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**THESIM**

**Towards Harmonised European Statistics on  
International Migration**

**Country report  
Belgium**

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for the country meetings  
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# THESIM country report – BELGIUM

## Country meetings 2004-2005

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### Introduction

*EU is facing an urgent need for better statistics on migration and asylum in order to support the development of a common EU migration policy. In this perspective, a forthcoming EU regulation on international migration and asylum statistics will be voted by the European Parliament in order to improve the situation of statistical data collection in term of availability, reliability and comparability. Within the EU 6<sup>th</sup> Framework Programme for Research, the THESIM project has been selected in order to support the implementation of this regulation and more precisely to help country to fulfil their task in relation with the regulation. The THESIM project was started in April 2004 and will take place during one year. It involves 7 different scientific teams originating from 7 different EU countries under the co-ordination of Michel POULAIN (Belgium). The Belgian report has been elaborated under the responsibility of Nicolas Perrin and Michel Poulain (Belgium).*

### A. Sources and procedures within the framework of the EU regulation

#### A.1. Population register

##### A.1.1. Name of register (in national language and English translation)

“*Registre national*” (in French) or “*Rijksregister*” (in Dutch) or “*National Register*” (in German) [National Register] is the name of the central population register in Belgium.

##### A.1.2. Name of responsible authority

The National Register is under the responsibility of the Ministry of Interior. In practical terms, its “*Service du Registre national*” [Service of the National Register] is responsible for maintaining the centralised system. At the local level, municipalities <sup>1</sup> are responsible to register their inhabitants in their own municipal population register (“*registres communaux de population*”) and to update the National Register (the RN is automatically update after the modification of the local register). Legally, municipalities are obliged to update the so-called “*legal variables*” of the RN. For Belgian citizens and aliens, those variables are :name; surname(s); sex; date and place of birth; address of residence; nationality; refugee status; stateless status; filiation; matrimonial status; PIN; profession; composition of the household; place and date of death; legal

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<sup>1</sup> There are 602 municipalities in Belgium.

incapacity/capacity (minors and not minors); declaration on the type of burial; type and number of the driving licence; passport; ID card; social security card; pension; declaration on the donation of organs after the death; title or status given following a war; “hawker’s card”; possibility to be designated president of a polling station; suspension or exclusion from voting lists. Additionally, the following information are requested for foreigners: Immigration Service Number; other elements of identity; country and place of origin (place of residence before immigration); stay limited to the period of studies; limited duration of stay; type, number and validity period of the work permit; type, number and validity period of the professional card; return right; information on visa; name, surname, place of birth, address, nationality of the spouse; name, surname, place of birth, address, nationality of each child; if they exist, Immigration Service Number of parents, spouse and children; declaration of legal cohabitation; EU citizen inscription on voting lists; date of recognition as a refugee; place of forced inscription. For asylum seekers, some additional variables are collected: category (asylum seekers or members of the family of an asylum seekers...), administrative situation (stage of the asylum procedure); place of forced inscription (place of the Public Center for Social Assistance in charge of the asylum seeker); Immigration Service Number; ID card or passport; place of residence; other names or pseudonym. However local register contains much more information and most of municipalities records it in the National Register, but, they can only be used by local authorities as a consequence of their autonomy assured by the “municipal law”. Consulates or embassies are in charge of the registration of Belgian citizens living abroad and their family within the so-called “consular population registers”, which are in fact a subset of the national register.

In each municipalities, in addition to the “Service de l’Etat Civil” (registry office), responsible for registration of death, birth, marriage and divorce, two main municipal services are responsible for tasks related to registration: the so-called “Service de la Population” [Population Service] and the so-called “Service des Etrangers” [Aliens’ Service]. Belgian citizens and foreigners having a settlement permit are in contact with the “Service de la Population”, whereas other foreigners are in contact with the “Service des Etrangers”. As a consequence, foreigners are not always under the responsibility of the “Service des Etrangers”. Moreover, foreigners are in fact registered in different sub-registers: if they are admitted or authorised to stay, they are registered in the “registre des étrangers” (aliens’ register); if they have a settlement permit, they are registered in the so-called “registre de population” (population register) like Belgian citizens; if they are asylum seekers, they are registered in the so-called “registre d’attente” (waiting register); if they work for European institutions, they are recorded in a particular file dedicated to European institutions employees; if they work for another international organisation (NATO for example), they are recorded in another particular file. However, one has to note that these registers are only subsets of the RN and the local registers (in fact, the type of register is only a variable within the RN).

### **A.1.3. Persons included in the Population Information System**

Every person having his/her usual residence in the country must be registered. This usual residence must be effective (police controls the effectiveness of the residence at the request of municipalities), legal (the resident must be a Belgian citizen or must have been admitted or authorised to stay or to settle in the Kingdom). Only immigrants willing to reside more than three months are taken into account and registered. As a consequence, the following categories are considered 1/ persons residing legally in the country, 2/ for more than three months, 3/ if they declare their arrival in accordance with the law or, when their arrival is recorded a posteriori by the administration without declaration, if they are automatically registered. This succession of conditions excludes two important types of populations: short-term migrants and foreigners living irregularly in Belgium.

Actually, all migrants (not living in a hotel) should declare their arrival after one week of residence. At this occasion, they receive a declaration of arrival (“déclaration d’arrivée”), but they are not registered. The registration occurs only if they intend to stay more than 3 months.

Furthermore, the coverage of the register may be questioned concerning populations submitted to a less constraining regulation and less controlled because of the freedom of movement, European citizens. Moreover, some specific categories are excluded from the usual registration and only “mentioned” in the register at their request: diplomats and assimilated persons, agents of European institutions and their families, civil servants and soldiers from SHAPE and NATO.

Finally, from the 1<sup>st</sup> of February of 1995, following a change of the legislation on asylum, asylum seekers are no more included in traditional population registers. They are registered by municipalities, but in a specific register called “registre d’attente”[waiting register]. But law specifies clearly that persons register in this « waiting register » must not be taken into account to determine the legal population of municipalities (and produce demographical statistics related to its territory). Nevertheless, the structure of the waiting register is the same as other registers. Certain elements are simply additionally recorded (issue and stages of the asylum procedure) and the management of the file relies more on Immigration Service and asylum authorities than other registers.

#### **A.1.4. Rules for registration of international migrants**

Notification of the new place of domicile in case of international immigration : The municipality of residence for somebody moving to Belgium from abroad is determined on the same basis as for somebody moving from another municipality within Belgium. The immigrant must only declare his arrival to his municipality of residence.

Categories of international migrations registered: Both immigrations and emigrations should be recorded for all Belgian citizens and aliens except some cases that are detailed hereafter.

##### Conditions to be registered as an immigrant:

For Belgian citizens who had their previous usual residence abroad and enter the territory of Belgium, they will be registered if they intend to stay more than three months.

A foreigner must declare his arrival to his municipality of residence within 8 days of residence. However he or she will be registered as immigrant only if he/she intends to stay more than three months. On a general base, all foreigners must have a valid residence permit if they intend to stay for more than three months. Even if they benefit from the freedom of movement, EEA citizens must register. They receive an EU residence card if their stay lasts for longer than three months. Since asylum seekers are registered in the so-called “waiting register”, according to the law, they are not considered as part of the legal population. They will be considered as immigrant only if they are recognised as refugees or if they get a residence permit for another reason (studies, family reunification, work, regularisation...).

##### Conditions to be registered as an emigrant:

An individual (Belgian citizen or foreigner) who intends to live abroad for more than three months has to declare his absence. He is considered as an emigrant and is no more considered

among the legal population of the municipality. However a person may keep his place of residence in Belgium if he or she has a stronger connection to Belgium than to his or her new country of residence (example: travels for reasons linked with studies, business or health; if it lasts less than one year and if the person still has a place of residence in Belgium; Belgian soldiers and civil servant of the Belgian army stationed abroad; diplomats and persons assimilated; persons serving in the Belgian co-operation).

The declaration of emigration is often omitted. (around 30% of emigration are detected a posteriori by the administration and are recorded without declaration of the emigrant). Various reasons can explain this under-report of emigration. At first, the emigrant does not benefit directly from the formality, if he doesn't want to reside anymore in Belgium. Moreover, it can appear as unnecessary and fastidious, if he wants to come back. Certain persons may risk or fear to lose some social advantages and rights (unemployment benefit, pension, health insurance...). Foreigners and immigrants are particularly concerned by this problem of under-reporting of departures. Actually, foreigners may fear not to be authorised to come back, if they declare their departure, even if it is possible as long as their stay permit is valid, if the emigration doesn't last more than 1 year. Some foreigners may fear to lose a favourable status. For example, refugees may fear to lose their status if they declare they return in the country from where they fled...

#### **A.1.5. Procedure for registration or de-registration in the National Register**

Belgian citizens who enter Belgium with intention to live in Belgium or leave the country in order to live abroad more than three months must notify their arrival or departure to their municipality of residence in Belgium<sup>2</sup>. As a consequence of this declaration, the immigrant receives a form called "Modèle 2" or "Modèle 2bis" [Model 2 or Model 2bis] and the emigrant a "Modèle 8" [Model 8].

The immigration form for notifying international immigration is the same as for internal immigration (there is no declaration of internal emigration). In some municipalities, it is now possible for Belgian citizens to declare their internal migration by sending an electronic form.. The police controls the reality of the establishment of the residence in the municipality within 8 days. If somebody is already registered at the same address, this person must be contacted. If this former resident is still living at this place, the composition of the household is updated to take into account the new inhabitant. If the former inhabitant does not live anymore at the address where he is registered, he is deregistered after 6 months of continuous absence. The municipality within 20 days from the declaration of arrival must notify the inscription of the immigrant or the refusal of the inscription. The date of immigration is this date of inscription. The immigrant will be requested to go to the municipality to get an ID card in accordance with his status of residence. The municipality can register a resident without declaration, if it can be proved that the resident effectively lives in the municipality but does not accept to declare his arrival (it may happen in order to escape taxation, police inquiries...).

An emigrant intending to leave the country for more than 3 months must declare it. If a resident leaves the municipality without notification and if he doesn't register in another municipality, the municipality has to deregister him after 6 months of continuous non-declared absence.

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<sup>2</sup> Persons without place of residence due to a lack of resources may be registered at the address of the Public Center for Social Assistance ("Centre Public d'Aide Sociale") where they request social assistance and where they have to go each trimester.

In order to be registered abroad in the “consular population register”, Belgian citizens and their family must be deregistered from their municipality of origin in Belgium. If they have declared their departure, they have to show a proof of deregistration called “modèle8”. If they have not declared their departure in Belgium, they can be deregistered after sending a “request for deregistration”.

General rules for Belgian citizens apply for aliens, but additionally they need to prove their right to stay or settle in Belgium.

The registration procedure is slightly different for two specific categories: employees of the European Institutions in Belgium and the so-called “privileged foreigners” (diplomats, employees of NATO...). From a legal point of view, these special immigrants are not registered on the population registers, but “mentioned”. From a practical point of view, it means that they can benefit from every advantage linked to the registration (they can get residence certificates, certificates of household composition...), but they do not declare their arrival or departure... Their arrival and departure are declared to the Belgian Ministry of Foreign Affairs by the different institutions (Directorate-General for Personnel and Administration for the Commission). The Ministry transfers the information to the municipalities in order that they update the population registers and “mention” the employees of these institutions.

Time of registration: Every change of address and international immigrations is characterised by two dates: the date of declaration and the date of registration (effective inscription in the register following the control of the residence by the police, the legality of the stay...). The date of registration is considered as the date of immigration. In the case of foreigners, the date of immigration is the date of authorisation of the stay (date of reply of the Immigration Service or date of regularisation). Foreigners are automatically deregistered 8 days after the end of validity of their stay permit. If they leave the country before the end of validity of their card, the date of emigration is the date of the declaration of departure (if it exists) or the date of the automatic deregistration of the non declared emigration (if the non-declared departure has been reported).

## ***A.2. Residence permit registration system***

### **A.2.1. Name of register (in national language and English translation)**

“Base de données de l’Office des Etrangers” [Database of the Immigration Service])

## **A.2.2. Name of responsible authority (Ministry and department)**

“Office des Etrangers” [Immigration Service]<sup>3</sup>, which is a General Directorate of the Ministry of Interior.

## **A.2.3. Persons included in the database**

Primarily, this database is not strictly a residence permit database, but it includes all activities related to the Immigration Service and to the situation of aliens in Belgium: applications and decisions concerning visas, asylum procedure, residence permits, settlement permits, acquisitions of the Belgian citizenship, students, prisoners. It should include information on work permits, professional cards (for independents), apprehended, removed and refused aliens... but the data collection is still deficient for those topics.

From a general point of view, the database of the Immigration Service is linked to the National Register. Information of both systems are systematically transferred or checked daily. As a consequence, no discrepancy should exist between the two sources. However, some irregular/illegal aliens are registered within the database of the Immigration Service (following an apprehension, removal...). Furthermore, short-term migrants (less than 3 months) who require a visa to enter the country are in database. But both groups (illegal or irregular immigrants and short-term immigrants) can easily be distinguished in order to harmonise statistics.

To conclude, we cannot consider this database as an aliens’ register, because such a system of registration exists separately within the National Register. But the database of Immigration Service could be considered as a limited extension of the National Register dealing with the problems of immigration management (issuance of residence permits, asylum procedure...).

The part of this database dedicated to residence permit register makes possible the identification of all holders of a valid residence permit, but also enables to check if these persons are effectively living in Belgium because of the link with the National Register.

## **A.2.4. Type of residence permits**

The main types of residence permits in Belgium are:

1. settlement permits (“titre d’établissement »)
  - a. ID card for foreigner (“carte d’identité d’étranger”)
  - b. Residence card for EEC citizen (EU) (carte de séjour de ressortissant de la C.E.E. (UE))
2. residence permit (« titre de séjour »)
  - a. Certificate of Registration on the Aliens’ Register (« Certificat d’Inscription au Registre des Etrangers » or C.I.R.E)
3. residence document (« document de séjour »)<sup>4</sup>

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<sup>3</sup> The literal translation of “Office des Etrangers” is Aliens Office. However, in this text, we use the official translation “Immigration Service”, which is slightly different.

<sup>4</sup> In the Belgian context, documents like “attestation of registration” are not considered as residence permits, since they are only delivered during the period of examination for the grant of another status. However, considering the number of those documents, considering the situation in other European countries and given the fact that aliens having an attestation of registration are registered and considered as resident from a statistical point of view, they are certainly in the scope of our study.

a. attestation of registration (« attestation d'immatriculation »)

The C.I.R.E. is the document issued to aliens who were admitted or authorised to stay more than 3 months. If the initial temporary authorisation of stay is limited, the C.I.R.E. is limited to this period. It is usually valid for 1 year. If the authorisation of stay is unlimited, the C.I.R.E. has to be extended yearly and is renewed after 3 extensions.

The attestation of registration is a temporary document issued during the period of examination of certain requests (family reunification, former Belgian citizens, settlement...). The model A is for non-EEA citizens; the model B for EEA citizens. It is usually valid for 1 year, but may be limited.

The ID card for foreigner is issued to aliens who were authorised to settle. Even if the authorisation of settlement is indefinite, the document is only valid for 5 years.

The residence card for EEC citizen is issued to EEC citizens who were authorised to settle. It is also valid for 5 years.

#### **A.2.5. Procedure for registration**

In order to stay more than 3 months in Belgium, a foreigner has to get an authorisation. This authorisation has to be submitted to a Belgian diplomatic missions abroad. Some exceptions exist, allowing submitting the request for authorisation to the “bourgmestre” of the municipality of residence in Belgium.

In Belgium, an immigrant must declare his arrival. The procedure of registration takes place at the level of municipalities. Even if, the authorisation for issuing a residence permit comes from the Immigration Service, municipalities are responsible for the issuance of the document. They also update the information on residence permit within the National Register.

If a foreigner has received a temporary authorisation of stay for more than three months (“autorisation de séjour provisoire”), he has to declare his arrival to his municipality of residence. He is registered on the Aliens' Register and receives a C.I.R.E (Certificate of Registration on the Aliens' Register).

Applications for settlement authorisation have to be submitted to the municipality of residence, which transmits the application to the Ministry. If the decision is positive, the foreigner receives an ID card for foreigner and his personal file is transferred from the Aliens' Register to the Population Register.

At arrival, EEA immigrants intending to stay in Belgium for more than one year receive an attestation of registration (model B) that is valid for 5 months. They are registered on the Aliens' Register. After 5 months of residence, if their application for settlement is accepted, they receive a residence card for EEC citizen (EU) and their personal file are transferred from the Aliens' Register to the Population Register.

At arrival, EEA immigrants intending to stay in Belgium for more than three months, but less than one year, receive an attestation of registration (model B) that is valid for the period of their stay (less than one year). They are registered on the Aliens' Register.

Belgium is applying a two-year transition period to citizens of eight new EU Member States (i.e. citizens of the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovakia) entering the labour market.

An alien leaving definitively Belgium must inform his municipality and give back his stay or settlement permit. From a general point of view, the return of a former immigrant is possible as long as the stay permit is valid, if the emigration is not definitive, and if it doesn't last more than one year. However, even if the emigration lasts more than one year, the return is still possible under certain conditions. For example, if Belgium is still the main centre of interest for the immigrant, the absence can last more than one year. The same possibility exists if the emigrant has declared in advance that the emigration should last more than one year, or if the absence was not voluntary...

### ***A.3. Census database***

#### **A.3.1. Date and type of the last census**

The last classic Population and Household Census was carried out on the 1<sup>st</sup> of March 1991. On the 1<sup>st</sup> of October 2001, a so-called "General Socio-Economic Survey" or "Survey 2001) was held. This operation cannot be considered as a standard census, but it is neither a fully register-based census. We could, perhaps, use the concept of mixed operation, which can be considered as a further step towards a more completely register-based census in Belgium. Actually, an explicit goal of this survey is to create new "registers" in order to create a full register-based census in the future:

*"Thanks to the collected data Statistics Belgium could create its own database for values which cannot be obtained from existing and accessible registers. We think for instance of the level of training of people who have recently graduated. This database, created thanks to the census, could be regularly updated on the basis of databases from the Communities, colleges and universities. Characteristics of housing are also relatively stable values. They could also be held in a database of Statistics Belgium with a continuous survey as its base" (Survey 2001 – Study, Report of the High Council for Statistics, [http://www.statbel.fgov.be/census/study\\_en.asp](http://www.statbel.fgov.be/census/study_en.asp) ).*

During 1991 census, the enumeration was already based on lists of inhabitants issued from populations registers, but unrecorded inhabitants could be added. Furthermore, the results of the field inquiry were compared with population registers and used to update the administrative database. As a consequence, approximately 7000 persons were added to population registers. During 2001 survey, a complete questionnaire was sent by mail to all persons registered in the population registers and aliens' registers, but no classic enumeration was organised to update registers. As a consequence, the counting part of the operation directly relied on registers.

#### **A.3.2. Name of responsible authority (Ministry and department)**

Statistics Belgium – Institut national de Statistique was responsible for organising the census and is now responsible for the "General Socio-Economic Survey". The census is exclusively for statistical purpose and fully dependent of the National Register as far as counting or enumeration is concerned.

## ***A.4. Database on asylum seekers***

### **A.4.1 Database on asylum seekers**

“Registre d’attente” [Waiting register] (see A.2.1)

### **A.4.2. Persons included in the Register**

All asylum applicants are included with information on all related decisions. Refugees are registered on the standard Population Register and may be identified through this system.

### **A.4.3 Authority responsible for processing and registration of asylum requests**

“Office des Etrangers” [Immigration Service], Ministry of Interior; Commissariat Général aux Réfugiés et aux Apatrides [Commissioner General for Refugees and Stateless Persons]; Commission Permanente de Recours des Réfugiés [Permanent Appeal Commission for Refugees]; “Conseil d’Etat” [Council of State]

### **A.4.4 Asylum procedure**

#### **A.4.4.1 Introduction**

According to the Belgian Aliens Act, asylum can be asked at the border, in which case the asylum applicant will be detained in a closed centre as long as the application isn't declared admissible. Asylum can also be asked on the territory (within eight working days), in which case he'll be appointed to an open centre or another form of social support.

The asylum procedure consists of two consecutive phases:

- preliminary procedure - investigation on the admissibility of the request, by the Immigration Service of the Ministry of the Interior;
- normal procedure - investigation on the merit of the request, by the Commissioner General for Refugees and Stateless Persons.

#### **A.4.4.2 Possible outcome of the procedure (types of decisions and permits)**

A request for asylum may be refused in the preliminary procedure in case another country is considered to be responsible for the examination of the application (based on the Dublin Convention). Furthermore, the application may be rejected when it is judged as manifestly unfounded (including safe country of origin and safe third country).

In the normal procedure the following outcomes are possible:

- the applicant is recognised as a refugee on the basis of the Geneva Convention;
- the applicant is granted a residence permit on humanitarian grounds;
- the application is rejected and the applicant is ordered to leave the country.

In both cases of a positive decision, the applicant will receive a certificate of enrolment in the alien's register, for unlimited residence.

Apart from the asylum procedure there is a possibility to grant temporary protection for a specified period of time to a group of aliens in case of a mass influx of displaced persons.

#### **A.4.4.3 Appeal procedures**

Against a decision of inadmissibility, an appeal can be lodged at the Commissioner General for Refugees and Stateless Persons, within one to three working days. A further appeal is possible at the Council of State.

Against a decision of non-recognition as a refugee, an appeal can be lodged at the Permanent Appeal Commission for Refugees, within 15 working days. A further appeal (to quash the decision of the Permanent Appeal Commission for Refugees) is possible at the Council of State within 30 days.

#### **A.4.4.4 Recent legislative and other administrative changes and relevant case law**

The law of 18 March 2003 amending the Aliens Act implements Directive 2001/55/EC on temporary protection, and provides for the submission of an asylum claim at any time during the temporary protection regime.

### ***A.5. Database on acquisition of citizenship***

#### **A.5.1. Name of database**

There is no complete specific database on acquisition of citizenship in Belgium.

There are specific databases related to specific procedures (for example, naturalisation at the level of the Chamber of Representatives), but there is no centralised specific database.

However, all types of acquisitions of citizenship are perfectly recorded by the National Register (see A.1.1) and by Immigration Service within its database (A.2.1). Immigration Service could produce statistics on applications, successful and unsuccessful procedures, but, unfortunately, it does not produce any statistics. National Register can be used to produce only statistics on successful procedures.

Even if the Immigration Service has the best database, since the National Register is the only database available for statistical purposes, both databases are presented in this text.

#### **A.5.2. Name of responsible authority (Ministry and department)**

Immigration Service is responsible for its database.

The General Directorate for Institutions and Population is responsible for the National Register.

#### **A.5.3. Persons included in the databases**

All applicants for acquiring the Belgium citizenship are included as well as decisions within the database of the Immigration Service.

