

National Report II Belgium

ASSESS

Integration of Vulnerable
Migrant Groups

Centre for Migration and Intercultural
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ASSESSING THE INTEGRATION OF VULNERABLE MIGRANTS IN BELGIUM

Rut Van Caudenberg

Centre for Migration and Intercultural Studies (CeMIS)
University of Antwerp

Joris Michielsen

Centre for Migration and Intercultural Studies (CeMIS)
Policy Research Centre on Integration
University of Antwerp

Dirk Vanheule

Centre for Migration and Intercultural Studies (CeMIS)
Policy Research Centre on Integration
University of Antwerp

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Executive Summary

This report is written in the framework of the second phase of the research project “*Assessing Integration Measures for Vulnerable Migrant Groups*” (ASSESS) and reports on the findings for Belgium. The report looks at the existing policies, measures and programmes in a specified set of policy domains considered important for the integration, in order to see to what extent they address the specific needs of three vulnerable migrant groups: third country national (TCN) migrant women, children, and victims of human trafficking (VoTs). Furthermore, it presents statistical data to illustrate the level of integration for those three vulnerable migrant groups.

The assessment of the existing policy measures and programmes in different policy areas considered important for the integration shows that in general, TCN migrant women are not identified as a particular target-group. While this does not necessarily mean that they are excluded from the existing initiatives (since they can sometimes still benefit from them, for instance as ‘foreigners’, or as ‘disadvantaged’ or ‘socially vulnerable’ groups) the integration outcomes for TCN women show that a more gendered approach might be useful. Indeed, statistical data show that TCN migrant women are not only more likely to be unemployed or inactive compared to Belgian women but also compared to TCN migrant men. Furthermore, they are the group least likely to receive unemployment benefits, as well as the group with the lowest average income and the highest over-qualification rate, making them particularly vulnerable to poverty (even when at work) and social exclusion.

Both in the Flemish and French Communities, a system of reception education has been developed to facilitate integration into education for recently arrived migrant children, focusing primarily on teaching them the language. The lack of specific training programmes for teachers of reception education, as well as the difficulties in holding onto the existing expertise in reception education teaching are some of the challenges these policy initiatives are still dealing with. Statistical data show that (TCN) migrant children are still in a much more vulnerable position vis-à-vis their Belgian peers, with a much higher rate of educational backlog, low achievers and early school leavers. While the reality of educational performance in Belgium is a very complex issue that also has to do with the educational systems in general - about which critics say that they reproduce inequality instead of tackling it - the large gap between the educational performances of (TCN) migrant and non-migrant children suggest that special attention to the particular situation of the former should be increased if more equal educational performances are to be achieved. Overall, policy measures in the area of social inclusion (fighting child poverty, access to leisure activities) are not targeted towards TCN migrant children specifically but focus more generally on ‘socially vulnerable’ or ‘disadvantaged’ groups (Flemish Community) or on the issue of ‘social cohesion’ (French Community and Walloon Region). A general lack of systematic data collection on the specific situation of child poverty in immigrant families and on the participation of TCN migrant children in leisure activities makes it very difficult to assess their integration outcomes in these policy domains.

In the framework of the special procedure for VoTs, VoTs in Belgium can benefit from a well-developed system of protection and assistance. During the entire procedure, the specialised reception centres for VoTs play a crucial role in empowering the VoT and facilitating his/her path towards integration. Outside of the context of the special procedure for VoTs, no particular attention is paid to this specific migrant group in policy domains such as employment or

education and a general lack of systematic and longitudinal data collection on VoTs makes it very difficult to assess the integration outcomes of this particular group.

Some recommendations:

TCN migrant women:

- More attention should be given to (TCN) migrant women as a specific vulnerable group in policy making, especially in policy areas of employment, education, child care and social inclusion
- The extremely vulnerable position of TCN women on the labour market and their high risk for poverty status requires that a gender perspective be used when developing policy measures to facilitate migrants' integration on the labour market
- TCN migrant (women) should be more actively encouraged to participate in municipal election. To further promote their political participation, they could be granted passive voting rights (be allowed to be elected) and/or their voting rights could be extended to other elections (regional, federal)

TCN migrant children:

- Special training programmes for reception education teachers and methods to hold on to and systematize the existing expertise should be developed further; official training programmes for teaching Dutch as a second language should be developed
- Schools should be better equipped to deal with the specific, sometimes traumatic, experience vulnerable TCN migrant children (asylum seekers, refugees, undocumented children, UAMs...) are dealing with.
- More attention should be given to the particular situation of (TCN) migrants and (TCN) migrant children in policy initiatives that want to fight (child) poverty
- More outreach activities are needed to reach TCN migrant children and promote their participation in leisure activities
- Data collection mechanisms should be developed to be able to monitor and assess the situation of UAMs and undocumented children, who remain largely invisible as specific vulnerable migrant subgroups within the general group of migrant children
- Studies should be carried out to compare the impact of the two-fold system of guardianship on the well-being of UAMs and the care they receive

VoTs:

- Systematic and longitudinal data collection mechanisms should be developed to be able to monitor the situation of VoTs and assess their integration not only during but also after the special procedure for VoTs
- A system of structural funding should be developed for the specialised reception centres in order for them to be able to continue delivering qualitative and tailor-made assistance to VoTs and to facilitate their integration

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List of abbreviations

CBE	Centre for Basic Education
COCOF	French Community Commission
CRI	Regional Integration Centre
CTO	Centre for Language and Education
DASPA	Device for the reception and education of newly arrived pupils
DPR	Regional Political Declaration
ECEC	Early Childhood Education and Care
EMN	European Migration Network
ESL	Early School Leaving
EU-SILC	European Union Statistics on Income and Living Conditions
FEDASIL	Federal Agency for the Reception of Asylum Seekers
FPS	Federal Public Service
FOREM	Walloon office for professional training and employment
IAMM	Centre for Information and Analysis Human Trafficking and Human Smuggling
IVCA	Intercultural Women's Centre Antwerp
LFS	Labour Force Survey
NEET	Not in Education, Employment or Training
OCMW	Public Social Welfare Centre
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development
OKAN	Reception classes
ONE	Office of Birth and Childhood
PISA	Programme for International Student Assessment
POD	Federal Public Planning Services
PSC	Social Cohesion Plan
RVA	National Employment Service
SDL	Support Point Diversity and Learning
TCN	Third Country National
UAM	Unaccompanied Foreign Minor
VDAB	Flemish Service for Labour Mediation and Training
VGC	Flemish Community Commission
VoT	Victim of Human Trafficking

Introduction

This report is written in the framework of the project “*Assessing Integration Measures for Vulnerable Migrant Groups*” (ASSESS), a project funded by the European Integration Fund that aims to monitor and assess the effectiveness of integration measures for three vulnerable migrant groups in 10 EU Member States¹. These three vulnerable migrant groups are third country national (TCN) migrant women, migrant children, and victims of human trafficking (VoTs). The first phase of the ASSESS-project tried to develop a clear understanding of the measures put in place in the participating EU Member States to monitor and evaluate integration policies and practices (and their results)². This report is a result of the second phase, which has two main aims: i) assess existing integration policies and programmes in terms of how they meet the needs of the three vulnerable migrant groups under study, and ii) assess integration outcomes for the three vulnerable migrant groups based on measurable indicators.

This document reports on the findings for Belgium. Based on a common methodology used in all the participating Member States, it seeks to address the above-mentioned aims by i) reviewing existing policy measures and programmes in a specified set of policy domains considered important for integration, in order to see to what extent they address the specific needs of TCN migrant women, migrant children and VoTs, and ii) presenting statistical data to illustrate the level of integration for the three vulnerable migrant groups in those policy domains. The set of policy domains we look into in this report are inspired by the Zaragoza Declaration, which forwarded a set of indicators on migrant integration in a set of policy areas based on high quality international data collections aiming to foster comparative assessment of migrant integration across the EU³. Within the framework of the ASSESS project we focused on this predefined set of policy domains. However, other policy domains, such as e.g. accommodation and health, are also important for migrant integration. Further research could look these and other policy domains to see how they address the specific needs of (vulnerable) migrant groups.

The findings presented in this report are based on a combination of desk research of various sources including policies, decrees, laws, annual reports of governmental departments, non-governmental organisations and independent public institutions, and websites of relevant institutions on the one hand – and semi-structured interviews with relevant experts from governmental/non-governmental institutions and civil society and advocacy organisations on the other hand. Various experts in 15 different organisations were approached with a request for an interview. Not everybody responded to our request (on time), but we were able to interview 13 experts from 8 different organisations (see annex).

The report is divided into three main parts. **Part I** focuses on the integration of **migrant women**. First, policy measures and programmes in five policy domains (employment, education, social

¹ The participating countries represent Europe’s different migration patterns and experiences in dealing with migration and integration issues and consist of five "old" Member States with considerable immigrant inflows (Austria, Belgium, Greece, Italy, Spain) and five “new” Member States with "evolving" immigration patterns and regimes (Bulgaria, Hungary, Malta, Poland, Slovakia)

² The first phase resulted in a first national report for each of the participating EU Member States and a comparative report based on the ten national reports, all of which are available on the project-website <http://www.assess-migrantintegration.eu>

³ Mancheva, M. and Nonchev, A. (2014) ASSESS. *Methodology for monitoring the integration of vulnerable migrants*, p. 11

inclusion, active citizenship and anti-discrimination) are reviewed to see if and how they are targeted towards TCN migrant women. Then, statistical data extracted from international surveys such as the Labour Force Survey and the EU-SILC and from data collected by national and regional institutions is presented as a way to illustrate the position of TCN migrant women in Belgium in the different policy domains. **Part II** focuses on the integration of **migrant children**. In this second part, policy measures and programmes in the policy domains of education and social inclusion are reviewed. Furthermore, we briefly take a closer look at the system of guardianship as an important primary step in the process of facilitating the integration of unaccompanied foreign minors (UAMs). Next, statistical data gathered from administrative databases, annual reports, the international survey PISA, and Eurostat allow the presentation of a general overview of the access to education for TCN migrant children, their educational performances and general poverty-risk status. **Part III** focuses on the special procedure for **VoTs** and their access to welfare and assistance, education and employment. Since systematic data collection on VoTs does not currently exist in Belgium, it is not possible to look at the integration outcome in policy domains such as employment or education. The available data only provides a general overview of the number of VoTs that benefited from the special procedure for VoTs and received assistance from the specialised reception centres. The final chapter presents a summary of the main conclusions as well as several recommendations.

Before continuing, a few remarks should be made. First of all, there is the fact that Belgium is a country with a complex structure of federal, regional and community governments, which each have their own responsibilities. This complexity results in a vast array of policy measures and initiatives; some of these measures apply to the whole country, others only to a specific region or language community. In this report we try to give an overview of the most important initiatives at the different levels, however, considering this complexity, as well as the political changes the country is currently going through with new federal, regional and community governments and a sixth state reform which recently transferred a number of responsibilities (including work permits for migrants, child benefits,...) from the federal level to the regional or community level, the policy measures and practices mentioned throughout the report should not be considered as an exhaustive picture of the reality. Secondly, the focus in this report lies on *TCNs*, in other words, migrants with a non-EU nationality. As a result, it only tells one part of a much bigger story. Particular EU migrant groups, such as the Roma, also constitute a very vulnerable group of migrants in Belgium but are not a part of the focus of this report. Neither are people with a migrant background who have acquired Belgian citizenship or who were born as Belgians. Thirdly, the ASSESS project talks about TCN migrant women, children and VoTs as ‘vulnerable migrant groups’. While the issue of vulnerability is quite straightforward in the case of VoTs, it is not so in the case of TCN migrant women and children; the sole fact of being a TCN migrant woman or child does not necessarily make one vulnerable. Indeed, the experts interviewed for this report stated that the ‘vulnerability’ of these (and other) migrant groups is linked to particular situations in which they can find themselves, for example having an insecure residence status, having no or limited access to accommodation or basic public services, having to deal with a difficult and sometimes traumatic migration experience, being a single mother or an UAM, etc.

Profiles of the three migrant groups

For a general overview of the migration situation in Belgium we refer to the first report of the ASSESS project⁴. In what follows we will focus on the three migrant groups that form the focus of this report.

Migrant women

According to recent Eurostat data, 607,824 foreign women with 188 different nationalities were legally residing in Belgium on 1 January 2013, making up 48.5 % of the total foreign population and 10.7 % of the total female population in the country. Similar to the overall migrant population in Belgium, the stock of migrant women consists primarily (64.7 %) of EU-citizens, with the majority coming from France (13.1 % of the foreign population), Italy (11.8 %) and the Netherlands (11.1 %). When only taking into account the group of TCN migrant women, we see that the five most important nationalities remained the same over the past years, with migrant women from Morocco and Turkey constituting the largest group, followed by the Democratic Republic of Congo, Russia and the USA (table 1). While the group from the DRC and Russia show a significant increase between 2008 and 2013, the stock of migrant women from Morocco, Turkey and the USA remained relatively the same or even decreased in the case of Turkey. However, in the case of Morocco and Turkey it is important to note that between 2009 and 2012 a large group of respectively 15,573 and 5,245 women from these countries acquired Belgian citizenship (accounting for respectively 21.8 % and 7.3 % of all naturalisations of women during that period), meaning that while they still appeared in the statistics of the migrant stock in 2008 they no longer did so in 2013. In other words, the influx of TCN migrant women from both countries has not dropped as significantly as would appear here at first sight. By 2013 the group of migrant women from Guinea, Armenia and Brazil had taken over the places of the Former Serbia and Montenegro, Algeria and India. While women represent somewhere between 48 % and 52 % within most of the 2013 top 10 nationality groups, their share drops to 43.6 % in the group of Guineans and increases to 54.6 % and 61.4 % in the group of the Russians and the Brazilians, respectively.

Nationality	2008		Nationality	2013	
	Female	Total		Female	Total
Morocco	39,458	79,867	Morocco	41,490	83,520
Turkey	20,091	39,954	Turkey	18,848	39,228
DRC	8,194	16,132	DRC	12,426	23,785
Russia	6,201	11,650	Russia	10,377	19,008
USA	5,643	11,235	USA	5,853	11,541
Former Serbia and Montenegro	4,873	10,182	China (incl. Hong Kong)	5,821	10,995
China (incl. Hong Kong)	4,408	8,254	Cameroon	5,371	11,040
Algeria	3,455	8,185	Guinea	4,803	11,021
Cameroon	2,540	4,966	Armenia	4,735	9,368
India	2,521	6,166	Brazil	4,589	7,470

Table 1: Top 10 TCN nationalities for women (2008 and 2013, in numbers) [Source: Eurostat]

⁴ Michielsen, J. et al (2014) *Assess integration measures for vulnerable migrant groups (ASSESS): review of existing monitoring mechanisms for the integration of migrants in Belgium: national report Belgium*. Antwerp: University of Antwerp, CeMIS

On 31 December 2013 the total of all residence permits issued to TCN migrants (including first residence permits, change of status or reasons to stay and renewed permits) numbered 339,067. Around half of them were issued to women. A closer look at the first residence permits⁵ (table 2) shows that the majority of them (60 %) issued to TCN women are based on family reasons (i.e. mainly family formation or family reunification with a family member who is already living in Belgium). Only a small minority (6.8 %) received a first residence permit based on work. These data suggest that TCN migrant women primarily come to Belgium to join a family member and in a lesser degree to work or pursue education. When comparing this to first residence permits issued to TCN men, the data show that while the majority of residence permits issued to men are still based on family reasons, the percentage is considerably lower than for women (44.6 %). The share of residence permits based on work issued to men, on the other hand, is about twice as high as for women (13.8 %). Indeed, the majority of first residence permits for family reasons are issued to women (58.1 %) while the majority of first residence permits for labour activities are issued to men (66.5 %).

If we compare the first residence permits issued in 2013 to previous years, we see a general decrease: from 57,855 first residence permits issued in 2010 to 42,463 in 2013. This is mainly due to a decrease in permits issued based on family reasons and a decrease in the issuing of refugee and other international protection statuses. The share of permits issued to women remained relatively stable and only dropped slightly from 51.5 % in 2010 to 50.7 % in 2013.

	2010		2011		2012		2013	
	Male	Female	Male	Female	Male	Female	Male	Female
Family	12,768	17,778	12,628	17,810	10,655	14,405	9,339	12,927
Education	3,110	2,789	2,979	2,855	2,909	2,904	2,956	2,946
Remunerated activities ⁶	2,784	1,563	3,046	1,659	3,012	1,635	2,889	1,458
Other ⁷	9,386	7,677	8,295	6,177	6,954	4,804	5,767	4,181
Total	28,048	29,807	26,948	28,501	23,530	23,748	20,951	21,512

Table 2: First residence permits (2010-2013, in numbers) [Source: Eurostat]

The age structure of the TCN migrant women in Belgium shows that they are a relatively young migrant group: 45.9 % of them are under the age of 30 and only 6.2 % are 65 years old or older. This makes them a much younger population than the group of Belgian women of whom only 33.7 % is under the age of 30 and 20.9 % is 65 years old or older. The age structure of the group of TCN women is similar to that of TCN men, except for the oldest age group, which is relatively smaller in the case of TCN men, with only 4 % of them being 65 years old or older.

⁵ A 'first residence permit' is a permit issued to a person for the first time. A residence permit is also considered a first permit if the time gap between the expiry of the old permit and the start of validity of the new permit issued for the same reason is at least 6 months, irrespective of the year of issuance of the permit. (Eurostat (2013) *Statistics on Resident Permits- The main definitions and methodological concepts*, p.3)

⁶ With a residence permit for 'remunerated activities' certain groups of people are granted the authority to work; these groups include highly skilled workers, researchers, seasonal workers, people who are entitled to a EU Blue Card, and others (such as employed or self-employed, remunerated trainees or remunerated au-pairs) (Eurostat (2013) *Statistics on Resident Permits- The main definitions and methodological concepts*, pp.5-6).

⁷ 'Other reasons' include refugee status, subsidiary protection, humanitarian reasons, status of UAM or VoT, etc. (Eurostat (2013) *Statistics on Resident Permits- The main definitions and methodological concepts*, pp.6-7)

	Under 30	30-64	65 or older	Total
TCN men	103,170	120,098	9,204	232,472
TCN women	98,458	102,879	13,361	214,698

Table 3: Age structure TCNs (2013, in numbers) [Source: Eurostat]

Migrant children

In this report we focus both on TCN migrant children as a general group and on UAMs as a specific subgroup. According to Eurostat, 245,758 foreign children from the age of 0 up until 19⁸ -- with 172 different nationalities -- were legally residing in Belgium on 1 January 2013, representing 9.6 % of the total population of this age group in the country. Among the total foreign population between 0-19 years old there were 101,713 (around 40 %) TCNs; a small majority (52.1 %) of them were boys. The top ten nationalities of TCNs were Morocco (5.1 % of the foreign population of this age group), Russia (2.9 %), Democratic Republic of Congo (2.6 %), Turkey (2.5 %), Guinea (1.6 %), Afghanistan (1.5 %), Serbia (1.3 %), USA (1.3 %), Armenia (1.1 %) and Iraq (1 %). Most of these nationality groups had a more or less equal number of boys and girls (with some having slightly more boys and others having slightly more girls). However, Armenia, Iraq and especially Afghanistan were more clearly male dominated, with boys accounting for respectively 54.2 %, 54.5 % and 75.9 % of all 0-19 year-old children of these nationalities. The different nationalities in the top ten of 2008 and 2013 show that new nationality groups have moved to the forefront: Japan, Algeria, India and China have been replaced by Guinea, Afghanistan, Armenia and Iraq.

Nationality	2008			Nationality	2013		
	Boys	Girls	Total		Boys	Girls	Total
Morocco	6,706	6,696	13,402	Morocco	6,332	6,153	12,485
Turkey	3,331	3,436	6,767	Russia	3,592	3,459	7,051
Russia	2,384	2,178	4,562	DRC	3,031	3,254	6,285
DRC	2,002	2,160	4,162	Turkey	3,158	2,970	6,128
Former Serbia and Montenegro	2,009	1,879	3,888	Guinea	1,989	1,871	3,860
USA	1,708	1,599	3,307	Afghanistan	2,853	907	3,760
Algeria	588	581	1,169	Serbia	1,625	1,560	3,185
Japan	575	590	1,165	USA	1,541	1,553	3,094
India	606	549	1,155	Armenia	1,477	1,250	2,727
China (incl. Hong Kong)	525	536	1,061	Iraq	1,344	1,120	2,464

Table 4: Top 10 nationalities TCN migrant children, 0-19 years old (2008 and 2013) [Source: Eurostat]

Overall the number of first residence permits issued to children between 0 and 19 years old decreased from 18,825 in 2010 to 15,123 in 2013. It is especially the issuing of refugee protection and other international protection statuses that decreased (in 2010 a total of 4,527 permits for 'other reasons' were issued, compared to 2,086 in 2013). In 2013 a large majority (around 80 %) of both boys and girls received a first residence permit based on family reasons.

