), Vice-Chair
6. Ms. Margareta CEDERFELT (MP, Sweden)
7. Lord Alfred DUBS (MP, United Kingdom)
8. Mr. Roman HAIDER (MP, Austria)
9. Mr. Kyriakos KYRIAKOU-HADJIYIANNI (MP, Cyprus)
10. Ms. Nahima LANJRI (MP, Belgium)
11. Mr. Ignacio SANCHEZ AMOR (MP, Spain)

Staff:

12. Mr. Fabrice HUGOT, Secretary of the Delegation of France to the OSCE PA
13. Mr. Roeland JANSOONE, Secretary of the Delegation of Belgium to the OSCE PA
14. Ms. Farimah DAFTARY, OSCE PA International Secretariat
15. Ms. Anna DI DOMENICO, OSCE PA International Secretariat