Within the National Register, all foreigners acquiring the Belgian citizenship are included (only positive decisions).

#### **A.5.4. Types of acquisition of citizenship**

According to the Belgian law, there are two main types of procedures to obtain the Belgian citizenship: acquisition of citizenship and attribution of citizenship. The difference between acquisition and attribution relies on the fact that the acquisition requires the expression of the will of the person whereas the attribution doesn't (for example, following the application of one parent, a child may obtain the Belgian citizenship by attribution, without having to express his will). As a consequence, the word "acquisition" used by the European regulation on migration statistics is inappropriate in the Belgian case.

4 types of attribution of the Belgian citizenship exist:

- because of the citizenship of the father or mother
- because of an adoption
- because of the birth in Belgium (for children who may become stateless (...); for children whose at least one parent was born in Belgium (...); for children up to the age of 12, if their parents have been living in Belgium for 10 years (...)).
- by collective effect of an acquisition (for children up to the age of 18, if one parent obtains the Belgian citizenship (...)).

5 types of acquisition of citizenship exist:

- by declaration of citizenship (if a foreigner of age was born and has always been living in Belgium; if one parent of a foreign of age acquired the Belgian citizenship; after 7 years of residence, if the foreign has an unlimited residence permit)
- by option (if a foreigner of age was born in Belgium and has been living in Belgium between 14 and 18, or for 9 years, but has not always been living in Belgium (...); if a foreigner of age has been living in Belgium for one year up to the age of 6 and has been living in Belgium between 14 and 18, or for 9 years...)
- by the foreign spouse of a Belgian citizen (if the couple has been living together for 3 year, 6 months after the marriage(...))
- by "possession d'état de Belge" (if a foreigner has been considered as a Belgian citizen for 10 years because of an administrative error)
- by naturalisation (after 3 years of legal residence in the general case; after 2 years of legal residence for refugees)

#### **A.5.4. Description of the procedure for acquisition of citizenship**

Most of procedures are based on a declaration made by the person willing to obtain the Belgian citizenship or from the parent in the case of attribution of citizenship to children.

The declaration has to be done at the level of the municipal administration. A copy of this declaration is sent to the court of 1<sup>st</sup> instance.

The prosecutor may oppose the attribution of the Belgian citizenship:

- for children, only in the case of the procedure of attribution of citizenship because of the birth in Belgium, if the declaration is aimed at a goal that is not the interest of the direct child to obtain the Belgian citizenship (prevent from expelling the parent...).
- for an adult, if there are difficulties caused by “serious personal act” (criminal convictions...).

In the case of a procedure of naturalisation, the application may be done at level of the municipality of residence or directly sent to the Chamber of Representatives. The copy of the application is sent by the Chamber to the Court of first instance, to the Immigration Service and to the State Security in order that they notify facts that may oppose the naturalisation (criminal convictions...).

Dual citizenship is allowed for foreigners acquiring the Belgian citizenship and normally for the nationals who involuntarily (i.e. automatically, without a declaration or application) acquire another citizenship. Nationals who voluntarily acquire another citizenship lost their Belgian citizenship.

#### ***A.6. Other registers, databases and official surveys***

There is no other important register, database and survey on international migration data collection.

However, some important elements can be found in the following databases:

- regional database on work permits (compiled in federal statistics by Ministry of Labour);
- Labour Force Survey;
- ...

## **B. Procedure for collecting statistics requested in the regulation and data availability, reliability and comparability**

### ***B.1 Statistics on international migrations (Art. 4a of the EU regulation)***

#### **B.1.1. Authority responsible for statistical data**

“Institut national de Statistique” [Statistics Belgium]

#### **B.1.2. Source of data and information on transfer of data files**

The source for the population data including international migration is the National Register. Statistics Belgium receives each week an electronic file with all demographic events including international immigrations and emigrations registered during this year. This file is made up from the daily extracts of changes in the National Register. Statistics Belgium is only allowed to publish data related to the so-called “legal variables”: personal identification number, date of events (immigration or emigration), nationality, municipality of residence in Belgium, sex, date of birth, matrimonial status, household composition. For aliens, the same information is transferred as for Belgium citizens, but Statistics Belgium is not allowed to take into account include asylum seekers in the population.

#### **B.1.3. Statistical definition and methods of selection**

International migration data refers to the legal resident population of the country (see chapter B.2.3). International migration event is defined as a change of the municipality of permanent residence (home municipality) registered by the National Register from or to abroad. Citizens and non-citizens are considered on the same base. No additional time constraint is introduced for compiling statistics on international migrations except that used for determination of the municipality of permanent residence of a person in the National Register.

#### **B.1.4. Reference period and periodicity of statistical data collection**

Data are collected weekly, but refer to the daily events. Final statistics are produced annually after checking and adjusting by the Population Structure on 31<sup>st</sup> of December from National Register after the reference year in late March.

### B.1.5. Statistical data availability, reliability and comparability

Table 1 Compliance of the statistics on international migrations with the Regulation  
(during the reference period)

<b>International migrations</b> (during the reference period)	Article	Availability
Immigrants by citizenship, age and sex;	4.1a	+ [def]
Immigrants by country of birth, age and sex;	4.1a	x [def]
Immigrants by country of previous residence, age and sex;	4.1a	x [def] [rel]
Emigrants by citizenship, age and sex;	4.1a	+ [def]
Emigrants by country of birth, age and sex;	4.1a	x [def]
Emigrants by country of next residence, age and sex;	4.1a	x [def] [rel]

+ = available

- = not available

x = available but not published

? = availability unknown

[def] = problem of definition. Definition of immigration / emigration does not comply with the UN definition (it includes short-term immigrants as defined by the UN recommendations; asylum seekers are systematically excluded).

[rel] = problem of reliability. The variables “country of previous residence” or “country of next residence” / are not “legal variables”. As a consequence, it may not be recorded for all immigrants or emigrants. Furthermore, the variable “country of next residence” is only available for emigrants having declared their departure.

Data on international migration requested by Eurostat have been provided last time in response to the Joint Migration Questionnaire 2001. There was no reply to the two subsequent questionnaires (2002 and 2003). Data on flows in 2001 have been disaggregated by citizenship, age and sex. Immigration and emigration figures are not disaggregated by country of previous/next residence since 1994 due to the unreliability of these two variables. The variable “country of previous residence” is not a “legal information”. As a consequence, it may not be recorded for all immigrants. The same applies for the variable “country of next residence”, but furthermore it is only available for emigrants having declared their departure. Published data on flows are not disaggregated by country of birth, age and sex, even if the variable “country of birth” is recorded, available and reliable.

Figures on total immigration presented in various publications and databases (Eurostat/Joint Questionnaire, DG JAI 2002, CoE and NSI website) are consistent. There are some discrepancies between data on total emigration. These discrepancies have been identified to be due to the different definitions of emigrations. Figures in the DG JAI 2002 and figure for 2000 in CoE include not-declared emigration. In other cases data refer to declared emigration only.

Table 2 Migration flows

Source	1999	2000	2001	2002
<b>Immigration</b>				
Eurostat / Joint Questionnaire	68 466	:	77 584	:
DG JAI 2001	68 466	68 616	77 469	:
DG JAI 2002	68 466	68 616	77 584	82 655
CoE	68 466	68 616	:	:
NSI <i>www</i>	68 466	68 616	77 584	82 655
<b>Emigration</b>				
Eurostat / Joint Questionnaire	41 307	:	42 221	:
DG JAI 2001	41 307	43 487	42 125	:

DG JAI 2002 (including not-declared emigration)	56 214	56 479	52 697	51 563
CoE	41 307	56 479	:	:
NSI <i>www</i> (only declared emigration)	41 307	43 487	42 221	41 349

Comparability of data reported by sending and receiving countries cannot be assessed due to the lack of data on emigration by country of next residence and data on immigration by country of previous residence.

Belgium data do not comply with international recommendations. At first, immigrants are taken into account if they intend to stay more than 3 months (instead of one year or more). Moreover, asylum seekers are excluded from population statistics.

## ***B.2. Statistics on the population with usual residence in the country (Art 4b of the EU regulation)***

### **B.2.1. Authority responsible for statistical data**

“Institut national de Statistique” [Statistics Belgium]

### **B.2.2. Source of data and information on transfer of data files**

Statistics Belgium receives once a year an electronic file with the data on the legal population of Belgium extracted from the National Register. Statistics Belgium also receives a file each week including every registered change in the database. As a consequence, it is possible to update the population structure each week. Published data are extracted as for 1<sup>st</sup> of January but the file is compiled only at the end of March for supplying events that were registered with delay in January, February and March. Among other characteristics the following may be relevant for migration and foreign population statistics: place of birth and citizenship.

### **B.2.3. Statistical definition and methods of selection**

Statistical definition on population with usual residence is related to the general rules for the registration of residents in Belgium and linked to the determination of the municipality of permanent residence (home municipality). All individuals (citizens and non-citizens) whose municipality of domicile is registered in the National Register in Belgium are considered among the usual population, unless they are registered in the waiting register (if they are asylum seekers). Therefore the population statistics reflects the *de jure* permanent population of Belgium and includes Belgian nationals residing temporarily abroad (see chapter A.1.4.).

An asylum-seeker will be counted in the legal resident population when he is recognised as a refugee and when his file is transferred from the waiting register to the population register or to the aliens' register.

Following the UN census recommendations persons attached to foreign embassies, trade missions and consulates, as well as their family members and personal staff, are not counted among the resident population unless they are Belgian citizens. On the other hand, the Belgian staff of Belgian embassies and trade missions abroad and persons serving in the UN peacekeeping forces are counted among the legal resident population (these Belgian citizens keep their domicile in Belgium during the mission).

#### **B.2.4. Reference date and periodicity of statistical data production**

Data are published every year and they refer to 1<sup>st</sup> of January situation.

#### **B.2.5. Statistical data availability, reliability and comparability**

Table 3 Compliance of the statistics on usual resident population with the Regulation  
(at the reference date)

<b>Usually resident population (at the reference date)</b>	<b>Article</b>	<b>Availability</b>
Population by citizenship, age and sex;	4.1b	+ [def]
Population by country of birth, age and sex;	4.1b	x [def]

[def] = Short-term immigrants are included, whereas short-term emigrants are excluded (see B.1.4). Moreover, asylum seekers are excluded, even if their stay overpasses 1 year.

Data on population by citizenship are available in the Eurostat database till 2002. In the case of disaggregation by country of birth there are data only for 2001 and 2002. There was no reply to Joint Migration Questionnaire 2002 and 2003 in which stock data for 1<sup>st</sup> Jan 2003 and 1<sup>st</sup> Jan 2004 were requested.

Figures on total stock of non-nationals presented in various publications and databases (Eurostat/Joint Questionnaire, DG JAI, CoE and NSI *www*) are consistent.

Table 4 Stock of non-nationals

Source	2000	2001	2002	2003
Eurostat/Joint Questionnaire	: <sup>(1)</sup>	861 682	846 736	:
DG JAI	:	861 685	846 734	:
NSI <i>www</i>	897 110	861 685	846 734	850 077
CoE	897 100	861 700	846 734	850 077

<sup>(1)</sup> Total of non-nationals stock available in Eurostat database (853 369) does not include all countries of citizenship and foreigners without detailed information on citizenship (citizenship attributed to continent only or not stated) are not counted.

### ***B3. Statistics on acquisitions of citizenship (Art 4c of the EU regulation)***

#### **B.3.1. Authority responsible for publishing statistical data**

“Institut national de Statistique” [Statistics Belgium]

#### **B.3.2. Source of data and information on transfer of data files**

Statistics Belgium receives information about acquisition of citizenship from the National Register. Data published by Statistics Belgium concern all acquisitions of Belgian citizenship.

#### **B.3.3. Statistical definition and methods of selection**

All persons getting the Belgian citizenship are included whatever the motive and the procedure of acquisition, unless the persons do not reside in Belgium at the date of naturalisation.

### **B.3.4. Reference period and periodicity of statistical data production**

Statistical data are produced and available on annual base.

### **B.3.5. Statistical data availability, reliability and comparability**

Table 5 Compliance of the statistics on acquisition of citizenship with the Regulation  
*(during the reference period)*

<b>Acquisitions of citizenship</b> <i>(during the reference period)</i>	Article	Availability
Acquisitions of citizenship by previous citizenship;	4.1c	+

The figure on acquisitions of citizenship in 2001 in the DG JAI Report on Asylum and Migration 2001 (39 946) is substantially (around 36 %) lower than the figure in the Eurostat database (62 160). The published figure at the national level is slightly different, 62 982. The EUROSTAT figure may be a preliminary result. This discrepancy between figures presented by various institutions results from an error from the institutions having transmitted the information to DG JAI.

## ***B.4. Statistics on asylum seekers (Art 5 or the EU regulation)***

### **B.4.1 Authority responsible for processing asylum statistics**

“Office des Etrangers” [Immigration Service], Ministry of Interior; Commissariat Général aux Réfugiés et aux Apatrides [Commissioner General for Refugees and Stateless Persons]; Commission Permanente de Recours des Réfugiés [Permanent Appeal Commission for Refugees]; “Conseil d’Etat” [Council of State].

### **B.4.2 Reference period and periodicity of statistical data production**

Data are usually published on a yearly basis. Monthly data are partially published or available on request.

### B.4.3 Compliance with the proposed Regulation

Table. 5. Compliance of the asylum statistics of Belgium with the Regulation

	Article	Compliance <sup>1)</sup>
<b>Flows (during reference period)</b>		
Asylum applicants by citizenship <sup>2)</sup>	5.1.a	p
Unaccompanied minor asylum applicants by citizenship	5.1.c	p
Returned persons after a negative decision by citizenship <sup>3)</sup>	5.1.1	p
<b>Stocks (on reference date)</b>		
Pending applications (in persons) by instance and citizenship <sup>4)</sup>	5.1.b, 5.2	p
<b>Decisions (during reference period)</b>		
Dublin clients by citizenship <sup>5)</sup>	5.1.d	a
Inadmissible or unfounded applications (in persons) by citizenship	5.1.e	a
Grants of refugee status (in persons) by instance and citizenship <sup>6)</sup>	5.1.f, 5.2	a
Withdrawals of refugee status (in persons) by citizenship	5.1.f	a
Grants of subsidiary protection status (in persons) by instance and citizenship <sup>7)</sup>	5.1.g, 5.2	nap
Withdrawals of subsidiary protection status (in persons) by citizenship	5.1.g	nap
Grants of temporary protection (in persons) by citizenship <sup>8)</sup>	5.1.h	a
Persons granted resettlement by citizenship <sup>9)</sup>	5.1.i	a
Other grants to stay (in persons) by instance and citizenship <sup>10)</sup>	5.1.j, 5.2	a
Withdrawals of other grants to stay (in persons) by citizenship	5.1.j	nav
Withdrawals of applications (in persons) by citizenship <sup>11)</sup>	5.1.k	a

<sup>1)</sup> p=published by official body; a=not published by official body but available; nav=not available; nap=not applicable; ?=unknown.

<sup>2)</sup> Excluding repeat applications, including applications considered inadmissible or unfounded.

<sup>3)</sup> Voluntarily or enforced.

<sup>4)</sup> Pending in preliminary procedure, in normal procedure 1<sup>st</sup> instance, 2<sup>nd</sup> instance and subsequent instance.

<sup>5)</sup> Relates to the determination of the Member State responsible for examining an application for asylum.

<sup>6)</sup> Grants of Convention status in 1<sup>st</sup> instance, 2<sup>nd</sup> instance and subsequent instance.

<sup>7)</sup> Subsidiary protection is often called granted to stay on humanitarian grounds.

<sup>8)</sup> Temporary protection is given, apart from the asylum procedure, to a group of people in case of a mass influx.

<sup>9)</sup> Resettlement refers to the authorisation to reside within the framework of a resettlement scheme ('quota refugees').

<sup>10)</sup> Other grants may refer to other reasons outside the asylum procedure (e.g. marriage, family reunion) or 'non-refoulement'.

<sup>11)</sup> Including discontinued procedures (in case applicants left before a decision was taken).

N.B.: Like in Ireland, there is no formal subsidiary protection in Belgium (following the definition of the Directive *on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection*). Nevertheless, some specific procedures enable to grant a stay permit on humanitarian grounds. A formal subsidiary protection will be created in the near future due to the European Directive on subsidiary protection.

### B.4.4 Statistical data availability, reliability and comparability (according to data available in international statistical database).

The numbers of applicants as they appear in the different international database are generally consistent. Apart from some minor differences, the numbers of applicants correspond with those published by UNHCR and Eurostat.

However two remarkable differences were observed:

- the number of applicants in 2002 according to the UNHCR (3080) is lower than the number according to the Directorate of Immigration (3443). Difference in data is explained by preliminary data in UNHCR.
- DG-JAI reports for 2001 a total of 770 non-status decisions versus 307 annulments reported by the Directorate of Immigration. The DG-JAI report includes also quota refugees. Comparison of the 2001 figures on decisions learns that in the DG-JAI overview the categories ‘no status awarded’ and ‘inadmissible’ have been taken together. Given the 5092 no status awarded in DG-JAI report, this would imply that eventually 25867 applicants were rejected because of inadmissibility. This is a plausible result.

#### **B.4.5 Relation between asylum statistics and migration statistics**

Asylum seekers and refugees who are granted asylum or allowed to stay in Belgium will have a permanent or temporary residence permit for at least one year. On this base they should be as any other foreigner included in the immigration statistics (flows) and legal population figures (stocks). However, newly recognised refugees are not included in immigration statistics, but they are included in a special category (change of register). Even if this category is used to update population stocks, it is unfortunately not taken into account to compile immigration statistics. In the case a person under concern leaves the country, he or she will be included in the emigration statistics and excluded from the legal population. Persons who leave the country after a negative asylum decision or before a decision was taken are not included in migration statistics, both immigration and emigration.

### ***B.5. Statistics on residence permits (Art. 7 of the EU regulation)***

#### **B.5.1. Authority responsible for statistical data**

“Office des Etrangers” (Immigration Service) of the Ministry of the Interior.

#### **B.5.2. Source of data and information on transfer of data files**

“Base de données de l’Office des Etrangers” [Database of the Immigration Service])

#### **B.5.3. Statistical definition and methods of selection**

There is no special statistical definition and method of selection applied in the country. Data for international bodies have been selected according to their data request.

#### **B.5.4. Reference date and reference period and periodicity of statistical data production**

Data on residence permits are produced on an irregular base for internal use of the ministry. Limited annual data on issue residence permits have been provided to international users annually starting from 2001.

#### **B.5.5. Statistical data availability, reliability and comparability**

Data on positive decisions on residence permits for 2001 disaggregated by reason are available and published in the DG JAI Report on Asylum and Migration 2001 (24 840). These figures refer only to the decisions taken by the Immigration Service on applications submitted abroad. The Immigration Service can provide (on request) all requested data on valid permits (articles 7.1a.iii, 7.1b, 7.2), issued permits or withdrawal of permits during a reference period (articles 7.1.a.i, 7.1.a.ii, 7.2), but it does not publish it currently.

Table 6 Compliance of the statistics on residence permits and legal residence of non-EEA citizens with the Regulation

<b>Residence permits and residence of non-EEA citizens</b>	<b>Article</b>	<b>Availability</b>
<i>During the reference period</i>		
First issue residence permits, by citizenship, reason and the length of validity;	7.1a.i	x
Residence permits granted on the occasion of a person changing immigration status or reason for stay, by citizenship, reason and the length of validity;	7.1a.ii	x
Long-term visas or immigration status grants, if granted instead of employment or residence permits;	7.2	-
<i>At the reference date</i>		
Valid residence permits, by citizenship, reason and the length of validity;	7.1a.iii	x
Long-term residents (as defined by Council Directive 2003/109/CE) by citizenship;	7.1b	x
Valid long-term visas or immigration status grants, if granted instead of employment or residence permits;	7.2	-

#### **B.5.6. Relations between residence permit and migration statistics.**

According to the rules of registration, immigration statistics cover only these residence permit holders who will stay in Belgium for three months or more, if they are registered in the so-called “population register” or in the “aliens’register”. As a consequence, it excludes short-term immigrants and asylum seekers (registered in the “waiting register”). Emigration statistics have a direct connection with the validity of residence permits, but also include declared emigration before the end of validity of the residence permits and reported undeclared emigration (“radiations d’office”).

### **C. Recent improvements in data collection in the framework of the UN recommendations and forthcoming EU regulation**

#### **Registration of migrations and migration statistics**

##### General actions on migration statistics:

Several new data collections have been initiated by the National Contact Point of the European Migration Network (Immigration Service) in close co-operation with different public services (NSI, Federal Public Service Foreign Affairs Belgium, General Commissioner for Refugees and Stateless Persons...) and demographers from the Catholic University of Louvain (GéDAP-U.C.L.). The main goals of this action are to improve availability, reliability and comparability of data on migration and asylum at the Belgian and European level. Several areas are already covered by the action: visas, residence permits, legal migration, asylum procedure, prevention of

illegal migrations. As a consequence, most statistics on migration should soon be available from a unique contact, the National Contact Point of the European Migration Network (Immigration Service). Furthermore, this contact point will promote the improvement of data reliability and the application of European and international standards.

The NSI and the High Council for Statistics have created a work group to propose improvement of migrations indicators (international migration and aliens) published by the NSI.

#### Data assessment:

Immigrations and emigrations registered in Belgium were compared with the corresponding events registered in Italy (1991–1995), Denmark (1989–1993) and Sweden (1989–1993), under an Eurostat program. Individual events were matched using age, sex and citizenship, date of migration, code of municipality of arrival and departure. This project allowed estimating impact of missing records on the stock of immigrants.

#### Characteristics:

Due to the changes in the registration of migrations, country of origin and destination are not in the list of characteristics available.

Country of birth is not published at national level, even if some data were transmitted at some dates to Eurostat.

#### Dissemination:

Publication of migration statistics by citizenship was expanded.

Publications of NSI (including publications on international migrations and foreign population) are available for free on the website of Statistics Belgium ([http://www.statbel.fgov.be/pub/home\\_fr.asp#2](http://www.statbel.fgov.be/pub/home_fr.asp#2)).

### **Asylum statistics**

#### Data collection

A new data collection on asylum procedure has been initiated by the National Contact Point of the European Migration Network (Immigration Service) in close co-operation with the General Commissioner for Refugees and Stateless Persons. One of its main goal is to be able to publish better statistics on asylum (i.e. cohort data).

#### Links between asylum and migration statistics:

Due to the change in the registration system in 1995, applications for asylum are no more considered as immigrations until a positive decision is made.

#### Dissemination:

A specific publication of NSI on asylum seekers is currently under preparation.

**Conclusion : actual compatibility of the statistical data collection with the forthcoming EU regulation**