⁸ In Belgium the official age of majority is 18. However, data on TCNs in the subgroup 0-18 is not available on Eurostat. As a result, the data presented here do not depict an entirely accurate picture of the actual number of officially registered TCN children in Belgium, since 18 and 19 years old are included in the data as well.

Reason	2010		2011		2012		2013	
	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
Family	6,716	6,798	7,004	6,936	6,951	6,580	6,237	5,961
Education	258	448	264	513	271	521	253	520
Remunerated activities ⁹	37	41	37	25	32	24	37	29
Other ¹⁰	2,411	2,116	1,602	1,375	1,537	921	1,254	832
Total	9,422	9,403	8,907	8,849	8,791	8,046	7,781	7,342

Table 5: first residence permits 0-19 years old (2010-2013) [Source: Eurostat]

The majority of TCN migrant children is either younger than 5 years old (31.1 %; 31.9 % for girls and 30.4 % for boys) or between 15-19 years old (25.2 %; 23.6 % for girls and 26.7 % for boys). With more than 30 % being younger than 5, the group of TCN children is somewhat younger than the group of Belgian children, of whom only around 25 % is under 5 years old.

	Under 5	5-9	10-14	15-19	Total
Boys	16,098	11,963	10,779	14,172	53,012
Girls	15,531	11,389	10,310	11,471	48,701
Total	31,629	23,352	21,089	25,643	101,713

Table 6: Age distribution TCN migrant children, 0-19 years old (2013) [Source: Eurostat]

It should be noted that the data presented above, both with regard to TCN migrant women and TCN migrant children, only say something about TCNs with official residence permits. Women and children who entered the country without a visa or authorization or who overstayed the duration of their visa or residence permit (i.e. undocumented women and children) are completely invisible in these statistics. Because of their invisibility in almost all official data collection systems, it is extremely difficult to draw a clear picture about who they are, where they come from, etc. Nonetheless, undocumented migrants form a significant group of the migrant population in Belgium¹¹ and very often they live under extremely vulnerable circumstances.

In order to be considered **UAM** and to be able to benefit from the specific protection measures this entails, a migrant child has to fulfil certain criteria. Until very recently these criteria have been: i) be a citizen of a country that is not a member of the European Economic Area, ii) be under the age of 18 and iii) not be accompanied by a person who has parental or guardian authority over the child¹². However, on 1 December 2014 a new law¹³ was passed making it possible, under certain circumstances, for unaccompanied minors from the European Economic Area to be considered UAMs as well, thus allowing them to benefit from the protection measures

⁹ With a residence permit for 'remunerated activities,' certain groups of people are granted the authority to work; these groups include highly skilled workers, researchers, seasonal workers, people who are entitled to a EU Blue Card or others (such as employed or self-employed, remunerated trainees or remunerated au-pairs) (Eurostat (2013) *Statistics on Resident Permits- The main definitions and methodological concepts*, pp.5-6).

¹⁰ 'Other reasons' include refugee status, subsidiary protection, humanitarian reasons, status of UAM or VoT, etc. (Eurostat (2013) *Statistics on Resident Permits- The main definitions and methodological concepts*, pp.6-7)

¹¹ Based on a study conducted between 2005 and 2006, Van Meeteren et al estimated that a minimum of around 100,000 to 110,000 people were living in Belgium without legal residence documents (Van Meeteren et. Al (2007) *Irreguliere immigranten in België. Inbedding, uitsluiting en criminaliteit*. [Irregular migrants in Belgium. Inclusion, Exclusion and Criminality] Rotterdam: RISBO

¹² Law of 12 September 2011 to change the Law of 15 December 1980 Law of 15.12.1980 on access to the territory, residence, establishment and removal of foreigners with the objective to issue temporary residence permit to unaccompanied foreign minors (Belgium / 2011-09-12/36 (28-11-2011))

¹³ Law to change the title XIII, chapter VI, of the programme law (I) of 24 December 2002 regarding guardianship of unaccompanied foreign minors of 12 May 2014 (Belgium/2014-05-12/31 (21-11-2014))

as well. Any authority that finds out about the presence of a (presumed) UAM on Belgian territory or at the border has to inform the Guardianship Service about it. Since 2008, the announcements of (potential) UAMs the Guardianship Service received increased every year, from 2,787 in 2008 to 4,410 in 2011 (with respectively 1,887 and 3,258 newcomers). In 2012 the number of announcements declined to 3,909, with 2,811 of them being newcomers. The majority of them (80.2 %) were boys from Afghanistan (29 %). Since 2008 the number of announcements of (presumed) UAMs from Afghanistan, Algeria, Guinea, Morocco and the Democratic Republic of Congo increased, while the number originating from India, Iraq and Palestine decreased substantially¹⁴.

Victims of Human Trafficking (VoTs)

The third vulnerable migrant group that forms the focus of this report is the group of VoTs. Since 2005, trafficking in human beings is defined in Belgium's *Criminal Code*¹⁵, which identifies five sectors of exploitation: i) prostitution or other forms of sexual exploitation, ii) begging, iii) carrying out work or services in conditions contrary to human dignity, iv) organ removal, v) making a person commit a crime or misdemeanour against his/ her will (Art.433quinquies).

Standardised information about VoTs in Belgium is difficult to access. While the different institutions involved in the action against human trafficking collect data that is useful for their own work and for achieving and evaluating their own goals, data harmonization is still lacking. In its annual report on human trafficking, the Federal Migration Centre (former Centre for Equal Opportunities and Opposition to Racism) gives an overview of the data collected by the different institutions. The most recent report (2013) shows, for instance, that in 2013 the federal police registered 1,108 human trafficking offenses (mostly for sexual and economic exploitation, and child porn); that the Foreigners' Affairs Office issued 116 first temporary residence permits to individuals who stepped into the special procedure for VoTs¹⁶; and that 70 convictions were made for trafficking in human beings¹⁷. This variety in data makes it very complicated to draw a clear picture about VoTs in Belgium. When focusing only on the individuals who received a residence permit in the framework of the special procedure for VoTs (thus leaving aside any other potential VoT who might not be detected or who decides not to step into the procedure), a closer look at the data from the Foreigners' Affairs Office show that for the 116 individuals who received a first temporary residence permit in 2013, the five main countries of origin were Morocco (20 cases), Romania (20 cases), China (11 cases), Nigeria (7 cases), and Tunisia (6

¹⁴ FOD Justitie, Dienst Voogdij [FPS Justice, Guardianship Service]: http://justitie.belgium.be/nl/themas_en_dossiers/kinderen_en_jongeren/niet-begeleide_minderjarige_vreemdelingen/niet-begeleide_minderjarige_vreemdeling_nbmw (accessed 15 December 2014)

¹⁵ Belgium / 1867-06-08/01 (09-06-1867)

¹⁶ Belgium has a special procedure for VoTs that consists of several stages and each stage has its own specific temporary residence permit. The first temporary residence permit is the first permit a (potential) VoT receives when he/she steps into the special procedure. Each time the VoT continues on to a next stage of the procedure, he/she will receive a different type of temporary residence permit, which can result in a permanent residence permit if certain conditions are met (see *Part III Assessment of the Integration of VoTs* in this report).

¹⁷ Federaal Centrum voor de analyse van de migratie-stromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel (2014). *Mensenhandel en Mensensmokkel. Bruggen slaan. Jaarverslag 2013 van de onafhankelijke rapporteur mensenhandel – België* [Human Trafficking. Building bridges. Annual Report 2013 from the independent rapporteur human trafficking - Belgium] Brussels: Federaal Centrum voor de analyse van de migratie-stromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel, chapter III

cases). Most of the 116 new cases were older than 25 (67.2 %), and in four cases, the VoT was a minor. The majority were men (58.6 %) who were victims of economic exploitation. Three quarters of the female VoTs were victims of sexual exploitation and one quarter of them were victims of economic exploitation¹⁸. When looking at the most common nationalities of new cases in previous years, we see that Morocco, Romania and China have remained in the top five of VoTs over the past years. On the other hand, fewer cases from India (and since 2013 also Bulgaria) have been identified, and instead, Nigeria and Tunisia entered the top five.

Nationality	2010	Nationality	2011	Nationality	2012	Nationality	2013
Bulgaria	27	Romania	26	Romania	22	Morocco	20
Romania	23	Morocco	20	Nigeria	19	Romania	20
Morocco	20	Bulgaria	14	Morocco	18	China	11
China	13	China	9	China	11	Nigeria	7
India	11	India	8	Bulgaria	8	Tunisia	6

Table 7: most common nationalities of VoTs that received a first residence permit from the Foreigners' Affairs Office (number of cases, 2010-2013) [Source: Federal Migration Centre]¹⁹

¹⁸ Federaal Centrum voor de analyse van de migratie-stromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel (2014). *Mensenhandel en Mensensmokkel. Bruggen slaan. Jaarverslag 2013 van de onafhankelijke rapporteur mensenhandel – België* [Human Trafficking. Building bridges. Annual Report 2013 from the independent rapporteur human trafficking - Belgium] Brussels: Federaal Centrum voor de analyse van de migratie-stromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel, pp.100-101

¹⁹ Centrum voor Gelijkheid van Kansen en voor Racismebestrijding (2011). *Mensenhandel en Mensensmokkel. Jaarverslag 2010* [Human trafficking and human smuggling. Annual Report 2010] Brussels: CGKR, p. 81; Centrum voor Gelijkheid van Kansen en voor Racismebestrijding (2012). *Mensenhandel en Mensensmokkel. Het geld dat teld. Jaarverslag 2011* [Human trafficking and human smuggling. The money that counts. Annual Report 2011] Brussels: CGKR, p. 131; Centrum voor Gelijkheid van Kansen en voor Racismebestrijding (2013). *Mensenhandel en Mensensmokkel. Bouwen aan het vertrouwen. Jaarverslag 2012* [Human trafficking and human smuggling. Building confidence. Annual Report 2012] Brussels: CGKR, p. 106; Federaal Centrum voor de analyse van de migratie-stromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel (2014). *Mensenhandel en Mensensmokkel. Bruggen slaan. Jaarverslag 2013 van de onafhankelijke rapporteur mensenhandel – België* [Human trafficking and human smuggling. Building bridges. Annual Report 2013 from the independent rapporteur human trafficking - Belgium] Brussels: Federaal Centrum voor de analyse van de migratie-stromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel, p. 101

PART I Assessment of the integration of TCN women

I.1 Policy assessment

In this first part we will look at the policy measures and programmes that exist in different policy areas considered important for migrant integration, i.e. employment, education, social inclusion, active citizenship and anti-discrimination and if and how these policy measures are targeted towards the specific group of TCN migrant women.

Employment

Access to the labour market

The current regulations on the access to the labour market for TCNs are based on the federal *Law on the employment of foreign employees of 30 April 1999*²⁰. The regulations²¹ resulting from this law apply in exactly the same way to both TCN migrant women and men and stipulate that TCNs who want access to the labour market will in principle need a work permit²². Under certain circumstances, TCNs are exempt from the need to have a work permit. These circumstances are related to either a specific profession as defined in the *Royal Decree of 9 June 1999 on the implementation of the Law of 30 April 1999*²³ or to a specific residence permit (such as a permanent residence permit or a residence permit based on family reunification with an EU citizen). Although there has been an increase in the number of work permits delivered to women since the early 2000s, in practice the majority of the work permits (A, B and C) is still issued to migrant men. In 2013 the latter received almost two thirds of all the work permits delivered that year²⁴.

In the case of a work permit B, a **labour market investigation** has to precede the issuing of the permit, and it will only be issued if it proves to be impossible to recruit someone suitable for the job who already has access to the labour market and is able to begin the employment within a reasonable amount of time, if necessary after specific vocational training (Art.8 of the Royal

²⁰ Belgium / 1999-04-30/45 (21-05-1999)

²¹ Regulating the access to the labour market for TCNs was the responsibility of the federal government until July 2014. In the framework of the sixth state reform, this responsibility has been partially transferred to the different regions (Flanders, Wallonia and Brussels Capital Region). In principle, the regions can now modify the current regulations regarding the delivery of work permits A and B. However, the transfer of responsibilities is still in a phase of transition and no changes have been made yet at the time of writing this report.

²² There are three types of work permits: **i) work permit A**, for TCNs who worked for four years with a work permit B during a ten-year legal and uninterrupted stay in Belgium; a work permit A allows the TCN to carry out any kind of paid employment for any type of employer for an unlimited period of time. In practice the work permit A is used quite rarely because most people who are eligible for it have already obtained a permanent residence permit and therefore do not need a separate work permit anymore; **ii) work permit B**, which is linked to one specific job for a limited amount of time (maximum 12 months); in this case the employer needs a specific permit to employ the TCN, therefore it is the employer that has to file the request for a work permit B and not the prospective TCN employee; and **iii) work permit C**, for TCNs who came to Belgium for other than work-related reasons (e.g. asylum seekers, victims of human trafficking, students, family reunification with TCN); in this case the TCN applies for the work permit, which allows him/her to carry out any kind of paid employment for any type of employer for a limited amount of time (maximum 12 months).

²³ Belgium / 1999-06-09/35 (26-06-1999)

²⁴ FOD Werk, Arbeid en Sociaal Overleg [FPS Employment, Labour and Social Dialogue]: <http://www.werk.belgie.be/moduleTab.aspx?id=4888&idM=218> (accessed 14 November 2014)

Decree of 9 June 1999). This labour market investigation is the responsibility of the regional governments. Under certain circumstances, the labour market investigation is not necessary, for example in the case of shortfall occupations²⁵. However, this measure is targeted towards potential employees from the new EU-member states rather than TCNs, since the latter only qualify for this exception if they are long-term residents in one of the EU-member states, as stipulated in the *Royal Decree of 23 December 2008 to change the Royal Decree of 30 April 1999*²⁶.

TCNs who want to work on a **self-employed** basis need a professional permit instead of a work permit. For this, the TCN needs to meet certain criteria: i) have a temporary legal residence status (TCNs with a permanent residence status do not need a professional permit), ii) the activity needs to be compatible with the reason of stay in the country, iii) the activity should not be in a sector that is already saturated, iv) the activity should not disrupt the public order.

Participation in the labour market

Integration of (recently arrived) migrants on the labour market, especially migrant women, remains a big challenge. Indeed, the position of TCN migrants and their children on the labour market in Belgium is very precarious and one of the worst in Europe²⁷. The active labour market policy (which involves concrete policy measures and initiatives to facilitate a (faster) inclusion of unemployed and inactive persons on the labour market)²⁸ is a shared responsibility between the different community and regional governments and the federal government²⁹. In Flanders, the Walloon Region, and the Brussels Capital Region, a set of **governmental measures** exist with the objective to promote employment for certain groups of the population³⁰. The policy measures mainly consist of financial benefits for the employer if they employ someone from one of the identified target groups. The currently existing measures are not targeted specifically towards (TCN) migrants or women but towards young people, people with a work disability, low-qualified people, older people or long-term unemployed people. In the system of service vouchers³¹ that has been developed by the federal government in an attempt to transfer often unofficial services of household help to the official labour market, for example, currently the emphasis is put on the fact that at least 60 % of people employed through this system of service

²⁵ Shortfall occupations are occupations for which a shortage of employees on the labour market has been established. Identifying shortfall occupations is a regional responsibility; therefore they differ in each region.

²⁶ Belgium / 2008-12-23/30 (29-12-2008)

²⁷ De Vos, M. (2014) *2014-2019: Naar een betere arbeidsmarkt* [2014-2019: Towards a better labour market policy]. Itinera Institute Election Series 2014]. Itinera Institute Election Series 2014. Brussels: Itinera, p.24

²⁸ Aside from the 'active' labour policy, there also exists a 'passive' labour market policy that deals with the individual support to people (unemployment allowances, pre-retirement allowances, etc.); this 'passive' labour market policy is the responsibility of the federal government.

²⁹ Gerard, M. et al (2013) *Inventarisatie & effectiviteitsscan van de Vlaamse en federale tewerkstellingsmaatregelen* [Inventarisation & effectiveness scan of the Flemish and federal employment measures]. Brussels: IDEA Consult commissioned by VOKA, p.5

³⁰ The website www.autravail.be collects all existing measures (federal and regional) that want to promote employment. By filling out their profile, the website allows both people who are looking for employment and employers who are recruiting to check whether certain measures apply to them.

³¹ Service vouchers are a method of payment for household assistance (cleaning, helping with laundry, preparing meals, etc.) that is partially subsidized by the federal government. Individuals can use service vouchers to pay a recognized firm to receive help in their household. The recognized firm employs workers to carry out the household assistance. The idea behind the system of service vouchers is to create jobs for low-skilled workers and to convert informal work into properly paid formal work with the social benefits that come with formal employment.

vouchers should be long-term unemployed. Consequently, it is more difficult for recently arrived TCN migrant women, who do not qualify as ‘long-term unemployed’, to make use of service vouchers to enter the labour market. People with a migration background who have been able to enter the labour market can, however, receive **job coaching** during the first six months at their new job, provided their employer agrees with it since it is the employer who has to apply for a job coach. The job coach is external to the office and his/her main task is to help with the integration at work; the services of a job coach are free of charge for the employer. On a more general level, several **diversity policy initiatives** of the federal and regional governments have been developed with the objectives of not only diversifying their own staff body but also of encouraging Belgian entrepreneurs to develop a diversity policy. The Federal Public Service (FPS) Employment Labour and Social Dialogue, for example, created a ‘diversity label’ for businesses that give diversity a place in their economic, social and commercial strategies³².

Recognition of professional skills acquired abroad

Recognition of previously acquired professional skills is a shared responsibility of the regions and communities³³. The existing procedures allow one to obtain an **official certificate of previously acquired professional skills** for a specific set of professions. The procedures are the same for Belgians, EU citizens and TCNs. Individuals who are interested in obtaining a certificate for previously acquired (both formally and informally) professional skills have to take a test in an official test centre. On the Flemish side there are currently fifty-two professions for which it is possible to obtain this certificate³⁴. The procedure is basically the same on the French-speaking side where obtaining a certificate is currently possible for thirty-six professions³⁵. In the Flemish Community, the National Academic Recognition Information Centre (NARIC – Vlaanderen) will also take professional experience into account when evaluating educational qualifications obtained abroad (see further); however, it does not issue certificates for professional skills acquired abroad.

In practice, the recognition of professional qualifications obtained abroad remains difficult, especially for women, since the majority of the recognized professions for which it is currently possible to have previously acquired skills recognized are ‘typically male’. Furthermore, most of the professions have a very specific low-skilled vocational orientation (mechanic, industrial painter, forklift driver, etc.). (TCN) migrants with some degree of education who will probably not be able to have this education recognized in Belgium do not necessarily qualify for these professions, and are at risk of being left without any sort of recognition to facilitate their integration into the labour market. In this regard, a system of recognition of skills for this ‘in between’ group (neither low nor highly educated) could be useful³⁶. The same problem applies to highly educated TCN migrants who will not always see their educational qualifications recognized (see further). Since the lists of professions hardly include professions for this highly

³² FOD Werk, Arbeid en Sociaal Overleg [FPS Employment, Labour and Social Dialogue]: http://www.emploi.belgique.be/detailA_Z.aspx?id=30550 (accessed 14 November 2014)

³³ The Flemish Ministry for Work and Social Economy is the responsible authority for Flanders and the Flemish-speaking community in Brussels; for the Walloon Region and the French-speaking community in Brussels a consortium for the validation of skills (CVDC) was created by the three governments involved, i.e. the governments of the Walloon Region, the Federation Wallonia-Brussels (French Community), and the French Community Commission in Brussels

³⁴ The list of professions is published on <http://www.ervaringsbewijs.be>

³⁵ The list of professions is published on <http://www.cvdc.be>

³⁶ Interview conducted with a representative of Nederlandstalige Vrouwenraad, 16 September 2014

educated group, they cannot really benefit from this system, either³⁷. Furthermore, language can be another obstacle, especially for recently arrived migrants: while a (TCN) migrant might have the necessary skills for a certain profession, they also need a good enough level of either Dutch or French to be able to understand the instructions and take the test.

Education

Recognition of educational qualifications obtained abroad

In Belgium, education is a community responsibility, as is the recognition of educational qualifications obtained abroad. In general, if a (TCN) migrant wants to have his/her educational qualification recognized in order to enter the labour market, he/she will need to submit an application to the responsible authority of either the Flemish or the French Community³⁸. In the **Flemish Community** this responsible authority is the National Academic Recognition Information Centre (NARIC – Vlaanderen). NARIC Vlaanderen used to offer the procedure free of charge; however, since September 2013 there is a fee that varies from 90 EUR for primary education qualifications up to 300 EUR for academic qualifications, regardless of whether or not the application will result in the recognition of the qualification. Exceptions are made for asylum seekers, refugees and people under subsidiary protection and for other specific groups of people, including those who are enrolled in a civic integration course and those who depend on the public social welfare system; they can still submit an application free of charge. NARIC Vlaanderen has developed an online tool to guide people through the different procedures. However, while the online tool provides valuable information, it might not always be easily accessible for (TCN) migrants, seeing that it requires having the necessary ICT-skills as well as having access to a computer with an Internet connection. Furthermore, the tool is only available in Dutch and English, so only migrants who master one of these languages can use it. Contrary to NARIC Vlaanderen, its counterpart in the **French Community** (ENIC-NARIC de la Fédération Wallonie-Bruxelles) is not responsible for the recognition of educational qualifications obtained abroad and only serves as an information and referral centre. The responsibility of the recognition lies with two specific services within the Ministry of the French Community, one for the recognition of secondary diplomas and one for the recognition of higher education diplomas. Other than that the procedures are similar to those of the Flemish Community, except for the fees, which are 174 EUR (or 124 EUR for migrants coming from an OECD recognized ODA recipient country).

In reality, the recognition of educational qualifications obtained abroad remains problematic. The Regional Integration Centres (CRI) in Wallonia, for example, state that 40 % of the people who use their services have a diploma that has not been recognized in Belgium³⁹. Furthermore, previous research has shown that newly arrived highly educated migrants sometimes refrain from submitting an application in the first place, partially because of the costs involved (e.g. for

³⁷ Vluchtelingenwerk Vlaanderen (2011), *Het talent zit in de wachtkamer* [The talent is sitting in the waiting room] Brussels: Vluchtelingenwerk Vlaanderen, pp. 20-21

³⁸ When evaluating the application, the length of the study and the content and the level of the courses are taken into account. To be able to qualify for recognition of the diploma all these aspects have to be in accordance with the programmes of similar education programmes in Belgium. Furthermore, the educational institution that delivered the degree needs to be recognized by the Ministry of Education in that country.

³⁹ Centres Régionaux d'Intégration (s.d.) *L'insertion sociale et professionnelle des migrants en Wallonie: pratiques et perspectives. Séminaire du 11 décembre 2012 Namur; Brochure*. [Social and professional integration of migrants in Wallonia: practice and perspectives: seminar of 11 December 2012 Namur ; Brochure] Brussels: FSE, p. 9

the sworn translation of the documents) but also because putting together an application dossier is a demanding task and a lot of documents and sworn translations of these documents need to be provided. Interviews with migrants enrolled in a Flemish civic integration course back in 2006 showed that only 41 % of the highly educated respondents had submitted an application to have their diploma recognized⁴⁰. At the moment little is known about differences between diploma recognition for migrant men and women.

If the migrant is not looking for employment but wishes to continue studying, the educational institution where he/she plans on doing this has the authority to evaluate the qualification the migrant has and to decide whether or not he/she can start and can be exempt from certain courses. Experience shows that, especially in the case of refugee TCN women who have migrated with their husbands, it tends to be the man who continues studying while the woman stays at home with the children⁴¹.

Language training

Belgium has three official languages: Dutch, French and German. The language a migrant has to learn in order to be able to participate in society depends in the first place on where in the country he/she lives. In what follows we will focus on the language training offered within the two large language communities of the country, i.e. the Flemish and the French Communities⁴².

In the Flemish integration policy, a lot of emphasis is put on learning the language. **Dutch language courses** are offered in different institutions with the centres for basic education (CBE) for illiterate migrants or migrants with low literacy at one end of the scale, and language training centres within university settings for highly educated migrants at the other end of the scale. In principle, the Dutch language courses are open to everyone, but they are mandatory for certain groups of newly arrived TCNs in the framework of the civic integration programme, as stipulated in the new *Decree on the Flemish integration and civic integration policy of 7 June 2013*⁴³. (TCN) migrants who live in the officially bi-lingual (Dutch-French) Brussels Capital Region can also follow Dutch language training; however the mandatory aspect of it does not apply to them. Recently, with the *resolution of 28 February 2014 on the implementation of article 29 §1 third paragraph of the decree of 7 June 2013*, which came into effect on 1 September 2014, the Flemish government increased the minimum level of Dutch that newly arrived migrants have to obtain from level A1 to level A2⁴⁴. The *Ministerial Decree of 22 December 2008 on the regulation of medical and personal reasons that may lead to a postponement of registration at the welcome bureau, postponement of signing the civic integration contract or temporary cancellation of the civic integration contract*⁴⁵ stipulates specific conditions that allow the TCN migrant to temporarily postpone the Dutch language training and other courses of the civic integration programme. These specific conditions include maternity leave, or when the TCN has

⁴⁰ Geets, J. et al (2008) *Nieuwe migranten gekneld tussen ongemeten competenties en ongekwalificeerd statuut: het belang van een holistisch EVC/EVK-beleid* [New migrants caught between unmeasured skills and unqualified statute: the importance of a holistic EVC/EVK-policy], In OVER.WERK Tijdschrift van het Steunpunt WSE, 2/2008, pp. 101-102

⁴¹ Interview conducted with a representative of IVCA, 17 October 2014

⁴² The German speaking community lives in nine municipalities of the otherwise French-speaking Walloon Region and consists of only around 7 % of the entire population of the country, with a very small number of TCN migrants.

⁴³ Vlaamse Overheid / 2013-06-07/41 (26-07-2013)

⁴⁴ Interview conducted with a representative of Vlaams Ministerie van Onderwijs & Vorming, 14 October 2014

⁴⁵ Vlaamse Overheid / 2008-12-22/37 (02-01-2009)

difficulties finding childcare arrangements within the officially recognized day care centres of the Flemish Community (see further).

The integration policy in the Walloon Region and in the French Community has not been developed in the same way as in Flanders. However, recently steps have been taken to install a similar civic integration programme focusing on language training and social integration: on 27 March 2014, the Walloon Parliament accepted a new *Integration Decree*⁴⁶. Furthermore, the new Walloon Government states in its Regional Political Declaration (DPR) that it wants to make **French language training** mandatory for economic migrants with a work permit B⁴⁷ and for newcomers (*primo-arrivants*)⁴⁸, which was not yet the case.

Professional training

Within the framework of the **Flemish civic integration programme**, a set of initiatives exists to try to facilitate the integration of migrants. Apart from Dutch language training mentioned above and an initiation in the Flemish socio-cultural ‘norms and values’, the primary civic integration programme also includes **job orientation**. Like the Dutch language training, this primary civic integration programme is mandatory for certain groups of newly arrived TCNs. The migrants can also take part in a secondary civic integration programme, which entails **vocational training** or **training in how to start up a business**. The job orientation and the vocational training are organised in cooperation with the regional public unemployment services, i.e. VDAB (Flanders and Brussels Capital Region) and Actiris (Brussels Capital Region). The existing job orientation programmes and trainings are accessible for both TCN men and women. However, the obstacles to participate might be bigger for TCN women since it is most likely they who will stay at home when a child falls ill or who will still be responsible for all the cooking and cleaning at home. Therefore it is crucial to pay sufficient attention to the preparatory phase for this particular group before they actually attend job orientation programmes, to allow them to create a network first, to learn about the possibilities of day care centres for their children, to discuss issues of the division of household tasks at home, etc.⁴⁹

In the Walloon Region and the French-speaking community in Brussels, a similar civic integration programme with job orientation and vocational training programmes does not exist yet at the time of writing this report. The regional public unemployment service of the Walloon Region (FOREM) and other institutions do offer job orientation programmes but they are not targeted specifically towards (TCN) migrants, although they can participate in them provided they are allowed to work and are registered at the public unemployment service, and their knowledge of French is sufficient.

⁴⁶ Service Public de Wallonie / 2014-03-33 (18-04-2014)

⁴⁷ Gouvernement Wallon (2014), *Déclaration de Politique Régionale 2014-2019 “Oser, innover, rassembler”* [Regional political declaration « to dare, to innovate, to unite »], p.17

⁴⁸ Gouvernement Wallon (2014), *Déclaration de Politique Régionale 2014-2019 “Oser, innover, rassembler”* [Regional political declaration « to dare, to innovate, to unite »], p.52

⁴⁹ Interview conducted with a representative of IVCA, 17 October 2014

Social Inclusion

Access to social assistance programmes

The Belgian social security system is a combination of a contributory system of work-based **social insurance** and a non-contributory system of **social assistance**. The general rule is that everybody who works and resides legally in Belgium is entitled to the social security benefits of the social insurance programmes, provided they fulfil the general conditions of eligibility (such as waiting periods, minimal contributions). There are not a lot of differences in the treatment of Belgians and migrants who fulfil these criteria. In that sense, TCN migrant women who work and reside legally in Belgium are entitled to maternity leave, family benefits, old age pensions, etc. With regard to the social aid programmes, all migrants who reside legally in Belgium are entitled to social aid or guaranteed minimum resources, but are excluded from some specific sub-programmes based on their status; asylum seekers, for example, are not entitled to social aid and can only receive material aid in the framework of the reception procedure for asylum seekers⁵⁰.

Having a legal residence permit is part of the basic requirements to have access to the social security system but there are generally no requirements as to how long an individual needs to have resided legally in the country, although there are a few exceptions. **Guaranteed child benefits** (child benefits for parents/children who cannot claim any entitlements in the regular system or in any foreign or international system), for example, are only granted to TCNs after five years of uninterrupted legal residence. However, this residency requirement is not applicable for TCNs who are recognized refugees or stateless persons. In principle only TCNs who are registered in the population register (which is only possible after 5 years of legal residency) can apply for **disabled persons' benefits**. However, a TCN can still be eligible without being registered in the population register if he/she received increased child benefits for a disabled child until the age of 21 (meaning that the disabled child needs to have been a resident in Belgium before the age of 21)⁵¹.

Since a residence permit is a basic requirement to have access to the social security system, **undocumented migrants** are de facto excluded from it. The only social aid this vulnerable group of migrants can receive is urgent medical care. However, an exception is made for undocumented migrants with children who are minors (see *Part II* of this report).

Childcare

Childcare is a community responsibility. The semi-public organisation Kind & Gezin (Child & Family) is the responsible agency for the Flemish Community and Office de la naissance et de l'enfance (ONE - Office for birth and childhood) is its counterpart for the French Community. The tasks of the agencies are two-fold: i) to ensure the child's well-being by supporting its development within the family and social environment both medically and socially; most of these

⁵⁰ Mussche, N. et al (2014) *Migrant access to social security - policy and practice in Belgium and the EU*. Study for the Belgian National Contact Point of the European Migration Network (EMN). Antwerp: Centre for Social Policy Herman Deleecq (see this report for a detailed overview of access to the different social assistance programmes for (TCN) migrant groups).

⁵¹ Mussche, N. et al (2014) *Migrant access to social security - policy and practice in Belgium and the EU*. Study for the Belgian National Contact Point of the European Migration Network (EMN), Antwerp: Centre for Social Policy Herman Deleecq, p.52

services are open to everybody, including undocumented migrants, and are provided for free, and ii) to organise day care centres for children outside of the home and school environment; these services are not for free. Regarding the day care centres, data from Kind & Gezin show that children with a mother of non-Belgian origin make much less use of it than children with Belgian mothers (see *Part II* of this report). The relatively high cost of the day care centres and a general lack of available places, as well as it not always being part of their culture to leave their young children in such facilities are seen as some of the possible reasons for why migrants make less use of it⁵². Furthermore, the current system of day care centres is a rather strict system that is largely adapted to accommodate children of parents with a long-term job with more or less regular working hours since parents have to register their child on a long-term basis and for a pre-set number of days per week, for which they pay a fixed price. If for some reason the child does not go to the day care centre on one or more days for which it is registered, the parents still have to pay for it. The reverse equally poses an obstacle: a child will not be able to attend a day care centre on a sudden or occasional basis if it is not registered there or if it is not registered for that particular day of the week. This lack of flexibility is problematic for a lot of parents but perhaps even more so for (TCN) migrant women (and men) who often depend on short, temporary jobs with irregular work hours. In that sense, a more flexible system of day care centres could benefit this group⁵³.

With regard to **child benefits**, two types exist within the current scheme⁵⁴: i) ‘ordinary child benefits’ (under the social security system) and ii) the above-mentioned ‘guaranteed child benefits’ (under the social assistance system). Both systems are available for TCN migrants, provided they meet the general eligibility criteria. As mentioned above, aside from the general eligibility criteria there is also a minimum residence requirement for migrants in order to be eligible for the guaranteed childcare benefits. When the general eligibility criteria are not met, there is always the possibility to ask for an exception via the federal Minister of Social Affairs. He/she (or his/her administration) has the discretionary power to grant exceptions under certain conditions.⁵⁵

Access to information in different languages

The *Laws on the use of languages in administrative matters of 18 July 1966*⁵⁶ stipulates that in principle **public authorities have to communicate in the language of the area** (Dutch in Flanders, French in the French speaking area of Wallonia, German in the German speaking area of Wallonia, and French and Dutch in bi-lingual Brussels). However, under certain circumstances the use of other languages than the language of the area is allowed in case the particular public

⁵² Interview conducted with a representative of Kruispunt Migratie-Integratie, 10 October 2014

⁵³ Interview conducted with a representative of Nederlandstalige Vrouwenraad, 16 September 2014

⁵⁴ Contrary to childcare, child benefits used to be a federal responsibility. The sixth state reform has recently transferred the issue to the communities who will now have the authority to adapt the existing regulations. However, the transfer of responsibilities is still in a phase of transition and no changes have been made yet at the time of writing this report

⁵⁵ Mussche, N. et al (2014) *Migrant access to social security - policy and practice in Belgium and the EU*. Study for the Belgian National Contact Point of the European Migration Network (EMN). Antwerp: Centre for Social Policy Herman Deleeck, p. 53

⁵⁶ Belgium/ 1966-07-18/31 (02-08-1966)

authority considers it useful, though this is never a requirement⁵⁷.

On the other hand, the Flemish government developed a brochure with information in English, French, Turkish, Arabic and Russian on several integration-related topics (education, health, work, civic integration programme, values and norms and access to public services) with the support of the European Integration Fund. Furthermore, the Flemish integration policy states that language should not be an obstacle for getting access to public services (such as health care, education, public social welfare centres, employment services, etc.). In this framework a system of **social interpretation and translation** (“*sociaal vertalen en tolken*”) -subsidized by the Flemish government - has been developed in order to overcome language barriers between service providers and their non-Dutch speaking clients. Social interpreters and translators are available in a very large variety of languages and, while Dutch has to remain the main language of communication, public and social service providers can make use of their services for pragmatic reasons if it is considered useful. This system used to be available free of charge or at a low cost but nowadays payment is required depending on the type of service provider. Besides this there also exist a number of different initiatives throughout the country, such as using ‘cultural mediators’ or using leaflets or documents with symbols instead of words, etc. Some are ad-hoc initiatives (e.g. many health care providers use translation devices during consults, some schools provide information towards non-native speakers in other languages when members of the staff happen to speak these languages, etc.) and some are integrated within a language policy of the organisation (e.g. the Flemish semi-public organisation for child and family care -Kind & Gezin- has a language policy that systematises the use of language tools in its services). However, while a tendency towards accepting multilingualism can be perceived, most initiatives are still mainly developed on an individual and ad hoc basis. Indeed, research studies (Roels et al, 2013⁵⁸; Rillof and Michielsen, 2014⁵⁹) conclude that there is a need for a more explicit and consequent policy framework for multilingualism and for the role specific tools and instruments (such as social interpreters and translators) can play in a diverse and multilingual context of service provision. Today, in general ensuring good communication is still mostly considered as being the responsibility of the migrant, that is, by learning the language of the area - Dutch, French or German-.

Active citizenship

Political participation

In Belgium there are five different types of elections: European, federal, regional, provincial and municipal. Voting rights used to be strictly linked to nationality, with only Belgian citizens being allowed to vote. This is still the case for federal, regional and provincial elections. EU citizens can vote in European elections, and since 2000 they have active and passive electoral rights in municipal elections as well, meaning that they are not only allowed to vote but also to be voted for. **Municipal voting rights for TCNs** came half a decade later, when after a heated political

⁵⁷De Taalwetwijzer: http://www.taalwetwijzer.be/bestuurszaken/toegelaten_meertaligheid.html (accessed 12 March 2015)

⁵⁸ Roels, B., et al (2013) *Onderzoek naar de inzet en effecten van sociaal tolken en vertalen* [Researching the use and the effect of social interpretation and translation] Vakgroep Taalkunde en Steunpunt Diversiteit en Leren, Universiteit Gent

⁵⁹ Rillof, P., Michielsen, J. (2014) *Mind the gap: ongelijke toegang tot communicatie: de motor voor een verdeelde samenleving* [Mind the gap: unequal access to communication: the engine for a divided society] In Petriovic, M (ed), *Migratiemaatschappij: 20 stemmen over samenleven in diversiteit* e.a. – Leuven: Acco, pp. 117-134

debate the *Law to grant voting rights to foreigners in municipal elections*⁶⁰ was approved in 2004 and implemented in 2006. In contrast to EU-citizens, TCNs are only allowed to vote; they cannot be elected. In addition to the general voting regulations (restrictions based on age, mental disability and prisoner sentences), there are some extra conditions for TCNs: first, they should have resided legally in Belgium for at least five years without interruption prior to the election; second, TCNs who comply with the residence requirement should register themselves if they want to vote, unlike Belgian citizens who are registered automatically (once TCNs are registered to vote, the principle of mandatory voting that exists in Belgium applies to them as well); and third, a formal declaration, by which TCNs swear to respect the country's laws, its Constitution and the European Convention on Human Rights should be handed in together with the voter registration form⁶¹. Concrete policy measures to encourage voting participation of TCN migrant (women) do not exist. However, civil society organisations will sometimes develop ad-hoc initiatives during election time; e.g. activities to raise awareness among migrant women on the issue of municipal elections to talk about what the municipality stands for, what it implicates for them as migrant women, etc.⁶²

TCNs cannot partake in any other type of election apart from the municipal election. Regarding membership of political parties, the situation is less restricted: since there are no formal nationality requirements to become a member in a political party, in principle TCN (women) can become **members of a political party** in the same way as Belgians or EU citizens.

Civil society and community life participation

Since the **right of association** and of freedom of speech is guaranteed by constitution in Belgium, everybody who lives in the country (Belgians and foreign citizens alike) has the right to become a member of action groups, unions, etc.⁶³ Civil society takes up an important role in Belgium's political and social life. There is a very high number of different civil society organisations in Belgium, including migrant organisations and organisations of ethnic-cultural minorities. The umbrella organisation for the intercultural civil society in Flanders, *Minderhedenforum* (Minority Forum), for example, includes 19 member organisations representing a total of more than 1700 local organisations in Flanders and Brussels⁶⁴. In general the civil society organisations for migrant groups and ethnic-cultural minorities are very diverse, with some of them focusing on a particular group within the diaspora (from a specific country or region), while others might be more directed towards migrant women or young people, etc. The large majority of these civil society organisations are either socio-cultural or religious organisations; civil society organisations that defend the political and economic rights of these groups are a lot less common.

Despite this abundance of civil society organisations for and by migrant groups, mainstreaming of the diversity aspect in other civil society organisations that are not directly involved with

⁶⁰ Belgium/ 2004-03-19/52 (23-04-2004)

⁶¹ Lafleur, J.M. (2013) *Access to Electoral Rights – Belgium*, San Domenico di Fiesole (FI): EUDO Citizenship Observatory, p.5

⁶² Interview conducted with a representative of IVCA, 17 October 2014

⁶³ Jacobs, D. (1998) *Nieuwkomers in de politiek. Bedenkingen over de politieke participatie van vreemdelingen* [Newcomers in politics. Thoughts about political participation of foreigners] In *Op-stap naar gelijkwaardigheid, Jaarverslag 1997 Centrum voor Gelijkheid van Kansen en voor Racismebestrijding*, pp 168-184

⁶⁴ Minderhedenforum [Minority Forum]: <http://www.minderhedenforum.be/over-ons/leden> (accessed 12 November 2014)

migrant groups or intercultural issues remains a challenge. Some sporadic outreach activities towards (TCN) migrants exist, but too often it is still about “doing something for the migrants” rather than trying to include them as members of the organisation⁶⁵.

Anti-discrimination

At the **federal** level the most important **anti-discrimination legislation** consists of three laws: i) *the Law to fight certain forms of discrimination of 10 May 2007*⁶⁶, ii) *the Law on the punishment of certain acts inspired by racism or xenophobia of 10 May 2007*⁶⁷, and iii) *the Law to fight discrimination between men and women of 10 May 2007*⁶⁸. This legislation prohibits and penalizes discrimination based on a number of protected criteria including nationality, origin, language, religion, and gender in every domain of public life (employment, social security, health care, participation in economic, social, cultural and political activities etc.). These laws should protect all inhabitants of the country, including TCN migrant (women)⁶⁹. Furthermore, the *Law on controlling the implementation of the Resolutions of the World Women Conference held in September 1995 in Beijing and on the Integration of the gender dimension in all federal policy domains of 12 January 2007*⁷⁰ introduced a ‘**gender test**’ with the objective to evaluate the impact of each bill or regulatory act on the respective situation of women and men and to introduce and ‘gender reflex’ among managers and case managers at the federal level⁷¹.

Aside from the federal legislation, different regional and community governments of the country have also taken steps in developing measures to promote equal opportunities and to combat discrimination at the regional and community levels. In **Flanders** the *Decree on equal participation on the labour market of 8 May 2002*⁷² (amended on 30 April 2004, 9 March 2007 and 30 April 2009) prohibits discrimination on the labour market (both with regard to recruitment and at the workplace) based on certain criteria including gender, so-called race, ethnic origin, religion and age.⁷³ Furthermore, the *Decree on the framework of a Flemish equal opportunities and equal treatment policy of 10 July 2008*⁷⁴ (Equal Opportunities Decree) has created a framework for mainstreaming equal opportunities and anti-discrimination in all policy domains under authority of the Flemish government. In the **French Community**, the *Decree to combat certain forms of discrimination of 12 December 2008*⁷⁵ applies to the responsibilities of the French Community (education, vocational training, health policy, social advantages, etc.), and in

⁶⁵ Interview conducted with a representative of Nederlandstalige Vrouwenraad, 16 September 2014

⁶⁶ Belgium/ 2007-05-10/35 (30-05-2007)

⁶⁷ Belgium/ 2007-05-10/38 (30-05-2007)

⁶⁸ Belgium/ 2007-05-10/36 (30-05-2007)

⁶⁹ There are two independent institutions whose role it is to supervise the implementation of these laws: the Institute for the Equality of Men and Women has the task to guarantee and to promote the equality of men and women and to combat any form of discrimination based on sex in all areas of life; the Interfederal Centre for Equal Opportunities (former Centre for Equal Opportunities and Opposition to Racism) is charged with fighting any form of discrimination based on (amongst other things) nationality, so-called race, origin and religion.

⁷⁰ Belgium / 2007-01-12/40 (13-02-2007)

⁷¹ Instituut voor de Gelijkheid van Vrouwen en Mannen [Institute for the Equality of Women and Men]: http://igvm-iefh.belgium.be/nl/actiedomeinen/gender_mainstreaming/rapporteren (accessed 7 November 2014)

⁷² Vlaamse Gemeenschap / 2002-05-08/44 (26-07-2002)

⁷³ Official regulations on the implementation of the decree currently do not exist for certain government sectors (such as eg. education)

⁷⁴ Vlaamse Overheid / 2008-07-10/56 (23-09-2008)

⁷⁵ Communauté Française / 2008-12-12/48 (13-01-2009)

the Walloon Region, the *Decree to combat certain forms of discrimination of 6 November 2008*⁷⁶ prohibits all forms of discrimination based on the protected criteria including nationality, so called race, origin, age, gender etc., and related criteria such as pregnancy, childbirth and motherhood. Legislative measures in the **Brussels Capital Region** include the *Ordinance of 4 September 2008 on the fight against discrimination and on equal treatment at work*⁷⁷. Moreover, the **French Community commission for the Brussels Capital Region** (Cocof) adopted a first *Decree of 22 March 2007 on the equal treatment of people with regard to vocational training*⁷⁸ (amended on 5 July 2012) and a second *Decree of 9 July 2010 to fight against certain forms of discrimination and to implement the principle of equal treatment*⁷⁹.

I.2 Assessment of Integration Outcomes

In what follows we present various integration outcomes for TCN migrant women based on international indicators of employment, education, social inclusion and political participation. The data were gathered from international surveys such as the Labour Force Survey and the EU-SILC. Where international surveys did not provide the necessary data, we used the information collected by national and regional institutions. In the framework of this report we tried to look at the situation of TCN migrants and TCN migrant women specifically, so we have therefore used nationality as an indicator. This, however, means that Belgians with a migration background are not included in this particular analysis. Furthermore, the data also only allow us to gain insight into the situation of documented migrants since undocumented migrants are de facto excluded from most of the official data. With regard to employment, the data banks only document official employment; in other words it does not allow us to say anything about possible informal employment.

Employment

As stated before, the integration of (TCN) migrant groups on the labour market remains problematic in Belgium, even more so for TCN women. The different indicators presented below show huge gaps between Belgians and TCNs. Recent Eurostat data on **employment**, **unemployment** and **activity rate** show that the employment rate for TCN migrant women is dramatically low, i.e. less than 30 % (compared to almost 64 % for Belgian women). The data furthermore show a huge gap in the unemployment rate between Belgians and TCNs, with TCNs being about four times as likely to be unemployed than their Belgian peers. With regard to the activity rate, the data show that although there is a gender gap among both Belgians and TCNs, it is much bigger among TCNs. Indeed, TCN women have a very low activity rate, with nearly six out of ten of them being economically inactive (i.e. neither employed nor unemployed).

	Belgian		TCN	
	Male	Female	Male	Female
Employment rate	73.6	63.9	50.1	29.6
Unemployment rate	7.2	7.2	30.3	28.5
Activity rate	79.2	68.8	71.9	41.3

Table 8: employment/unemployment/activity rate, 20-64 years, old by nationality (2013, in %) [Source: Eurostat - LFS]

⁷⁶ Service Public de Wallonie / 2008-11-06/49 (19-12-2008)

⁷⁷ Brussels Hoofdstedelijk Gewest / 2008-09-04/31 (16-09-2008)

⁷⁸ Commission Communautaire Française / 2007-03-22/51 (24-01-2008)

⁷⁹ Commission Communautaire Française / 2010-07-09/28 (03-09-2010)

The data on **self-employment** show there is much more self-employment among both Belgian and TCN men than among women. But more importantly, they show that there is very little (official) self-employment among TCNs in general, and even less so among TCN women. The lower self-employed rate for women (both Belgians and TCNs) could be partially due to the fact that the data only represent the self-employed owner without including family members who are helping out in the business. As a result of this, the data do not show women who are helping their husbands in his business.

	Belgian		TCN	
	Male	Female	Male	Female
Self-employed	379.0	169.6	9.0	3.3

Table 9: Self-employed, 20-64 years old, by nationality (2013, per 1000) [Source: Eurostat - LFS]

The most recent available data on **overqualification** that allow us to look at TCNs date from the Labour Force Survey of a few years back (2011). These data clearly show that the overqualification rate is much higher among TCNs than it is among the total population. Again, the group of TCN women seem to be in the most disadvantaged situation, being the most likely to be overqualified for the job they do.

	Total		TCN	
	Male	Female	Male	Female
Overqualification	19	25	42	55

Table 10: Overqualification rate TCNs, 20-64 years old (2011, in %) [Source: Eurostat - LFS]

Finally, the ‘**not in education, employment or training**’ (NEET) indicator once again shows a much higher percentage for TCNs. The data illustrate that close to half of the TCN migrant women between 15 and 34 years old are neither in education, employment or training.

	Belgian		TCN	
	Male	Female	Male	Female
NEET	12.3	14.8	35.7	47.6

Table 11: NEET, 15-34 years old, by nationality (2013, in %) [Source: Eurostat - LFS]

Level of Education

Recent Eurostat data on the **highest educational attainment** show that on average TCNs have lower levels of education than Belgians: more than 50 % of TCN men and women have not followed any education beyond either pre-primary, primary or lower secondary education, while Belgian men and women tend to have either upper secondary, post-secondary, non-tertiary or tertiary education as their highest educational attainment.

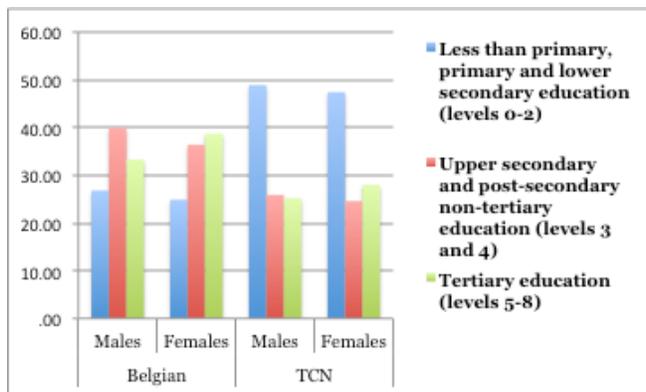


Figure 1: Highest educational attainment, 25-64 years old (2013, in %) [Source: Eurostat - LFS]

The picture is somewhat different with regard to **lifelong learning**, defined as “all learning activities undertaken (after the end of initial education) with the aim of improving knowledge, skills and competences, within personal, civic, social, and employment-related learning activities”⁸⁰. The rate of participation in lifelong learning is almost twice as high for TCNs as it is for Belgians, with TCN women being the group with the highest percentage of life-long learning participants. However, while some TCN women (and men) do seem to find their way to lifelong learning initiatives, it still only concerns less than one in seven.

	Male	Female
Belgian	6.4	6.4
TCN	12.2	13.3

Table 12: participation in lifelong learning (last 4 weeks), 25-64 years old, by nationality (2013, in %) [Source: Eurostat -LFS]

Social inclusion

Public unemployment offices and unemployment benefits⁸¹

The data from the public employment service in Flanders (VDAB) allow us to see that, in 2013, 17.7 % of the total amount of registered unemployed seeking employment in Flanders was foreign and 10.2 % TCN. If we only look at the group of women, the share of foreigners and TCNs drops to 15.9 % and 8.3 % respectively. In general the majority of registered unemployed at the VDAB were men: only 46 % are female. Among TCNs the share of women drops to 37.5 %.

	Total	Foreign	TCN
Male	119,246	23,087	14,112
Female	102,246	16,269	8,472
Total	221,901	39,356	22,584

Table 13: registered unemployed seeking employment in Flanders, by nationality (average for 2013, in numbers) [Source: Arvastat (VDAB)]

⁸⁰ Eurostat http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/EN/trng_esms.htm (accessed 12 December 2014)

⁸¹ In Belgium each region has its own public employment service: VDAB is the public employment service of Flanders, FOREM of Wallonia, and Actiris of the Brussels Capital Region. Each of these public employment services collects data on the people registered with them (including information about their nationality), and updates this information at the end of each month. VDAB and Actiris also calculate annual averages of the numbers of unemployed registered with them for the past year; FOREM does not seem to carry out this exercise and only presents information on a monthly basis.

Since the public employment service in Wallonia (FOREM) does not provide annual averages, we include here its most recent monthly data, i.e. from October 2014. According to this data, the share of foreigners and TCNs among the registered unemployed seeking employment in Wallonia is respectively 13.8 % and 5.4 %. Like in Flanders, the majority are men, although TCN women still make up 44.4 % of all the registered unemployed TCNs.

	Total	Foreign	TCN
Male	130,265	19,010	8,165
Female	121,236	15,681	6,515
Total	251,501	34,691	14,680

Table 14: registered unemployed seeking employment in Wallonia, by nationality (Oct 2014, in numbers) [Source: FOREM]

For the Brussels Capital Region the most recent annual data are from 2012. In the capital the share of foreigners in general and TCNs specifically is considerably higher than in the other regions: in 2012, 32.2 % of the unemployed registered with Actiris were foreigners and 19 % were TCNs. Among the group of women, the share of foreigners and TCNs is somewhat lower, i.e. 29.5 % and 16.1 % respectively. Women make up 47 % and 39.7 % of the overall group of registered unemployed seeking unemployment and the registered TCNs respectively.

	Total	Foreign	TCN
Male	57,038	19,807	12,402
Female	50,816	14,982	8,184
Total	107,854	34,789	20,586

Table 15: registered unemployed seeking employment for Brussels Capital Region (average for 2012, in numbers) [Source: Actiris]

Since the data from the different public unemployment services are from different periods in time, they do not really allow us to draw any conclusions with regard to differences between the regions. However, they do show a general trend of a female share among the registered unemployed that drops in the group of TCNs. Unfortunately, the lower share of TCN women registered with the public unemployment services does not mean that they are more likely to be employed (remember their low employment rate), but rather that they have not found their way to the public unemployment service or are perhaps not looking for employment (remember their low activity rate), which makes them very dependent on either the income of their partner, or unemployment benefits or living allowances.

The National Employment Service, the agency that is responsible for paying the unemployment benefits nationwide, collects information about the characteristics of people who receive unemployment benefits, including information about their nationality. There is a difference between the unemployed who are seeking employment and are receiving unemployment benefits, and the unemployed who are temporarily exempt from seeking unemployment (because of social or family difficulties) but are still receiving unemployment benefits. Here we only include the former group, i.e. the unemployed who are seeking employment. The data show us that less than one in three of the TCNs who received unemployment benefits on 1 January 2013 were women.

	Total	Foreign	TCN
Male	246,212	40,763	18,857
Female	215,518	25,872	8,403
Total	461,730	66,635	27,260

Table 16: Uptake of unemployment benefit, by nationality (on 1 January 2013, in numbers) [Source: RVA]

Poverty

According to the EU-SILC data, the general median net income⁸² in Belgium in 2012 was 20 390 EUR. However, when we look at the median income of Belgians versus that of TCNs, the data show that the amount is considerably lower for TCNs, with TCN women being the group with the lowest median income of 11 401 EUR.

	Male	Female
Belgian	21,725	19,792
TCN	13,730	11,401

Table 17: Median net income, by nationality (2012, in euro) [Source: Eurostat – EU-SILC]

The information of the EU-SILC also shows worrisome numbers with regard to their risk for poverty or social exclusion rate for TCNs, and especially TCN women. More than half of the TCN women in Belgium are at risk of poverty, making them on average more than four times more vulnerable to poverty than Belgian women.

	Male	Female
Belgian	11.5	13.2
TCN	41.2	56.8

Table 18: At-risk-of-poverty⁸³, 18 years or over, by nationality (2012, in %) [Source: Eurostat-EU-SILC]

Even when TCN migrants have been able to enter (at least temporarily) into the labour market, their in-work-poverty rate is a lot higher than for Belgians. Once again, the TCN women are worse off, with more than one in five being at risk of poverty despite being employed. This clearly shows their vulnerable position, even when on the labour market. Reasons for their high risk of in-work poverty could lie in the type of employment (often low-skilled with low wages) and the short-term nature of it and thus employment instability that TCN migrant women are often dealing with.

	Male	Female
Belgian	3.7	3.5
TCN	14.8	21.2

Table 19: In-work-poverty rate, 18 years or over, by nationality (2012, in %) [Source: Eurostat -EU-SILC]

Active citizenship

Naturalisation and residence permits

According to the most recent Eurostat data on citizenship acquisition, a total of 38,372 people became naturalized Belgian citizens in 2012, the majority (almost 78 %) of them TCNs. Almost 53 % of these ‘new Belgians’ were women, which is remarkable since the majority (51 %) of the foreign population in Belgium are men⁸⁴.

⁸² The median net income value divides the population, when ranked by income, into two equal-sized groups: exactly 50 % of people fall below that value and 50 % are above it.

⁸³ At risk-of-poverty are persons with an equalised disposable income below the risk-of-poverty threshold, which is set at 60 % of the national median equalised disposable income (after social transfers).

⁸⁴ Federaal Migratiecentrum (2014) *Jaarverslag Migratie 2013* [Annual Report Migration 2013] Brussels: Federaal Migratiecentrum, p.225

	Total	Male	Female
EU	8,519	4,141	4,378
TCN	29,853	13,991	15,862
Total	38,372	18,132	20,240

Table 20: Acquisition of citizenship by original nationality (2012, in numbers) [Source: Eurostat]

With regard to the residence permits issued in 2012, we see a more or less equal distribution between men and women, with men receiving somewhat more long-term residence permits compared to women: Around 30 % of the residence permits delivered to women were long-term residence permits, whereas for men this was around 31 %.

	Total	Male	Female
All permits	340,257	169,283	170,974
Long-term permits	103,124	52,134	50,990

Table 21: Residence permits (2012, in numbers) [Source: Eurostat]

Political participation

Data on elected TCN representatives are not available for the simple reason that TCNs cannot be elected (see earlier). Naturalized migrants or Belgians with a migration background, on the other hand, can be elected in the same way as any other Belgian citizen. However, no systematic data collection currently exists about this group either.

No systematic information has been collected on TCN voter turnout either. However, the Federal Public Service (FPS) Interior Affairs keeps a list of all the TCNs who registered to vote for the municipal elections of 2012 and 2006 and calculated the share of registered TCN voters among all potential TCN voters. Since the mandatory voting system that exists in Belgium also applies to the TCNs who registered to vote, the information of the FPS Interior Affairs can be considered a good approximation of the actual voter turnout. According to the data, 14 % of the potential TCN voters registered to vote in the municipal elections of 2012 (among the group of TCN women the percentage of registered voters was 12.7 % compared to 15.3 % among TCN men). When we look at the different regions in the country, we see that Wallonia has the highest share of registered TCN voters, but even there only around one in five of the TCNs who were eligible to vote actually registered for it. Compared to the municipal elections in 2006 (the first municipal election TCNs could vote in) the share of registered voters has dropped, except for Brussels where it stayed the same. While some of the TCN voters of 2006 are likely to have become Belgian citizens by 2012 and thus no longer appear in the data presented here, new TCN migrants who had not arrived or were not eligible to vote yet in 2006 should have become eligible to do so by 2012. Moreover, one would expect the participation rate to increase with time since more TCNs are likely to become aware of this new right to vote. In that sense, the drop in the number of registered TCN voters between the elections of 2006 and 2012 is remarkable and something to follow-up on in the next municipal elections.

	2006			2012		
	Total	Male	Female	Total	Male	Female
Flanders	12.6	13.9	11.3	10.1	11.2	9
Brussels Capital Region	15.7	17.3	13.8	15.5	17	13.8
Wallonia	21.3	22.7	21.3	19.3	20.6	18.1
Belgium	15.7	17.2	14.2	14	15.3	12.7

Table 22: TCN registered voters as percentage of total potential TCN voters (2006 and 2012, in %) [Source: FPS Interior Affairs]

Membership in political parties and trade unions

There is no systematic data collection on TCN membership in political parties or trade unions. The different unions have their own system of collecting information about their members, but since the freedom of association is a guaranteed right, the unions cannot be forced to disclose information about their members. Therefore, no governmental institution keeps official records of the level of unionisation in Belgium.

PART II Assessment of the integration of migrant children

II.1. Policy Assessment

In this second part we will first discuss the policies and practices that have been put in place in the different regions and communities to facilitate the integration of TCN migrant children in the areas of education and social inclusion. Then we will briefly focus on a specific sub-group of migrant children - UAMs - and more specifically, the practices of guardianship as an important first step towards the integration of the UAM.

The integration of (TCN) migrant children is considered to take place mainly by attending school (and not via the civic integration programme that is mandatory for certain groups of TCN migrant adults). The various communities have developed a system of “reception education” under their respective Departments of Education, with the main aim of teaching migrant children the language as well as the socio-cultural system in Belgium. Since the integration policy is considered an inclusive policy, promoting social participation of (TCN) migrant children in cultural activities, sports and youth associations is the responsibility of the involved departments involved departments at community and regional level, and the local governments.

Education

Access and enrolment

Belgium has a system of **compulsory education** for children between the ages of 6 and 18 years. Compulsory education means that parents have to make sure their children receive education but are not obliged to send their children to school; they can also opt for home education. However, in practice, nearly all of the children in Belgium receive their education in a formal educational setting.

Article 24, §3 of the *Belgian Constitution*⁸⁵ guarantees a universal right to education for every child who finds him/herself on Belgian territory. This means that all local and foreign children in Belgium between the ages of 6 and 18 years are guaranteed access to education, regardless of their legal or administrative status (asylum seeker, recognized refugee, family reunification, UAM, etc.). Since the Article does not mention the legal residence status of the child, undocumented children also have a de facto guaranteed right to education. Both the French and the Flemish Community explicitly state the right to education for undocumented children in their education legislation: the *Decree of the French Community of 30 June 1998 to ensure all students have equal opportunities for social emancipation, in particular through the implementation of positive discrimination*⁸⁶ stipulates that “minors who are illegally staying in the territory are to be allowed to educational institutions, provided they are accompanied by their parent or a person with parental authority. Schools are also to accept enrolment of unaccompanied minors” (Article 40). The *Circular on the right to education for children without a legal residence status*⁸⁷ of the Flemish Community says that schools cannot refuse to enrol a child even if the child or his/her parent(s) have no official residence status. Experts consider the right to education to be a very

⁸⁵ Belgium 1994-02-17/30 (17-02-1994)

⁸⁶ Communauté Française / 1998-06-30/39 (22-08-1998)

⁸⁷ Vlaamse Gemeenschap / GD/2003/03 (24/02/2003)

well protected right for vulnerable migrant children (both documented and undocumented) in Belgium⁸⁸. Nonetheless, even if the right to education is guaranteed, in practice some obstacles still exist, such as the instability of the accommodation situation, cost of transport, and lack of space to do homework, which make school attendance difficult for particularly vulnerable migrant children and vulnerable children in general⁸⁹. There is no difference regarding access to education for boys or for girls; their right to education is equally guaranteed. What may happen, though, is that in certain families priority is given to the education of children of a specific gender.⁹⁰

Schools have an obligation to inform the general public about the education they offer, their student capacity and available places, etc. However, guiding migrant children towards school and encouraging enrolment for this specific group is considered the responsibility of the local “welcome offices”, “*Huizen van het Nederlands*”, local governments and other organisations that will usually be a first point of contact for newly arrived migrant parents and their children. In Flanders, for example, local governments have the duty to provide information about compulsory education and the study opportunities in their municipality⁹¹. Once migrant children arrive at the school, it becomes the responsibility of the school to enrol them and to inform them about the educational system, the programmes and facilities that exist, etc. In Flanders, some schools have specific staff that serve as a contact point between the school, the parents and the community. While these contact points focus on vulnerable groups and not specifically on (TCN) migrant children, they can still play an important role for this group⁹².

Educational integration of migrant children

Since 1989 education policy is a community responsibility. Consequently, the programmes and policies put in place for the integration of migrant children in schools are different for each community.

In the **Flemish educational system** a system of reception education (*‘onthaalonderwijs’*) and reception classes (*‘onthaalklassen’* – OKAN) exists for respectively regular primary and regular secondary education. ‘Reception education’ is stipulated in the *Circular on non-Dutch speaking newcomers*⁹³ and is meant to “promote Dutch language skills and social integration of non-Dutch speaking newcomers”. The organisation of ‘OKAN’ is defined in the *Circular on reception education for non-Dutch speaking newcomers in full-time regular secondary education*⁹⁴. OKAN are installed “to receive non-Dutch speaking students who recently arrived in Belgium, to teach them Dutch as soon as possible, and to integrate them in the education and discipline which most

⁸⁸ Interview with representative of Kinderen op de Vlucht, 29 September 2014;

Interview with Délégué général de la Communauté française aux droits de l’enfant, 15 September 2014

⁸⁹ Interview with representative of Kinderen op de Vlucht, 29 September 2014

⁹⁰ Interview with representative of Kinderen op de Vlucht, 29 September 2014

⁹¹ VLOR (2013) *Advies over het onthaalonderwijs voor anderstalige nieuwkomers* [Advice for reception education and non-Dutch-speaking newcomers], p.12

⁹² Interview with a representative of Vlaams Ministerie van Onderwijs & Vorming, 10 October 2014;

Wauter, J. et al (2012) *Aspiraties en sociale mobiliteit bij Roma De visies van beleidsmakers, middenveldorganisaties, schoolactoren en Roma zelf* [Aspirations and social mobility among Roma. The opinions of policy makers, civil society organisations, school actors and Roma themselves]. Antwerp: Steunpunt Inburgering & Integratie.

⁹³ Vlaamse Gemeenschap / BaO/2006/09 (30-06-2006)

⁹⁴ Vlaamse Gemeenschap / SO75 (30-06-2006)

closely match their individual capacities”. While non-Dutch speaking newcomers in secondary schools will go to OKAN for a year (after which they will be integrated into the regular education system), in general, children in primary schools will be integrated in the regular classes from the beginning but will follow part-time specific reception education. The target group of the policy initiatives both in primary and secondary education are non-Dutch-speaking newcomers in the Flemish Community, thus focusing on the migrant child’s language abilities and period of stay in Belgium (registered at a school for no more than nine months and been staying in Belgium for no more than one year), rather than on his/her nationality. While these policy measures are not specifically targeting TCN migrant children, they can still benefit from them, provided they fit the criteria. In practice, the focus of both reception education and OKAN is almost exclusively on learning the language, which is seen as a fundamental prerequisite of integration into school and more generally into society.

Whether recently arrived (TCN) migrant children will be placed in a OKAN-class according to their age or rather according to their educational level and prior knowledge mostly depends on the schools themselves; while some schools prefer to put children of the same age group in the same OKAN class, other schools prefer to divide the children according to educational level and prior knowledge⁹⁵. When a (TCN) migrant child has successfully finished the OKAN-class, in principle he/she is free to choose a secondary school and course of study within that school. However, when finishing the OKAN-class the (TCN) migrant child receives an advice of the best course of study for him/her. This advice is made by the reception education teachers, together with the pupil guidance centre (CLB). After enrolment in regular education an ‘admission council’ will take a decision after 25 days of teaching on whether or not the (TCN) child can remain in the particular school year and course of study. This admission council has to take into account the advice that has been given to the pupil at the end of the reception year, if not it has to officially motivate why it is not following this advice. If the admission council gives a positive advice the migrant child can continue in the chosen school year and within the chosen course of study. However, if the admission council gives a negative advice, the pupil will have to continue his/her education in another (lower) school year or change his/her course of study (in the same school or at a different one), and then 25 days an admission council will take a decision once again⁹⁶. Since 2006 a system of extra teacher hours exists to facilitate the integration into regular education after finishing reception education. These extra teacher hours are designated to a so called ‘continuing education coach’. It is the autonomy of the schools to decide on the specific tasks of this ‘continuing education coach’, which could include e.g. providing home work assistance to ex-OKAN pupils, but also giving advice to teachers of regular education.

Outside of the framework of reception education, recently an element of ‘language screening’ was introduced. Through the *Circular of 15.04.2014 on the screening of the level of the language of instruction, language trajectory and language immersion in regular primary education*⁹⁷ and the *Circular of 25.06.1999 on the structure and organisation of full-time secondary education*⁹⁸ (point 15), primary and secondary schools are now required to screen the Dutch language skills of all children once they enrol for the first time at a school within the Flemish educational

⁹⁵ Pulinx, R. et al (2014) *Geïntegreerd eindrapport Actie-onderzoek 16- tot 18-jarige nieuwkomers uit derdelanden* [Integrated final report Action research 16- to 18-year-old newcomers from third countries], p.24

⁹⁶ Wauters, J., Michielsen, J. & Timmerman, C. (2014) *OKAN-onderwijs: knelpunten en aanbevelingen. Rapport.* [OKAN-education: bottlenecks and recommendations. Report.] Steunpunt Inburgering en Integratie, p.35

⁹⁷ Vlaamse Gemeenschap / BaO/2014/01 (15.04.2014)

⁹⁸ Vlaamse Gemeenschap / SO 64 (25.06.1999)

system. So, while reception education and reception classes are organised exclusively for non-Dutch-speaking newcomers, language screening targeted all children. It is the responsibility and the free choice of the schools to decide how they want to organise the language screening as well as what they suggest as an obligatory language trajectory based on the results of the screening. However, the schools are obliged to use a valid and reliable instrument for it. In this framework, the Flemish Ministry of Education and Training asked the Centre for Language and Education and the Centre for Diversity and Learning to develop ‘*toolkits broad evaluation*’⁹⁹ which includes a set of instruments that are meant to offer support for teachers in evaluating the Dutch language skills of their pupils¹⁰⁰. Critical voices express concerns about this new policy of language screening and the fact that it will allow schools to oblige children (at least those in secondary education) to work on their Dutch language skills even in their free time, by, for example, referring them towards language courses.¹⁰¹ At this point, this new policy initiative is too recent for one to be able to see how schools are implementing it and what effects it is having.

Regarding the **French educational system**, the *Decree of 18 May 2012 on the implementation of a reception and education plan for newly arrived students in the educational system organized by the French Community*¹⁰² introduced “**DASPA**”. DASPA replaces the “classes-passerelles” (bridging classes) that were initiated in the French educational system in 2001 and had more restrictive rules regarding when and where they could be organised, as well as who had access to them. DASPA is meant to “receive newcomers (*primo-arrivants*) for a period that can vary from one week to 12 months (with a maximum of 18 months), during which they can benefit from a specific framework that allows them to adapt and integrate into the Belgian socio-cultural and educational system, and after which they will be directed towards the type of education that is considered most suitable for them”¹⁰³. Like reception education and OKAN in the Flemish Community, the main focus of DASPA is on learning the language. In accordance with the *Decree of 18 May 2012* (Article 2 § 1), a migrant child is considered “primo-arrivant” when the child arrived in Belgium less than one year prior, is an asylum seeker, recognised refugee, UAM, recognised stateless person, or a citizen from a country that is a beneficiary of the OECD development aid.

Currently no additional diploma requirements exist for teachers of reception education. As a result, teachers of reception education often have a diverse background without any guarantees that they have the necessary expertise in teaching Dutch as a second language, in psychosocial guidance, or diversity and integration issues.¹⁰⁴ Furthermore, because of the insecure working conditions that teachers of reception education are often faced with (since their teaching hours depend on a fluctuating number of non-Dutch-speaking newcomers a school receives), valuable

⁹⁹ Centrum voor Taal en Onderwijs/Steunpunt Diversiteit en Leren (CTO/SDL) (2013) *Toolkit 'Breed Evalueren Competenties Nederlands' voor basisonderwijs* [Toolkit ‘Broad Evaluation Competencies Dutch’ for primary education] and *Toolkit 'Breed Evalueren Competenties Nederlands' voor secundair onderwijs* [Toolkit ‘Broad Evaluation Competencies Dutch for secondary education] Leuven & Ghent: CTO/SDL commissioned by the Flemish Ministry of Education & Training

¹⁰⁰ Interview with a representative of Vlaams Ministerie van Onderwijs & Vorming, 10 October 2014

¹⁰¹ Interview with a representative of Kruispunt Migratie-Integratie, 10 October 2014

¹⁰² Communauté Française / 2012-05-18/01 (22-06-2012)

¹⁰³ Fédération Wallonie-Bruxelles [Federation Wallonia-Brussels]

<http://www.enseignement.be/index.php?page=23677> (accessed 24 October 2014)

¹⁰⁴ Michielsen, J. et al (2014) *10 jaar Vlaams inburgeringsbeleid: inburgering in een diversifiërende context* [10 years of Flemish civic integration policy: civic integration in a diversifying context] in *Klokslag twaalf. Tijd voor een ander migratie- en integratiebeleid*, p. 89

experience and expertise they have been able to acquire is often lost when those teachers have the possibility to move on to a more secure teaching position outside of reception education¹⁰⁵. Another challenge is dealing with the specific needs of (TCN) migrant children who receive reception education, considering that they are a very diverse group, not only with regard to age, but also with regard to their migration experience and residence status, socio-emotional or psychological well-being, educational background, level of literacy, etc.¹⁰⁶ Since (TCN) migrant children who enter reception education are most likely asylum seekers, refugees or UAMs, they might often need specific social and psychological assistance, not only when they are receiving reception education but also later on when they continue on to regular education. Schools often cannot offer this type of assistance because they do not have the necessary expertise in this field.

Social inclusion

Access to social assistance programs

As stated before, the Belgian labour-based social security system is an inclusive one for migrants; and generally speaking there is very little difference in the treatment of Belgians and immigrants (see *Part I* of this report). Children's access to social assistance is generally via their parents. Since we already discussed the access to social assistance for TCN migrant women, we will focus here on two specific cases: undocumented families with children and UAM.

Since a residence permit is a basic requirement to have access to the social security system, undocumented migrants are de facto excluded from it. The only social aid this vulnerable group of migrants can receive is urgent medical care. However, **undocumented families with minor children** have a right to material aid, which they should receive in the federal reception structure for asylum seekers in accordance with the *Royal Decree on the conditions and modalities regarding the provision of material aid to foreign minors who are staying illegally in the country together with their parents of 24 June 2004*¹⁰⁷ and the *Law on the reception of asylum seekers and certain other categories of foreigners of 12 January 2007*¹⁰⁸. In 2013, an agreement was made between the Foreigners' Affairs Office and the Federal Agency for the Reception of Asylum Seekers (Fedasil) to refer undocumented families with children to one of the open return centres where they can stay for 30 days to prepare their return to their country of origin. This new regulation seems to be in conflict with the Royal Decree of 24 June 2004, which foresees reception during a period of three months¹⁰⁹. This current focus on return worries experts, since it fails to acknowledge the well-being and the interests of the child¹¹⁰. Aside from the right to material aid, undocumented migrants also have access to basic maternal and child health care

¹⁰⁵ VLOR (2013) *Advies over het onthaalonderwijs voor anderstalige nieuwkomers* [Advice for reception education and non-Dutch speaking newcomers], p. 15

¹⁰⁶ Michielsens, J. et al (2014) *10 jaar Vlaams inburgeringsbeleid: inburgering in een diversifiërende context* [10 years of Flemish civic integration policy: civic integration in a diversifying context] in Klokslag twaalf. Tijd voor een ander migratie- en integratiebeleid, p. 89

¹⁰⁷ Belgium/ 2004-06-24/30 (01-07-2004)

¹⁰⁸ Belgium / 2007-01-12/52 (07-05-2007)

¹⁰⁹ Kruispunt Migratie-Integratie [Expertise Centre Migration-Integration]

<http://www.kruispuntmi.be/thema/sociaal-medisch/materiele-opvang/begeleide-minderjarige-in-onwettig-verblijf/hoelang-heb-je-als-begeleide-minderjarige-in-onwettig-verblijf-recht-op-materiele-opvang#0> (accessed 30 October 2014)

¹¹⁰ Meeting, onthaal- en steunpunt voor mensen zonder wettig verblijf [Reception and support point for undocumented migrants] <http://www.meetingvzw.be/node/95> (accessed 30 October 2014)

such as weight control, immunization and nutrition control through Child & Family (Flemish Community) and ONE (French Community)¹¹¹

UAMs who find themselves in a situation of need can benefit from state benefits and/or social aid in accordance with the *Law on public social welfare centres of 8 July 1976*¹¹². Due to the reception system for UAMs that exists in Belgium¹¹³, this aid will usually be provided in the form of accommodation, food, psycho-social and medical assistance, and some pocket money. UAMs also have access to health insurance provided they have been enrolled in a primary or secondary school for at least three consecutive months and do not have health insurance based on another Belgian or foreign regulation¹¹⁴. A legal residence status is not a prerequisite for this special regulation for UAMs; hence it also applies to undocumented UAMs. Other migrant children do not currently fall under this regulation. Several organisations, including the Interfederal Centre for Equal Opportunities/Federal Migration Centre are lobbying (former Centre for Equal Opportunities and Opposition to Racism) to extend this right to health insurance to all migrant children, regardless of their legal or administrative status¹¹⁵.

Fighting child poverty

In June 2013 the first **National Plan to Combat Child Poverty**¹¹⁶ was published. This plan was developed by the Poverty Working Group, which brings together representatives of Belgium's federal, regional and community ministries responsible for poverty reduction and social policy, as well as representatives from the Interfederal Service for the Fight against Poverty, Economic Insecurity and Social Exclusion. The target group of the National Plan are children between the ages of 0 and 18 with special attention to three specific vulnerable groups: i) children who live in extreme poverty, ii) children in early childhood (0 to 3 years old) including the prenatal phase,

¹¹¹ Michielsen, J. et al (2014) *Assess integration measures for vulnerable migrant groups (ASSESS): review of existing monitoring mechanisms for the integration of migrants in Belgium : national report Belgium*. Antwerp: University of Antwerp, CeMIS

¹¹² Belgium / 1976-07-08/01 (05-08-1976)

¹¹³ Belgium has a three-stage reception system for UAM: in the first stage they will stay in a so-called Observation and Orientation Centre for a period of 15 days. If the UAM applies for asylum he/she falls under the federal authority and will go on to an open reception centres or a local reception initiative organised by the Fedasil or one of its partners. If the UAM does not apply for asylum he/she falls under the authority of the communities through their respective Youth Welfare Services. If the Flemish and French communities do not have enough reception places, Fedasil will also be in charge of their reception. In the third phase, a "durable solution" for the UAM is envisaged. The reception facility where UAMs will be sent should ideally be adapted to their specific profiles, as they will be staying there for a relatively long term (see European Migration Network – Belgian Contact Point (2013). *Unaccompanied Minors in Belgium. Reception, Return and Integration Arrangements*. Brussels: EMN Belgian Contact Point)

¹¹⁴ Kruispunt Migratie-Integratie [Expertise Centre Migration-Integration]
<http://www.kruispuntmi.be/thema/publieke-ziekteverzekering/publieke-ziekteverzekering-in-belgie/wie-kan-zich-aansluiten-bij-een-ziekenfonds-in-belgie/hoe-aansluiten-als-niet-begeleide-minderjarige-vreemdeling> (accessed 30 October 2014)

¹¹⁵ Centrum voor Gelijkheid van Kansen en voor Racismebestrijding (2014) *Verkiezingen 2014 De prioriteiten van het Centrum voor gelijkheid van kansen en voor racismebestrijding* [Elections 2014 The priorities of the Centre for equal opportunities and the opposition to racism] Brussels: CGKR, p.19

¹¹⁶ The National Plan has four strategic goals: i) to give children the opportunity to grow up in families that have access to adequate resources, ii) provide families with access to quality services and opportunities, iii) promote children's participation in social, community, leisure and sporting activities and stimulate the right of children to be heard, and iv) develop horizontal and vertical partnerships between the different policy domains and governance levels.

and iii) adolescents¹¹⁷. The National Plan is considered an important development in the multi-dimensional approach towards the fight against child poverty¹¹⁸. However, it does not refer to migrant children or TCN children as a specific target group.

Child poverty also receives attention in the policies of the regional and community entities. The Flemish government committed itself to carrying out an integral and transversal poverty policy in order for the poverty rates to drop considerably by 2020. Children form an important target group within this policy. The **Flemish Action Programme Child Poverty 2011**¹¹⁹ made the fight against child poverty a top priority. The Action Programme focuses on children between 0 and 3 years old and aims to diminish the number of children that are born in poverty by 50 %¹²⁰. The Programme's introduction mentions that immigrant families with children are among those who are hit the hardest when it comes to poverty¹²¹. However, aside from that there is no explicit focus on (TCN) migrant children as a specific target group, except when ethnic-cultural minorities are named as a disadvantaged group when it comes to literacy skills¹²². With the **Flemish Action Plan Children's Rights 2011-2014**, the Flemish Government aims to strengthen the coordinated approach towards children's rights with a priority focus on combating (child) poverty¹²³. Regarding child poverty and equal opportunities, the Action Plan identifies eleven operational objectives, three of which target migrant children specifically: 'the Flemish government will give special attention to children of foreign origin', 'the Flemish government will contribute to a solution for the bottle-neck issues UAMs are facing', and 'the Flemish government will investigate the problems regarding the access to service provision for undocumented migrants'¹²⁴. Furthermore, in 2011, 2012 and 2013 the Flemish Government launched a call for **local projects** to fight child poverty. From 2014 onwards structural funding is foreseen for local governments. In this framework 70 municipalities were selected based on seven indicators one of which was the number of households with children between 0 and 3 years old where one or both of the parent(s) do not have EU-citizenship¹²⁵.

In 2011 the governments of Walloon Region and the Federation Wallonia-Brussels (French Community) approved the **Action Plan on Children's Rights 2011-2014**¹²⁶. Based on an

¹¹⁷ Interministeriële Conferentie Integratie in de Samenleving (2013) *Nationaal Kinderarmoede- bestrijdingsplan. Kinderarmoede bestrijden en het welzijn van kinderen bevorderen* [National Plan to Combat Child Poverty. Combating child poverty and promoting the well-being of children], pp. 8-9

¹¹⁸ Schepers W. and Nicaise I. (2013) *Investing in children: breaking the cycle of disadvantage. A study of national policies. Country Report* (an analysis by the European Network of Independent Experts on Social Inclusion), Brussels/Luxembourg: European Commission/CEPS/INSTEAD, p.9

¹¹⁹ The Action Programme identifies six actions: i) right to a family, ii) right to education, iii) right to work for the parent(s), iv) right to housing and energy, v) right to civil participation, vi) right to leisure time, culture and sport.

¹²⁰ Lemmens, E., Groenez, S. (2013), *Early Childhood Education and Care (ECEC) In Vlaanderen: Een evaluatiekader met speciale aandacht voor kansarme gezinnen*, VLAS-Studies 11. Antwerp: Vlaams, p.4

¹²¹ Vlaamse Overheid (2011) *Vlaams Actieprogramma Kinderarmoede* [Flemish Action Programme Child Poverty], p.2

¹²² Vlaamse Overheid (2011) *Vlaams Actieprogramma Kinderarmoede* [Flemish Action Programme Child Poverty], p.14

¹²³ Schepers W. and Nicaise I. (2013) *Investing in children: breaking the cycle of disadvantage. A study of national policies. Country Report* (an analysis by the European Network of Independent Experts on Social Inclusion) Brussels/Luxembourg: European Commission/CEPS/INSTEAD, p.10

¹²⁴ Vlaamse Overheid (2011) *Vlaams Actieplan Kinderrechten* [Flemish Action Plan Children's Rights], pp.52-53

¹²⁵ Vlaamse Overheid Armoedebestrijding [Flemish Government Fight against Poverty]

<http://www4wvg.vlaanderen.be/wvg/armoede/kinderarmoede/Paginas/default.aspx> (accessed 28 October 2014)

¹²⁶ The plan is built upon three axes: i) governance of children's rights, ii) information, training and education on children's rights, and iii) the fight against inequalities and discrimination.

evaluation carried out in 2013 by the Observatory on Childhood, Youth and Assistance to Youth, the Action Plan was updated in November 2013¹²⁷. The Action Plan targets all children up to age 18, but does not focus specifically on child poverty as such, nor does it identify (TCN) migrant children as a specific target group. With regard to the Brussels-Capital Region, the **Brussels Action Plan against Poverty 2012** identifies the different actions to fight poverty of the various governments in the capital. The Action Plan mentions the important role of migration, with the Brussels Capital Region as an important “magnet” for young adults, in shaping the population of the capital with a large share of young people (compared to the rest of the country)¹²⁸, however it does not outline any specific actions with regard to this group.

Access to leisure activities

While schools will generally play a crucial role in the integration of migrant children, access to leisure activities is also an important aspect in this regard. Access to leisure activities and promoting social participation in cultural activities, sports, youth associations, etc. is the responsibility of the involved departments at community and regional level, and the local governments.

In the Flemish Community, over the past years a lot of emphasis has been put on the participation of so-called ‘**disadvantaged groups**’ (*kansengroepen*) or ‘**socially vulnerable groups**’ (*maatschappelijk kwetsbare groepen*) and several policy initiatives have been taken with the objective of facilitating their access to culture, youth work and sports activities, for example, through the *Decree on complementary and stimulating measures to promote participation in culture, youth work and sports of 18 January 2008* (“*Participation Decree*”)¹²⁹. The ‘disadvantaged groups’ the Decree identifies do not include (TCN) migrant children as such. However, they do include ‘persons with a diverse ethnic-cultural background’ and ‘persons who live in poverty’ (Art.19), i.e. groups which vulnerable (TCN) migrant children are likely to belong to. On 1 January 2013, the *Decree on a renewed youth- and children’s rights policy of 20 January 2012*¹³⁰ replaced the Decree on a Flemish youth and children’s rights Policy of 18 July 2008. In accordance with this Decree, the ‘equal opportunity policy’ (understood as a policy that aims at taking away obstacles related to sex, disability, *origin*, socio-economic position and age to participate in economic, political and social life – Art. 2) of Flemish youth-organisations is taken into account as one of the elements to determine the amount of funding they can receive. Funding conditions on the local and provincial level are regulated through the *Decree regarding the support and stimulation of local youth policy and the regulation of provincial youth policy of 6 July 2012*¹³¹. This decree foresees extra funding for local youth work in communities with a high number of children and young people in socially vulnerable situations, which is calculated based on seven socio-economic indicators (Art.4 §2). While these indicators do not refer to the migration background as such, they include factors that tend to go together with it like poverty, youth unemployment, and low educational attainment.

¹²⁷ Fédération Wallonie-Bruxelles l’Observatoire de l’Enfance, de la Jeunesse et de l’Aide à la Jeunesse [Federation Brussels-Wallonia the Observatory on Childhood, Youth and Assistance to Youth] <http://www.oejaj.cfwb.be/index.php?id=9155> (accessed 28 October 2014)

¹²⁸ Observatorium voor gezondheid en welzijn van Brussel-Hoofdstad (2013) Jongeren in transitie, volwassenen in wording. Brussels armoederapport 2012 [Youth in transition, becoming adults. Brussels poverty report]. Brussels: Gemeenschappelijke Gemeenschapscommissie 2012, p.6

¹²⁹ Vlaamse Overheid / 2008-01-18/57 (04-04-2008)

¹³⁰ Vlaamse Overheid / 2012-01-20/12 (07-03-2012)

¹³¹ Vlaamse Overheid / 2012-07-06/13 (09-08-2012)

The discourse in the French Community and the Walloon Region is more focused around the issue of ‘**social cohesion**’ in general. The *Social Cohesion Plan (PSC) 2014-2019*, for example, wants to ensure access to health care, employment, housing, culture and training for all citizens in a society that is supportive and respectful of all human beings in the cities and municipalities in Wallonia¹³². Each municipality can receive funding based on its demographics and its level of social cohesion as stipulated in the *Decree on the Social Cohesion Plan for cities and municipalities in Wallonia of 6 November 2008*¹³³ with municipalities with a lower level of social cohesion receiving more financial assistance than those with a higher level of social cohesion. The purpose of the assistance is to allow municipalities to develop actions that target people in a ‘precarious situation’ who are suffering material deprivation or exclusion while at the same time promoting the social ties within the entire population. In other words, it does not specifically target (TCN) migrant children, although they could be considered potential beneficiaries. With regard to youth associations specifically, the *Decree on approval and grants for youth organisations of 26 March 2009*¹³⁴, insists on the development of a responsible, active and critical citizenship in young people. Youth associations should furthermore pursue objectives of equality, justice, diversity, democracy and solidarity. The Decree also foresees eight ‘specific devices’ (*dispositifs particuliers*) for additional funding; one of those devices is for actions that are developed for a specific target-group, which can include victims of discrimination.

In the Brussels Capital Region the *Commission Communautaire Française (COCOF)* and the *Vlaamse Gemeenschapscommissie (VGC)* are responsible for access to culture, sports and youth work for respectively the French-speaking and the Flemish-speaking communities in the capital. COCOF’s *Decree on social cohesion from 13 May 2004*¹³⁵ stipulates the process of social cohesion as ‘the fight against all forms of discrimination and social exclusion by developing policies of social integration, interculturalism, sociocultural diversity and cohabitation of different local communities’ (Art.3). Several socio-economic indicators are used to determine the distribution of funding with one indicator explicitly referring to the amount of foreigners registered in the waiting register¹³⁶ or the foreigners’ register¹³⁷ of the municipality (Art.6). The VGC adheres to the issue of participation and has an agreement with the Flemish Community to work together towards promoting participation in culture, youth and sports for people who live in poverty in the capital. In the agreement note of the VGC, it states that it wants to invest in a bigger participation in leisure activities of socially vulnerable people, focusing particularly on youth and children, families in precarious situations, and newcomers.¹³⁸

In spite of these policy efforts, in practice, the participation of vulnerable (TCN) migrant children remains low. A research study on the youth movement in Flanders (2010), for example, concluded that the majority of the members of the youth movements come from ‘native’ Belgian

¹³² Gouvernement Wallon (2014) *Plan de Cohésion Sociale 2014-2019* [Social Cohesion Plan 2014-2019]

¹³³ Service public de Wallonie / 2008-11-06/38 (26-11-2008)

¹³⁴ Communauté Française / 2009-03-26/26 (10-06-2009)

¹³⁵ Commission Communautaire Française / 2004-05-13/66 (23-03-2005)

¹³⁶ The so-called ‘waiting register’ is the provisional population register for asylum seekers.

¹³⁷ The ‘foreigners’ register’ is the provisional population register for foreigners with a temporary residence permit of more than three months.

¹³⁸ Vlaamse Gemeenschapscommissie (2010) *Lokale Afsprakennota van de Vlaamse Gemeenschapscommissie inzake artikel 19 van het uitvoeringsbesluit houdende flankerende en stimulerende maatregelen ter bevordering van de participatie in cultuur, jeudwerk en sport* [Local agreement note of the Flemish Community Commission regarding article 19 of the implementation decree on complementary and stimulating measures to promote participation in culture, youth work and sport].

families with highly educated parents who are likely to be employed. Furthermore, 80 % of youth leaders had at least one parent that used to be a member of a youth movement. This ‘hereditary’ aspect might play a role in the low participation of (TCN) migrant children and young people with a migration background, since their parents are less likely to have been a member of a Flemish youth movement¹³⁹. Experts also consider the offer of free leisure activities still to be insufficient; and even when there is an offer, this information often does not reach the most vulnerable migrant children. Moreover, while youth movements are often open to diversity, active outreach initiatives towards specific vulnerable groups are still lacking¹⁴⁰.

Guardianship

The provisions for guardianship for UAMs are stipulated in the so-called Guardianship Act of 24 December 2002¹⁴¹, which went into effect on 1 May 2004. This Guardianship Act created the Guardianship Service within the FPD Justice. The Guardianship Service has to ensure judicial protection of all UAMs –asylum seekers or not¹⁴²- who are staying in Belgium, by systematically appointing a guardian to each UAM. The Guardianship Service deliberately falls under the responsibility of Justice so that it can have a more independent position vis-à-vis the authorities with jurisdiction on migration and asylum affairs¹⁴³. The role of the guardian is to ensure that the authorities find a sustainable solution for the UAM in the best interest of the child and within the limits of the available legal options (family reunification, return or permanent residence or settlement). The guardian carries out his/her assignment independently, without receiving any orders from the Guardianship Service, the Foreigners’ Affairs Office or any other authority, but remains under the supervision of the Justice of the Peace. The guardianship will end when the UAM turns 18¹⁴⁴, or earlier in the case that a durable solution in the best interest of the child has been found (e.g. family reunification). In the event of negligence towards the UAM, the Guardianship Service can terminate the guardianship or withdraw the approval.¹⁴⁵

¹³⁹ De Pauw, P. et al (2010) *Jeugdbeweging in Vlaanderen. Een onderzoek bij groepen, leiding en leden* [Youth Movements in Flanders. A research on groups, members and leaders] Brussels: Vlaams Ministerie van Cultuur, Jeugd, Sport en Media

¹⁴⁰ Interview with Délégué général de la Communauté française aux droits de l’enfant, 15 September 2014

¹⁴¹ Belgium 2002-12-24/45 (31-12-2002)

¹⁴² In Belgium, an UAM has several other residence possibilities besides applying for asylum: the UAM can be considered a potential VoT (see part III on the integration of VoTs), he/she can apply for the specific procedure for unaccompanied minors described in the Circular of 15 September 2005, or for a regularisation according to art 9bis or 9ter of the Aliens Act (humanitarian or medical circumstances) (European Migration Network – Belgian Contact Point (2013) *Unaccompanied Minors in Belgium. Reception, Return and Integration Arrangements*. Brussels: EMN Belgian Contact Point, p. 34)

¹⁴³ European Migration Network – Belgian Contact Point (2013) *Unaccompanied Minors in Belgium. Reception, Return and Integration Arrangements*. Brussels: EMN Belgian Contact Point, p. 19

¹⁴⁴ It is possible that the UAM is not able to acquire residence documents, in which case he/she will find him/herself in an irregular situation. As long as the UAM has not reached the age of 18, he/she cannot be removed from the territory and is entitled to a guardian and the special protective measures for UAMs. However, once an UAM without an official residence permit reaches the age of 18, he or she will lose the support of the guardian and other protective measures and can be removed from the territory. Often they do not want or are not able to return to their home country, thus they forcibly decide to stay in Belgium. For most of these adolescents, attaining the age of majority is therefore very frightening since their future - without legal documents and protection - is very unsure (European Migration Network – Belgian Contact Point (2009) *Unaccompanied Minors in Belgium. Reception, Return and Integration Arrangements*, pp. 38-40).

¹⁴⁵ European Migration Network – Belgian Contact Point (2009) *Unaccompanied Minors in Belgium. Reception, Return and Integration Arrangements*. Brussels: EMN Belgian Contact Point, p.24

Two systems of guardianship exist: the “professionalised” and the “voluntary” system. In the professionalised system the guardian is an employee of a non-profit organisation that works in the field of UAMs, while in the voluntary system the guardian is a private person who takes up guardianship as a self-employed profession (as his/her main or secondary occupation), or as a volunteer. The majority of the guardians are found in the voluntary system¹⁴⁶. The Guardianship Service is responsible for the recruitment and approval of the guardians. There are no specific requirements other than being over 18 years old and residing legally in Belgium. In practice, this means that there is a lot of variation between the guardians. Professional guardians will most likely have a diploma of social worker or similar and can count on the framework and the support of a professional environment. On the other hand, they have a relatively high workload of generally 25 UAMs, and are more likely to be limited by professional work hours. Voluntary guardians, on the other hand, can be socially very close to the UAM since they can only be guardian of a limited amount of UAM per year, but might have less professional expertise¹⁴⁷. At this moment there is little information available about the extent to which these various guardianship systems result in a different impact of the care the UAM receives. However, experience shows that it does seem to result in a lack of harmonized guardianship practices; therefore the care the UAM receives ultimately depends a lot on the individual quality and skills of his/her specific guardian¹⁴⁸.

New guardians are required to participate in a four-day training course that deals with immigration law, youth law, civil law, pedagogy and psychology, and multicultural reception, and they have to attend a continuing training course for guardians at least once a year. Furthermore they must write a report twice a year. Other than that, there has been no practice of systematic follow up from the Guardianship Service. In 2014 Guardianship Service has started to conduct an annual individual meeting with the guardians, but this was not the case up until this year -10 years after the Guardianship Service was created. The four-day training course is also considered too limited for the important tasks and responsibilities the guardian has to take on. Another important issue is that there is still no framework regarding professional secrecy and deontology, which inevitably has an impact on the relationship of trust, and on the cooperation of the guardian with other institutions and the exchanging of information¹⁴⁹.

II.2. Assessment of Integration Outcomes

The information presented below is based on the data we gathered from administrative databases (the Flemish Ministry of Education & Training, ETNIC¹⁵⁰), annual reports (Kind & Gezin), the international survey PISA, and Eurostat. While information on nationality is collected (most of the time), the identification and monitoring of specific vulnerable groups in Belgium is usually not based on the nationality of the child as such, mainly because of the heterogeneity of the group of foreign or TCN migrant children (who are not all equally vulnerable) and because it excludes children with a migration background but who have Belgian citizenship. Instead of nationality, the Flemish Ministry of Education and Training, for example, prefers indicators that are

¹⁴⁶European Migration Network – Belgian Contact Point (2009). *Unaccompanied Minors in Belgium. Reception, Return and Integration Arrangements*. Brussels: EMN Belgian Contact Point, p.24

¹⁴⁷ Interview with a representative of Kinderen op de Vlucht, 29 September 2014

¹⁴⁸ Interview with a representative of Kinderen op de Vlucht, 29 September 2014;

Interview with Délégué général de la Communauté française aux droits de l'enfant, 15 September 2014

¹⁴⁹ Interview with a representative of Kinderen op de Vlucht, 29 September 2014

¹⁵⁰ ETNIC brings together data collected by various organisations regarding education in the French Community

considered to be crucial factors of vulnerability and determinants of school success: language spoken at home, education level of the mother and entitlement to school allowance¹⁵¹. In the framework of the focus of the ASSESS project, we will use nationality as an indicator wherever this information is available. While this allows us to present a general overview of the access to education for (TCN) migrant children, their educational performances and general risk of poverty status, the reader should be aware that the overall integration reality is in fact a much more complex story.

Education

Access to education

As stated before education is a community responsibility. Data on the student population is therefore not collected at a national level, but at the level of the different communities.

Primary and secondary education

According to the data on the school year 2012-2013, collected by the Flemish Ministry of Education & Training, foreign and TCN pupils made up respectively 7.5 % and 3 % of the overall regular primary school population in the Flemish educational institutions. In regular full-time secondary education their share was respectively 6.5 % and 2.8 %. In both cases the majority of foreign pupils were EU citizens (primarily Dutch). Non-Dutch speaking newcomers who attended the reception class (OKAN) are included in the data on full-time secondary education and accounted for 2,704 students (1,622 boys and 1,082 girls)¹⁵². The share of foreign and TCN pupils in special education (i.e. education aimed at children who need special help because of a physical or mental disability, serious behavioural or emotional problems or serious learning difficulties) is considerably higher compared to regular education: around 10 % and 4.5 % of the students in both special primary and special secondary education respectively are foreign (mostly Dutch) and TCN. The story is considerably different for part-time vocational secondary education¹⁵³, where 22 % of the student body was foreign, and 14 % TCN (most of them boys). Experts link the overrepresentation of TCNs in this type of education to the strong importance that education generally gives to host language skills. Recently arrived (TCN) migrants might still have some difficulties with the language, which too often results in the assumption that they are better off in part-time vocational secondary education (or special education). This is not necessarily in line with the capacities or preferences of the migrant child, who might prefer full-time secondary education in order to continue into higher education later on.¹⁵⁴

¹⁵¹ Interview with a representative of Vlaams Ministerie van Onderwijs & Vorming, 10 October 2014

¹⁵² Vlaams Ministerie van Onderwijs en Vorming (2014) Statistisch jaarboek voor het Vlaams onderwijs; schooljaar 2012-2013 [Statistical yearbook for Flemish education; school year 2012-2013]. Brussels: Vlaams Ministerie van Onderwijs & Vorming, p. 85

¹⁵³ Part-time vocational secondary education is a system of learning and working, in which students combine learning at school with learning a specific trade in a professional learning environment; this system is available for students of 15 years of age and older. Part-time vocational secondary education leads directly to a specific profession on the labour market, as opposed to general education, which leads to (academically oriented) higher education and technical education, which leads to (professionally oriented) higher education.

¹⁵⁴ Interview with a representative of Kinderen op de Vlucht, 29 September 2014;
Interview with a representative of Kruispunt Migratie-Integratie, 10 October 2014

	Total number of pupils		Pupils foreign nationality		Pupils TCN nationality	
	Boys	Girls	Boys	Girls	Boys	Girls
Primary (regular)	197,142	195,209	14,860	14,762	6,032	5,967
Primary (special)	18,001	10,480	1,860	1,071	808	528
Full-time Secondary (regular)	212,699	206,118	14,601	12,761	6,075	5,488
Full-time Secondary (special)	12,888	7,289	1,371	736	596	377
Part-time Vocational Secondary	5,857	2,779	1,376	463	960	251

Table 23: Pupils in education, Flemish Community (2012-2013, in numbers) [Source: Flemish Ministry of Education & Training]

The share of foreign and TCN pupils in the educational institutions of the French Community is somewhat higher than in the Flemish Community: in 2012-2013 11.2 % of primary school children had a foreign nationality, and 4.5 % were TCNs. The secondary school body included 12 % foreigners, and 4.8 % TCNs. This larger share of foreigners in the pupil stock is mainly due to the high amount of foreign pupils in the schools of the French Community in Brussels where they make up 22.5 % and 26 % of respectively the primary and secondary school body. As in the Flemish Community, the majority of foreign pupils are EU-citizens (primarily French). With regard to part-time vocational secondary education, the presence of foreign and especially TCN students in part-time vocational education is not as strong as it is in the Flemish Community: with 14.3 % foreign students and 5.4 % TCNs their share in the overall school population is much more in line with their share in full-time secondary education. Data on the student population in special education of the French Community for the school year 2012-2013 was not yet available at the time of writing this report. Data on the previous school year 2011-2012, however, show that around 10 % of the pupils in special primary education were foreign (mostly French) and 4 % TCN and 16.7 % of the pupils in special secondary education were foreign (also mostly French) and 3 % were TCN.

	Total number of pupils		Pupils foreign nationality		Pupils TCN nationality	
	Boys	Girls	Boys	Girls	Boys	Girls
Primary (regular)	158,555	154,366	14,039	17,157	7,062	6,977
Full-time Secondary (regular)	171,855	172,892	19,692	22,160	8,186	8,395
Part-time Vocational Secondary	5,962	2,934	842	434	335	148

Table 24: Pupils in regular education, French Community (2012-2013, in numbers) [Source: ETNIC]

	Total number of pupils		Pupils foreign nationality		Pupils TCN nationality	
	Boys	Girls	Boys	Girls	Boys	Girls
Primary (special)	10,527	5,975	1,371	635	436	221
Full-time Secondary (special)	10,276	5,777	1,930	753	298	195

Table 25: Pupils in special education, French Community (2011-2012, in numbers) [Source: ETNIC]

The data presented above show the proportion of foreign and TCN children in the overall student body of the schools. To be able to see how likely TCN children are to attend these educational institutions, the data on the student bodies has to be assessed against the data of the overall presence of TCN migrant children in the country. In the introduction of this report we saw that according to Eurostat data 36,914 TCN boys and 33,170 TCN girls between the ages of 5 and 19

years old were residing in Belgium on 1 January 2013. That would mean that 83.4 % of TCN boys and 86.1 % of TCN girls in this age group attended regular education of the Flemish and French Communities (compared to respectively 83.8 % and 82.9 % of Belgian boys and girls of this age group). These numbers suggest that participation of TCN migrant children in education is similar, or even a little higher, than the participation rate of Belgian children. However, a few important remarks should be made here. First of all, the data on school enrolment included here only relate to primary and secondary education *subsidized by either the Flemish or the French Community*. While these schools provide education to the large majority of the children in Belgium, there are other schools (schools of the German-speaking community, private schools such as Jewish schools, European and international schools...) that are not included here. If enrolment in these other schools is taken into account the actual participation rate of both Belgians and TCNs will be higher. Secondly, the data on the school body include information about both documented and undocumented children, while the statistics on the migration stock only provide information about children with a residence permit; therefore it is not entirely accurate to assess both databases against each other. Furthermore, because of TCN's higher risk of educational backlog (see further) it could be likely that the percentage of TCNs of 18 and 19 years old still enrolled in schools is higher than that of Belgians and thus increasing their participation rate. On the other hand, TCNs' higher early school leaving rate (see further) could also imply that older age groups are in fact less likely to be enrolled in schools. In other words, much more detailed analysis would be required to be able to adequately assess and monitor the actual participation rate of TCN migrant children in education compared to Belgians.

Early childhood education and care

Like compulsory education, early childhood education and care (ECEC) is the responsibility of the respective communities. ECEC can be divided into two areas: nursery school for children between the ages of 2.5/3 and 6 years old, and day care centres outside of the school and home environment for children under the age of 3. In 2012-2013, in the Flemish Community 9 % of the children in nursery schools were foreigners and 3.8 % were TCNs; in the French Community 13.2 % were foreigners and 5.5 % were TCNs. As in primary and secondary education, the largest group of foreign children in nursery schools are EU citizens.

	Total number of pupils		Pupils foreign nationality		Pupils TCN nationality	
	Boys	Girls	Boys	Girls	Boys	Girls
Flemish Community (i)	135,944	130,009	12,425	11,648	5,233	4,825
French Community (ii)	95,637	91,146	12,542	12,142	5,192	5,182

Table 26: Children in nursery schools (school year 2012-2013, in numbers) [Sources: (i) Flemish Ministry of Education & Training; (ii) ETNIC]

Kind & Gezin (Child & Family) collects information on the origin of the child's mother (Belgian versus non-Belgian) for new-born children in Flanders¹⁵⁵. In its role as the responsible authority for the organisation of day care centres for children between 0-3 years old, Kind & Gezin monitors participation of migrant groups in day care centres, which according to their analysis is very low: only one in three children with a mother of non-Belgian origin regularly uses day care facilities (compared to almost three quarters of the children with a mother of Belgian origin) and

¹⁵⁵ For 2013, Kind & Gezin was able to register the origin of the mother (i.e. the mother's nationality when she was born) for almost 98 % of the children born in Flanders (Kind & Gezin (2014) *Het kind in Vlaanderen, 2013* [The child in Flanders 2013]. Brussels: Kind & Gezin, p.68).

the majority (nearly 60 %) of them make no use at all of child care facilities (compared to a little over 20 % for children with a mother of Belgian origin). The counterpart of Kind & Gezin for the French Community, ONE, collects data on the language, date of arrival and labour market situation of immigrant mothers but does not conduct such systematic monitoring¹⁵⁶. Therefore, it is not possible to assess the participation of (TCN) migrant children in the childcare facilities of the French Community.

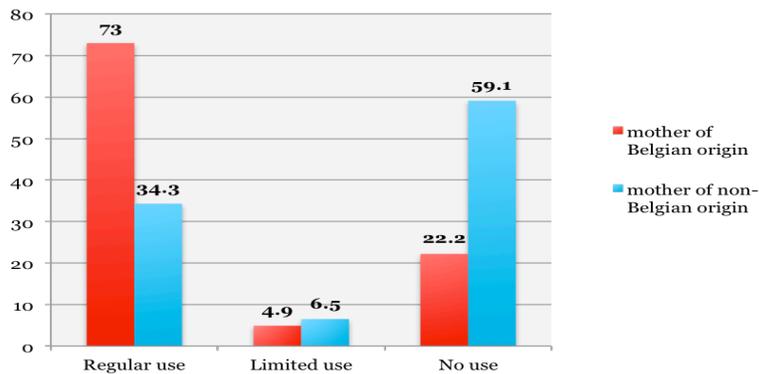


Figure 2: Use of Flemish child day care centres outside of the school and home environment for children between 0-3 years, by the child's mother's origin (2013, in %) [Source: Kind & Gezin, *Het Kind in Vlaanderen 2013*]

Educational performance

Low achievers

Low achievers are those students who do not attain the PISA baseline proficiency Level 2. In-depth analyses of the PISA results over the years have shown that the education in the different communities of Belgium is failing to bring students with a migration background up to the same performance level as that of other students¹⁵⁷. The most recent PISA (2012) focused primarily on mathematics skills of 15-year-old students. Within the category of “immigrant student” (i.e. both of the students’ parents are foreign-born), PISA distinguishes between “first generation immigrant student” (foreign-born student) and “second generation immigrant student” (student was born in Belgium). The PISA results indeed show that the percentage of low achievers among immigrant students is very high (38.8 %) and significantly higher than among non-immigrant students. The percentage of low achievers is highest among first generation immigrant students (42 %) but remains high among those immigrant students who are born in Belgium (35.9 %).

¹⁵⁶ Michielsens, J. et al (2014) *Assess integration measures for vulnerable migrant groups (ASSESS): review of existing monitoring mechanisms for the integration of migrants in Belgium : national report Belgium*. Antwerp: University of Antwerp, CeMIS

¹⁵⁷ See for example Jacobs, D. and Rea, A. (2011) *Verspild talent. De prestatiekloof in het secundair onderwijs tussen allochtone en andere leerlingen volgens het PISA-onderzoek 2009* [Wasted talent. The performance gap in secondary education between allochtonous and other students according to the PISA research 2009]. Brussels: Koning Boudewijnstichting; Danhier, J. et al (2014) *Naar kwaliteitsscholen voor iedereen? Analyse van de resultaten van het PISA 2012-onderzoek in Vlaanderen en in de Federatie Wallonië-Brussel* [Towards quality schools for everyone? Analysis of the results of the PISA 2012-research in Flanders and the Federation Wallonia-Brussels]. Brussels: Koning Boudewijnstichting

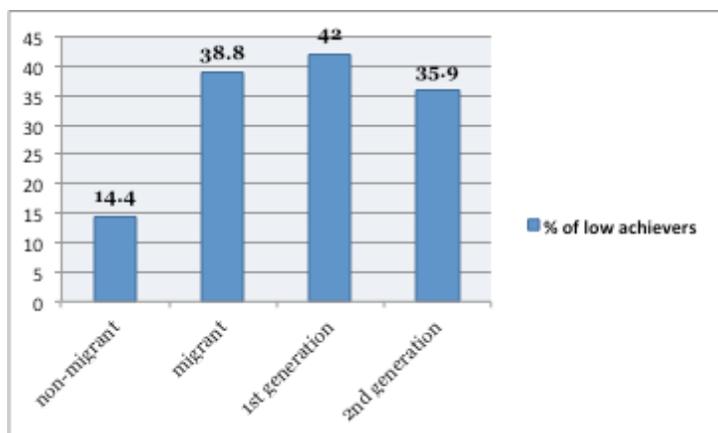


Figure 3: Low Achievers in Mathematics, non-immigrant and immigrant students (2012, in %) [Source: PISA 2012]

Analyses of the PISA 2012 results in the different communities show that the percentage of low-achieving immigrant students is somewhat higher for the Flemish Community (40.5 %) than for the French Community (37.7 %), although the percentage is high for both communities. Part of the explanation for the difference in performance between immigrant students and non-immigrant students could lie in the socio-economic background of the students: performance of students with a vulnerable and disadvantaged socio-economic background is generally lower, and in Belgium, immigrant students are more likely to have a more vulnerable and disadvantaged background than non-immigrant students¹⁵⁸ While the socio-economic background of the student is a crucial factor in determining his/her performance level and education in Belgium, the sole fact of having a migration background still explains part of the difference in performance, regardless of the socio-economic background. Analysis of the PISA 2012 results for Flanders, for example, have shown that even when controlling for socio-economic background, non-immigrant students' score on mathematical literacy is on average still 65 points higher than the score of their immigrant peers¹⁵⁹.

Educational backlog

The Flemish Ministry of Education & Training collects information about the students' educational backlog. While the data only allow one to distinguish between Belgians and foreigners, and not TCN specifically, they do show that, both in primary and secondary education, foreign students are much less likely to be in their age group than their Belgian peers. In primary education 42.4 % of foreign boys and 39.4 % of foreign girls are at least one year behind (compared to 13.4 % and 12.2 % of respectively Belgian boys and girls). In secondary education this percentage rises up to 66.6 % for foreign boys and 61.8 % for foreign girls (compared to 29.9 % and 23.5 % of respectively Belgian boys and girls).

¹⁵⁸ Danhier, J. et al (2014) *Naar kwaliteitsscholen voor iedereen? Analyse van de resultaten van het PISA 2012-onderzoek in Vlaanderen en in de Federatie Wallonië-Brussel* [Towards quality schools for everyone? Analysis of the results of the PISA 2012-research in Flanders and the Federation Wallonia-Brussels]. Brussels: Koning Boudewijnstichting, p. 42

¹⁵⁹ De Meyer, I. et al (s.d.) *Wiskundige geletterdheid bij 15-jarigen. Vlaamse resultaten van PISA 2012* [Mathematical literacy of 15 year olds. Flemish results of PISA 2012] Ghent: Universiteit Gent, Vakgroep Onderwijskunde, p. 111

	Boys				Girls			
	In age group	1 year behind	2 years behind	> 2 years behind	In age group	1 year behind	2 years behind	> 2 years behind
Belgian	85.3	12.5	0.9	0.04	86.5	11.4	0.8	0.03
Foreign	56.9	33.3	8.3	0.8	59.8	30.7	7.8	0.9

Table 27: educational backlog in regular primary education of the Flemish Community (2012-2013, in %) [Source: Flemish Ministry of Education & Training]

	Boys				Girls			
	In age group	1 year behind	2 years behind	> 2 years behind	In age group	1 year behind	2 years behind	> 2 years behind
Belgian	68.9	23.7	5.1	1.1	75.3	19.4	3.4	0.7
Foreign	32.8	40.7	19.0	6.9	37.5	37.7	17.8	6.3

Table 28: educational backlog in regular full-time secondary education of the Flemish Community (2012-2013, in %) [Source: Flemish Ministry of Education & Training]

Similar data about educational backlog among the foreign population in the educational system of the French Community were not readily available. General data from 2011-2012 showed that at the end of primary school, around 79 % of the pupils were in their age group, around 17 % were one year behind and around 4 % were two or more years behind; and that at the end of secondary school, only 42 % of the pupils were in their age group, with around 28 % being one year behind and around 30 % being two or more years behind¹⁶⁰. While this shows a high educational backlog in general, (especially in secondary education) it does not say anything about the difference between Belgian and foreign or TCN pupils. Information about the number of pupils in schools of the French Community that repeated at least one year, on the other hand, do allow a comparison between Belgian and foreign students of regular secondary education and show that 13.5 % of Belgian students repeated at least one year, compared to 16.1 % of foreign students. In regular secondary education of the Flemish Community this percentage is significantly lower (i.e. 4.8 % for Belgian students and 8.5 % for foreign students) but the gap between Belgian and foreign students is bigger. This relatively low percentage of children that repeated a year in the Flemish full-time regular secondary education could be partially due to the fact that, instead of repeating a year, children with bad school results tend to be reoriented towards another type of education (from general to technical or (part time) vocational secondary education); especially in the case of children with a vulnerable socio-economic background. Indeed, research has shown that children with bad school results who come from families with a low socio-economic status are much more likely to be reoriented towards another 'lower' type of education, while children from families with a high socio-economic status will be more likely to repeat the year and continue their schooling in general secondary education¹⁶¹.

	French Community			Flemish Community ¹⁶²		
	Repeated at least 1 year	Did not repeat	Total	Repeated at least 1 year	Did not repeat	Total
Belgian	40,946	261,949	302,895	17,895	356,544	374,439
Foreign	6,730	35,122	41,852	1,789	19,240	21,029

Table 29: Grade repetition in regular full-time secondary education (2012-2013, in numbers) [Source: ETNIC & Flemish Ministry of Education & Training]

¹⁶⁰Fédération Wallonie-Bruxelles / Ministère Administration générale de l'Enseignement et de la Recherche scientifique Service général du Pilotage du Système éducatif Fédération Wallonie-Bruxelles, Enseignement et Recherche Scientifique (2013) *Les indicateurs de l'enseignement 2013* [The indicators for education 2013], Namur: Le Médiateur de la Wallonie et de la Fédération Wallonie-Bruxelles, p. 37

¹⁶¹ See for example Hirtt, N. et al (2013) *De school van de ongelijkheid [The school of inequality]*. EPO: Berchem

¹⁶² Non-Dutch-speaking newcomers in reception classes (OKAN) are not included in this data

Early school leaving

Early school leaving (ESL) refers to young people aged between 18 and 24 who have attained no higher education than lower secondary education and who are not currently receiving any education or training. With a national average ESL level of 12.0 %, Belgium is nearly in line with the EU average ESL rate of 12.7 %¹⁶³. When distinguishing between Belgian and TCN youngsters, Eurostat data show that while the ESL rate of Belgians drops below the EU average, it increases significantly for TCNs, with ESL being about three times as high among TCNs as it is among Belgians.

	Total	Boys	Girls
Belgian	9.7	12	7.2
Foreign	31	32.2	30

Table 30: Early leavers from education and training by nationality (2013, in %) [Source: Eurostat - LFS]

Social inclusion

Currently no systematic in-depth data collection exists on the participation of (TCN) migrant children in leisure activities or on the situation of child poverty among this specific group in Belgium. Existing monitoring mechanisms on poverty (such as the Interfederal Poverty Barometer of the PPS Social Integration) include indicators on child poverty in general but do not allow one to distinguish between migrant and non-migrant children. Nonetheless, recent Eurostat data on child poverty show that children with foreign parents are more than twice as much at-risk-of-poverty than children with Belgian parents, who already have a relatively high at-risk-of-poverty rate (i.e. 34.5 % versus 13.3 % in 2013). While the data does not allow us to distinguish between EU and TCN parents, it does illustrate that migrant children seem to be much more vulnerable to poverty than their peers with Belgian parents. Even though the at-risk-of-poverty rate for children with foreign parents dropped somewhat over the past years, in 2013 still more than one in three out of them was at-risk-of-poverty.

	2011	2012	2013
Belgian	14.3	12.8	13.3
Foreign	37.2	37.2	34.5

Table 31: At-risk-of-poverty rate for children by citizenship of their parents (2011-2013, in %) [Source: Eurostat]

One organisation that does systematically try to collect information on migration background is Kind & Gezin. Its analysis shows that in 2013, 64 % of the children who lived in a disadvantaged situation in Flanders (defined as a situation in which people are restricted in their opportunities to participate sufficiently in public domains that are highly valued by society, such as education, employment and accommodation) had a mother of non-Belgian origin.¹⁶⁴

¹⁶³ RESL.eu (2014) *Policies on Early School Leaving in nine European countries: a comparative analysis*. Antwerp: CeMIS, pp. 8-9

¹⁶⁴ Kind & Gezin (2014) *Het kind in Vlaanderen, 2013* [The child in Flanders 2013]. Brussels: Kind & Gezin, p. 129

PART III Assessment of the Integration of victims of human trafficking

III.1. Policy Assessment

In this third part we will look at the special procedure that has been put in place for VoTs and their right to stay and have access to welfare and assistance, education and employment. Since the beginning of the 1990s, a number of important legal measures have been taken to prevent and combat trafficking in human beings with the intention to guarantee a number of rights for VoTs in Belgium¹⁶⁵. Since then VoTs can be granted specific, temporary residence permits which can ultimately be exchanged for a permanent residence permit if certain conditions are met. This protection status is available for TCNs as well as for EU citizens who might have a less favourable residence status¹⁶⁶.

Right to stay

The current procedure for VoTs is stipulated in the *Circular of 26.09.2008 on the introduction of a multidisciplinary cooperation regarding victims of human trafficking and/or certain aggravated forms of human smuggling*¹⁶⁷. The procedure consists of four phases and begins with a **reflection period** of 45 days. This reflection period is intended to be a period of recovery for the VoT, to allow him/her to break off all contacts with the presumed trafficker(s) and make an informed decision about whether or not he/she wants to file a complaint or make a statement against the presumed trafficker(s). During this reflection period the VoT needs to accept assistance from one of the three specialized reception centres (Payoke in Flanders, Pag-Asa in Brussels or Sürya in Wallonia) whose status as specialised reception centres for VoTs has recently been officially recognized by the *Royal Decree of 18.04.2013 on the recognition of the specialised reception centres and the assistance to victims of human trafficking and certain aggravated forms of human smuggling and on the right to take legal actions*¹⁶⁸. Furthermore, if necessary, the VoT has access to safe shelter from one of the specialised reception centres, and can also receive a living allowance from the public social welfare system. If the VoT does not have a residence permit, he or she will receive an ‘order to leave the territory’ with a validity of 45 days¹⁶⁹. This means that during this period the VoT cannot be removed from Belgian territory. Even though this ‘order to leave the territory’ allows the VoT to stay in Belgium for 45 days, it can cause confusion because of the negative message that its name brings across. Currently efforts are being made to change the name of this document from ‘an order to leave the territory’ into a specific ‘certificate of matriculation’ for victims of human trafficking¹⁷⁰.

When the VoT decides not to file a complaint or make a statement against the presumed trafficker(s), or decides to return to his/her country of origin, the procedure will stop and the assistance will come to an end. If, on the other hand, during the reflection period the VoT does

¹⁶⁵ GRETA (2013) *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium. First evaluation round*. Strasbourg: Council of Europe, p.8.

¹⁶⁶ Van der Sijpt & Herbots (2008) *De verblijfsrechtelijke bescherming van slachtoffers van mensenhandel en –smokkel* [The residence protection of victims of human trafficking and –smuggling] in *Rechtskundig Weekblad* 2007-08, nr. 25 p.1016

¹⁶⁷ Belgium / 2008-09-26/33 (31-10-2008)

¹⁶⁸ Belgium / 2013-04-18/14 (22-05-2013)

¹⁶⁹ Belgium / 2008-09-26/33 (31-10-2008), VI.a

¹⁷⁰ Interview with a representative of Payoke, 23 September 2014

file a complaint or make a statement, the second phase of the procedure will start and the VoT will receive a **temporary residence permit for three months** (“certificate of matriculation”)¹⁷¹. Some VoTs will almost immediately make a complaint or a statement and will therefore step directly into this second phase without 45 days of reflection¹⁷². Typical for the residence arrangement in Belgium is that the temporary residence permits that are given to VoTs depend on their cooperation in the legal procedures against the presumed trafficker(s)¹⁷³. In practice, this obligation of cooperation with the authorities as a basic requirement to be able to benefit from the special procedure for VoT is considered fulfilled merely by a statement from the victim; it is not actually necessary to make a complaint or provide witness testimony, nor is it necessary for the statement to be decisive for the investigation¹⁷⁴. Besides cooperating with the authorities, VoTs also have to comply with two other basic requirements: i) break off all contacts with the (presumed) trafficker(s), and ii) accept the assistance of one of the specialized reception centres¹⁷⁵. The certificate of matriculation allows the VoT to apply for a work permit C, so in principle he/she has access to the labour market as of this point in the procedure. It is the specialised reception centres, together with the VoT, that apply for the work permit C¹⁷⁶. This temporary residence permit can be renewed once if required by the investigation or if the Foreigners’ Affairs Office considers it desirable in view of the information in the person’s file¹⁷⁷.

The VoT can proceed into the third phase of the procedure provided that certain conditions are met¹⁷⁸. The specialised reception centre will lodge the application on behalf of the VoT and the public prosecutor will make a decision in consultation with the other entities concerned, including the specialised reception centre, the police and labour inspectorate and the unit for victims of human trafficking within the Foreigners’ Affairs Office¹⁷⁹. If the decision is positive the VoT will receive a **temporary residence permit for six months** (“certificate of inscription in the foreigner’s register”). This residence permit will be renewed every six months until the end of the criminal procedure. During the second and third phase, the VoT continues to have access to a safe shelter if necessary, and continues to receive a living allowance from the public social welfare system if he/she needs it.

In the fourth and final phase, the VoT can be granted a **permanent residence permit** if the complaint or the statement has led to a conviction of the trafficker(s) based on the law on human

¹⁷¹ Belgium / 2008-09-26/33 (31-10-2008), VI.b

¹⁷² Interview with a representative of Pag-Asa, 8 October 2014

¹⁷³ Vermeulen et al (2007) *Mensenhandel in beeld. Eerste kwantitatieve en kwalitatieve analyse van Belgische slachtofferdata* [Human Trafficking in the picture. First quantitative and qualitative analyses of Belgian victim data] Antwerp/Apeldoorn: Maklu, p. 11;

Van der Sijpt & Herbots (2008) *De verblijfsrechtelijke bescherming van slachtoffers van mensenhandel en –smokkel* [The residence protection of victims of human trafficking and –smuggling in *Juridical Weekly 2007-08*, nr. 25] in *Rechtskundig Weekblad 2007-08*, nr. 25 p. 1024

¹⁷⁴ GRETA (2013) *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium. First evaluation round*. Strasbourg: Council of Europe, p. 43

¹⁷⁵ The VoT will have to comply with the three basic requirements at all times during the procedure

¹⁷⁶ Interview with a representative of Payoke, 23 September 2014

¹⁷⁷ GRETA (2013) *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium. First evaluation round*. Strasbourg: Council of Europe, p. 43

¹⁷⁸ These conditions are: i) the prosecutor's office or labour law auditor's office considers that this person is a VoT or an aggravated form of smuggling of human beings, ii) the judicial dossier is still in progress, iii) the victim shows a clear willingness to co-operate and has broken off links with the presumed trafficker(s), and iv) the VoT is not considered as a risk to public order or national security (Belgium / 2008-09-26/33 (31-10-2008), VII)

¹⁷⁹ GRETA (2013) *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium. First evaluation round*. Strasbourg: Council of Europe, p. 43

trafficking, or if the public prosecutor or the labour law auditor's office mentioned the element of human trafficking in their indictment¹⁸⁰. In other words, the complaint or statement does not necessarily need to have led to a conviction to obtain a permanent residence permit. When the VoT obtains a permanent residence permit, in principle the assistance of the specialised reception centre will come to an end. In practice the specialised reception centres evaluate each individual on a case-by-case basis and it is possible that (part of) the assistance will continue if this is considered useful and necessary for the well-being of the VoT¹⁸¹. On the other hand, some VoTs will prefer to leave Belgium and return to their country of origin and will therefore not apply for the permanent resident permit even when a court decision entitles them to it¹⁸².

When the case is closed without any further action and does not come before court, the VoT will not be able to obtain the permanent residence permit as foreseen within the procedure for VoTs. In practice, under certain circumstances the specialised reception centres can ask the Foreigners' Affairs Office to regularise the residence status of the victim in the framework of the so called "STOP procedure". This is an unofficial procedure reserved for VoTs who have been receiving assistance from a specialised reception centre for at least two years when their case is closed without further action. In this case, the Foreigners' Affairs Office bases its decision on the VoT's level of integration¹⁸³. The Foreigners' Affairs Office does not provide concrete indicators on which it bases its assessment of integration, but it applies an 'ad hoc' method. The specialised reception centres provide the Foreigners' Affairs Office with a social report about the VoT in which they talk about the individual's efforts to integrate (participation in language courses, in civic integration courses, etc.), and this report is an important element in the decision making process. Even though it is not a written rule, experience has shown that having a job tends to be an important factor for the Foreigners' Affairs Office to [make the exception to?] regularise the individual's status¹⁸⁴.

The procedure is the same for **minors** who are potential VoTs, except for the reflection period, which does not apply to them. Minors will not receive an 'order to leave the territory', but will instead immediately receive a temporary residence permit for three months. Like all other UAMs, an UAM who is a potential VoT will be designated a guardian. Minor VoTs also have to fulfil the three basic requirements (break off all contacts with the presumed trafficker(s), accept the assistance of a specialised reception centre, and cooperate with the legal authorities). This means that the collaboration of the child victim with the authorities is a de facto requirement for obtaining victim status and residence permits based on this status. While this can be considered problematic in general, this is especially so for minor VoTs since often a family member is responsible for the exploitation, or the minor sometimes fears reprisals against their family in the country of origin¹⁸⁵. The National Action Plan against Trafficking in and Smuggling of Human Beings (2012-2014) mentions that UAMs and VoTs should be able to receive a residence permit regardless of their cooperation with the legal authorities, and that a change in the law should be considered for this, which shows that the Belgian authorities are aware of this problem. However,

¹⁸⁰ Belgium / 2008-09-26/33 (31-10-2008), IX.a

¹⁸¹ Interview with a representative of Pag-Asa, 8 October 2014

¹⁸² Interview with a representative of Payoke, 23 September 2014

¹⁸³ Pag-Asa (2014) *Jaarverslag 2013. Opvang en begeleiding van slachtoffers van mensenhandel* [Annual Report 2013. Reception of and assistance to victims of human trafficking] Brussels: Pag-Asa, p. 28

¹⁸⁴ Interview with a representative of Pag-Asa, 8 October 2014

¹⁸⁵ ECPAT International (2013) *Global Monitoring Report. Status of action against commercial sexual exploitation of children – Belgium*, Bangkok: ECPAT International, p. 28

no concrete steps towards changing the law have been taken up as of the end of the timeframe under review.

Access to welfare and assistance

The procedure for VoTs in Belgium aims at providing them not only with a residence permit, but also with reception and assistance¹⁸⁶. As stated before, Belgium has three specialised reception centres for VoTs, which have recently been recognized by the Royal Decree of 18.04.2013. Through this Royal Decree the government has mandated the three reception centres to provide assistance to VoTs and authorizes them to take legal actions to defend the rights of VoTs. Even though the Royal Decree states the official recognition of the centres, it does stipulate any rights to subsidies for those centres. In other words, they do not have structural and permanent funding for organising this assistance or funding their activities and have to ask for subsidies from various institutions, including their respective regional governments. Furthermore, they need to reapply for this funding every year, which complicates their planning activities considerably¹⁸⁷.

The three centres are non-profit organisations and they each have a multidisciplinary team that offers assistance packages consisting of psychosocial, administrative and legal components. As stated before, the three specialised centres and the assistance they offer play a crucial role throughout the entire process. As soon as a potential VoT is detected, he or she is referred to one of the specialized reception centres. Accepting assistance from one of the specialised reception centres is one of the three basic requirements to be able to benefit from the special procedure for VoTs.

Accommodation

The assistance of the specialised reception centres can be provided on a non-residential basis for VoTs that have their own accommodation. However, in some cases their only option for accommodation is within the environment of exploitation itself, where the VoT's safety can be at stake. Therefore the specialised reception centres dispose of a **safe shelter** (with an undisclosed address) where VoTs can stay for a certain amount of time, if this is necessary and if both parties agree to this¹⁸⁸. There are no strict rules as to how long the VoT can stay at the shelter; it is the responsibility of each centre to decide this. Payoke (Flanders), for example, sees three months as an ideal period, while Pag-Asa (Brussels) uses a six months stay as an ideal maximum. Generally, the centres' main approach is to prevent VoTs from getting too settled in the safe shelter. The issue of 'empowerment' and stimulating the VoTs to be able to stand on their own

¹⁸⁶ Vermeulen et al (2007) *Mensenhandel in beeld. Eerste kwantitatieve en kwalitatieve analyse van Belgische slachtofferdata* [Human Trafficking in the picture. First quantitative and qualitative analyses of Belgian victim data], Antwerp/Apeldoorn: Maklu, p. 12

¹⁸⁷ GRETA (2013) *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium. First evaluation round*. Strasbourg: Council of Europe, p 40;

Federaal Centrum voor de analyse van de migratie-stromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel (2014) *Mensenhandel. Bruggen slaan. Jaarverslag 2013 van de onafhankelijke rapporteur mensenhandel – België* [Human Trafficking. Building bridges. Annual Report 2013 from the independent rapporteur human trafficking - Belgium] Brussels: Federaal Centrum voor de analyse van de migratie-stromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel, p. 2; Interview with a representative of Pag-Asa, 8 October 2014

¹⁸⁸ Belgium / 2008-09-26/33 (31-10-2008), V.a

two feet as soon as possible is very important. However, a flexible and individual approach is always used and while some VoTs only stay for a very short time, others stay for much longer¹⁸⁹.

The number of VoTs who stay at the safe shelter fluctuates, but generally speaking, the available places are considered sufficient¹⁹⁰. When a VoT will eventually leave the safe shelter and move to **independent social or private accommodation** depends on various factors. Here it is important to note that, while the psychosocial status of the individual remains crucial in leaving the safe shelter, difficulties in finding appropriate housing on the social and private housing market also play a role, especially in the Brussels Capital Region. The teams of the specialised reception centres include staff that help the VoT in finding appropriate housing. However, because of the VoTs' temporary residence status and the fact that they often depend on a living allowance from the public social welfare system, private landlords tend to be reluctant to rent their accommodation to them. Furthermore, the high rental prices in Brussels and the large deposits are important obstacles as well¹⁹¹. Social housing is a regional responsibility, so each region has its own rules and regulations as to who can have access to it. In general though, the demand is a lot higher than the supply, and long waiting lists are a reality, especially in the larger cities like Brussels. Since VoTs do not have priority access to social housing¹⁹², the waiting lists apply to them as well.

There are no specific programmes that facilitate access to social or private accommodation for VoTs apart from the assistance the specialised reception centres offer in this regard. One of the specialised reception centres has developed a system of 'transit housing' in cooperation with two social housing rental offices. Transit houses are studios or apartments where a VoT who leaves the safe shelter but is not completely ready yet to live by him/herself and still needs intensive assistance can stay for six months. Prolonging their stay in a transit house by another six months is also possible. The advantage of this type of cooperation between the specialised reception centre and the social housing rental offices is that the social housing rental offices take care of all practical issues regarding the apartments, which means that the specialised reception centre can focus on providing psychosocial, administrative and legal assistance¹⁹³. The system of transit housing has been a positive experience so far, although it does not take away the problem of finding independent accommodation afterwards.

When the VoT is a **minor**, he or she will not stay at one of the three specialised reception centres but at a specialised reception centre for UAMs, which are also non-profit associations (Esperanto in Wallonia, Minor-Ndako in Brussels and Juna in Flanders)¹⁹⁴. However, Payoke, Pag-Asa or Sürya will still provide the minor with administrative and legal assistance.

¹⁸⁹ Interview with a representative of Payoke, 23 September 2014;
Interview with a representative of Pag-Asa, 8 October 2014

¹⁹⁰ Interview with a representative of Payoke, 23 September 2014
Interview with a representative of Pag-Asa, 8 October 2014

¹⁹¹ Interview with a representative of Pag-Asa, 8 October 2014

¹⁹² Interview with a representative of Pag-Asa, 8 October 2014

¹⁹³ Interview with a representative of Pag-Asa, 8 October 2014

¹⁹⁴ GRETA (2013) *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Belgium. First evaluation round*, p 17

The provision of **psychosocial, legal and administrative assistance** is part of the special procedure for VoTs. These three forms of assistance are described in the *Circular of 26.09.2008*, and the *Royal Decree of 18.04.2013* stipulates that the centres have to provide it (Article 1 § 2). While some VoTs will never stay at the safe shelter, they will all receive psychosocial, legal and administrative assistance. Generally, the assistance lasts for two to three up to even four years; however, since the main characteristic of the assistance is that it is tailor-made to the individual needs of the VoT, this period can vary significantly, and one part of the assistance (e.g. psychosocial assistance) can go on for a longer time than another part (e.g. administrative assistance)¹⁹⁵. Psychosocial assistance is meant to help the VoT to overcome the events and trauma they have gone through and to encourage them to take control over their current situation. Furthermore, the psychosocial assistance aims at developing a realistic future plan together with the VoT. The latter includes facilitating access to language courses and professional training or providing assistance in the search for employment¹⁹⁶. Psychosocial assistance is considered “all-inclusive”, involving all aspects of life - health, housing, training, employment, social network, leisure activities, budget management, etc. The specialised reception centres do not necessarily provide all these services themselves, but provide access to relevant institutions, psychologists, etc. through their own extensive networks¹⁹⁷. The administrative assistance is installed to help the VoT with the application of their residence documents in the framework of the special procedure for VoTs. The specialised reception centres have sole responsibility for the application of these specific residence documents. Legal assistance implies defending the rights of the VoTs by providing them with information and offering them the services of a lawyer¹⁹⁸. For this legal assistance the specialised reception centres usually work with experienced lawyers who specialise in representing VoTs. These expert lawyers do not work for free but the specialised reception centres used to have funding to cover these costs. However, because of financial cutbacks on top of the lack of structural funding (see earlier), these budgets are now in jeopardy and in the future the centres will have to rely on lawyers who can represent the VoT free of charge (*pro deo*). The difficulty in working with *pro deo* lawyers is that their field of expertise is usually not human trafficking – which is a very complex matter involving criminal law, immigration law, labour law, civil law, etc. – while the trafficker(s) usually have very expert lawyers who know all the tricks of the trade¹⁹⁹. Furthermore, *pro deo* legal assistance is only available to individuals whose monthly income is below a certain amount²⁰⁰; once VoTs become active on the labour market and start earning an income that is higher than the pre-set maximum, they will not be entitled to free legal assistance anymore and the legal costs can become very expensive. In this regard, the Federal Migration Centre (former Centre for Equal Opportunities and Opposition to Racism) is advocating that VoTs should have a right to free legal assistance until the end of the criminal procedure²⁰¹.

¹⁹⁵ Interview with a representative of Pag-Asa, 8 October 2014

¹⁹⁶ Belgium / 2008-09-26/33 (31-10-2008), XII

¹⁹⁷ Interview with a representative of Pag-Asa, 8 October 2014

¹⁹⁸ Belgium / 2008-09-26/33 (31-10-2008), XII

¹⁹⁹ Interview with a representative of Payoke, 23 September 2014;

Interview with a representative of Pag-Asa, 8 October 2014

²⁰⁰ The maximum income to be eligible for *pro deo* legal assistance is preset but varies according to the personal situation (single or not, number of dependent children, etc.)

²⁰¹ Federaal Centrum voor de analyse van de migratie-stromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel (2014) *Mensenhandel. Bruggen slaan. Jaarverslag 2013 van de onafhankelijke rapporteur mensenhandel – België* [Human Trafficking. Building bridges. Annual Report 2013 from

As stated before, the potential VoT is entitled to a **living allowance** from the public social welfare system as soon as the 45 reflection period has started and continues to be entitled to this throughout the entire procedure and beyond (if he or she is granted permanent residence status), or until the VoT has been able to enter into employment. As far as access to **health care** is concerned, VoTs who arrive at the third phase of their procedure (i.e. inscription in the foreigner's register and a temporary residence permit for six months) are entitled to enrol themselves at one of the national health insurance companies based on their residence document. In the first two phases of the procedure, the public social welfare system can cover certain medical expenses within the framework of their civic service provision²⁰².

Education

In Belgium the right to education for every child, including minors who are potential VoTs, is guaranteed by the Constitution. The different programmes and initiatives that exist within the different educational systems in Belgium for migrant children in general (reception education and reception classes in the Flemish educational system and DASPA in the French educational system - see *Part II* of this report), also apply to child VoTs, provided they fall under the specific access criteria²⁰³. Previous research²⁰⁴ has shown that child VoTs can face some physical obstacles, which can make immediate and regular school attendance difficult, such as the frequent visits to the police and the Foreigners' Affairs Office or the insecure residence status, as well as security measures to protect the child's safety.

Informing adult VoTs about and facilitating them towards language and other types of courses and professional training is an important aspect of the assistance provided by the specialised reception centres²⁰⁵. There are no courses that are organised for VoTs specifically, but, like any other newcomer, VoTs have access to the Flemish civic integration programme (in the case of VoTs who live in Flanders or Brussels) and to the integration trajectories organised sporadically in Wallonia or by organisations of the French speaking community in Brussels (for VoTs who live in Wallonia and Brussels), (see *Part I* of this report).

Employment

As soon as a potential VoT receives a certificate of matriculation (temporary residence permit for three months), he/she can apply for a work permit C in accordance with the *Royal Decree of 09.06.1999*

the independent rapporteur human trafficking - Belgium], Brussels: Federaal Centrum voor de analyse van de migratie-stromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel, p. 70

²⁰² Medimigrant <http://www.medimigrant.be/?idbericht=171&idmenu=2&lang=nl> (accessed 17.10.2014)

²⁰³ These criteria are: to be between 5 and 18 years old, to not have Dutch as the mother tongue or as the language spoken at home, to have insufficient knowledge of Dutch to be able to adequately follow the lessons, to be registered at a school with Dutch as its language of instruction for no more than 9 months, and to have been staying in Belgium for no more than 1 year (for reception education and reception classes of the Flemish educational system) and to be between 2.5 and 18 years old, to have arrived in Belgium less than 1 year ago; to be an asylum seeker or a recognised refugee, UAM, recognised as stateless, or to be a citizen from a country that is a beneficiary of the OECD development aid (for DASPA in the educational system of the French community)

²⁰⁴ See for example van Zeebroeck (2008) *De bescherming van niet-begeleide minderjarige vreemdelingen slachtoffer van kinderhandel en -smokkel [The protection of unaccompanied foreign minors victim of child trafficking and -smuggling]* Brussels: UNICEF Belgium

²⁰⁵ Interview with a representative of Payoke, 23 September 2014;

Interview with a representative of Pag-Asa, 8 October 2014

regarding the implementation of the employment of foreign employees (Article 17, 3°)²⁰⁶. This means that the only time during the special procedure for VoTs in which the VoT does not have access to the labour market is during the reflection period. In practice however, it is usually not that simple for the VoT to find employment that early into the procedure because often they do not speak the language yet²⁰⁷. The advantage of a work permit C lies in the fact that the specialised reception centre can apply for it together with the VoT. In contrast, with work permit B, it is the employer that has to file the application, which forces the migrant into a dependency relationship with the employer²⁰⁸. If, at the end of the procedure, the VoT receives a permanent residence permit, he or she no longer needs to apply for a work permit, since the indefinite residence status gives automatic access to the labour market.

II.2. Assessment of Integration Outcomes

A mechanism of systematic data collection on VoTs does not currently exist in Belgium, which makes monitoring their integration outcomes a challenging endeavour. While the different institutions involved in the action against human trafficking collect data that is useful for their own work and for achieving and evaluating their own goals, data harmonization is still lacking. The *Royal Decree of 16.05.2004* institutionalised the IAMM, a centre for information and analysis in the field of smuggling of and trafficking in human beings, with the purpose of optimizing flows of information between the different actors involved in the action against human trafficking. The National Action Plan on the action against human trafficking 2012-2014 mentions the IAMM and makes some propositions to improve the working of the Information Centre²⁰⁹. However, till today, the Information Centre remains non-operational, notably due to a lack of human and financial resources and the difficulties in cross-referring information because of the obligation to work with anonymous data. