

Reception Crises: Belgium Leaves Afghans in Legal Limbo, Asylum Seekers Including Minors & Families with Children are Left Out Without Shelter in Europe's Capital, A New Law in the Netherlands to Accommodate Refugees Is Approved by the Right

11th November 2022 | News



Belgium continues to violate rule of law by denying asylum seekers the right to reception on a daily basis for over a year now. Around 5000 Afghans are likely to receive a negative answer to their asylum applications as the authorities attempt to “solve” the ongoing reception crisis. Netherlands’ largest coalition, VVD, has finally agreed to a law to include local councils in accommodating asylum seekers and refugees.

Belgium will [refuse](#) an estimated number of 5000 Afghan asylum applications, in an attempt to find additional places in reception facilities. The recognition rate now hovers around 40 percent. That means that 60 percent of Afghans, generally single men, are on their way to a refusal. The aim is to make them return to the “Taliban regime” which is not an “option” for Afghan asylum seekers because of the “rapidly evolving” instability and because the Afghan embassy in Belgium does not even issue new passports.

Consequently, Afghans who came to the country without passports cannot go back. Instead of expanding reception facilities, Belgian authorities want to fasten the outflow as more spaces would be available once more asylum seekers leave the reception centres. This situation will put Afghans, who weren't granted protection, at risk of being homeless as they will have no other option but either to stay in Belgium "illegally" or head to another EU country. Instead of leaving Afghans in "legal limbo", "it is better to give them legal status because they will stay here anyways", says Reshad Jalali from ECRE. Meanwhile, State Secretary for Asylum and Migration Nicole De Moor considers Afghans as "economic migrants" despite the extremely dire human rights and security situation in Afghanistan. Belgium is currently one of the strictest countries in the EU for Afghan asylum seekers after Romania and Denmark, says Thomas Willekens from Flemish Refugee Action.

Reports of an [inhumane situation](#) where minors and families with children are left in the streets and scabies breakouts are occurring continue. Some claim that Belgium uses the reception crisis as a deterrence policy that "doesn't work" as people are still applying for asylum even though they know they won't get reception. (But a reception crisis is the best detaining policy), says Thomas Willekens. Furthermore, the Belgian authorities deny or grant shelter to asylum seekers based on changing "vulnerability" criteria. On 7 November, families and minors were given shelter while single men and "adult-looking" men were denied accommodation. On 8 November, more than 100 people were denied access to asylum procedures. On the same day, Brussels Mayor denouncing the Federal Agency for the Reception of Asylum-Seekers (Fedasil) [said](#): Reception crisis 'cannot last another week' and added that "The Brussels mayors have taken responsibility and provided buildings, now Fedasil must provide staff." On 9 November, the EU Commissioner for Home Affairs, Ylva Johansson said in a TV interview that she is aware that asylum seekers sleep on the street, adding that providing accommodation to asylum seekers falls under the national competence and therefore the commission can only provide guidance and financial support. "European Commission = Guardian EU Treaties & must intervene when EU State systematically violates law", says the Director of NGO FEANTSA. On 10 November, Flemish Refugee Action [tweeted](#): "crisis continues for refugees in emergency shelters. The court ruled that the emergency shelter is against the law and must be improved quickly. Nevertheless, the State appealed. That's why we're back in court today". Meanwhile, the European Court of Human Rights (ECtHR) [granted](#) an interim measure in a case concerning a Guinean national who had not received accommodation from Fedasil since his application for international protection, due to the alleged saturation of the reception centres for asylum seekers in Belgium. Despite a previous order from the Brussels Labour Court to house the applicant, Fedasil hasn't enforced the order. Consequently, ECtHR decided that Belgium must comply with the order made by the Brussels Court and must provide the applicant with accommodation and material assistance to meet his basic needs. As [rulings](#) from Brussels Court in favor of refugees and their right to a humane reception mount and the situation for those sleeping in the street is worsening amid temperature drop, "This government is failing in every way", says Willekens.

In the meantime, the authors of the petition "*In My Name*" petition **defended** in the Interior Committee of the Chamber their proposal for a civil law on the regularization of undocumented people after gathering 35,000 signatures. This is the first time that a collective of citizens can defend a text of law in the federal Parliament since the introduction of this possibility at the end of 2020. The proposal calls for the establishment of an independent appeals commission as well as clear, fair and permanent criteria for regularization as well as criteria linked to the return of stateless persons, or parents of children who have been living in Belgium and more".

Meanwhile in the Netherlands, a new **law** to ease the ongoing reception crisis by legally requiring local councils to accommodate asylum seekers and people who have been given settled status faced resistance from the largest coalition party, the VVD, which wanted to include measures to decrease the number of arrivals in the Netherlands. However, VVD **finally agreed** to support the law on 8 November and State Secretary Eric van den Burg intends to implement it on 1 January 2023. **According** to local media: "Among other things, the law regulates that the government can **force municipalities to take in asylum seekers** if they refuse to do so voluntarily. In an attempt to avoid this, the government will pay municipalities that house at least 100 asylum seekers a **bonus of 2,500 euros per asylum seeker**, provided they participate in the program voluntarily and maintain the facilities for at least five years".

The Dutch Immigration and Naturalization Service (IND) estimates it can process and conclude nearly 28,000 asylum applications by the end of this year. This would mean an increase of the number of asylum seekers awaiting a decision to 31,400 by early 2023, **SchengenVisaInfo.com** reports. **Reportedly**, 20,400 asylum applications were pending at the beginning of 2022 and the number of applications filed until the end of this year will reach between 48,200 and 55,700 applications, including family travel.

Meanwhile, a few hundred Ukrainians without a residence sticker, which is proof of a valid temporary protection permit, are at risk of being **returned** unless they apply for asylum. ECRE member the Dutch Council for Refugees also received reports of Ukrainians without a sticker who had to leave their reception centre. Due to the high speed of the process, "We hear from people that they did not know what the consequences are of not having a sticker. They are now suddenly confronted with that", says Anastasiia Sakhniuk of NGO Opora.

For further information:

- ECRE, Reception Crises: Court Rejects Dutch State's Demand to Postpone Implementation of a Ruling Favoring Refugees, Brussels Police Destroys Tents of Asylum Seekers As Belgium Fails to Provide Accommodation, October 2022
 - ECRE, Reception Crises: Dutch Authorities Appeal Ruling Ordering Respect For Right to Reception, Belgium Leaves Vulnerable Asylum Seekers in the Streets Without Shelter, October 2022
-

This article appeared in the [ECRE Weekly Bulletin](#). You can subscribe to the Weekly Bulletin [here](#).

ECRE Weekly Bulletin

ELENA Weekly Legal Update

Subscribe Now

[HOME](#)

[PUBLICATIONS](#)

[OUR WORK](#)

[CONTACT](#)



Designed By **Azzam Daaboul**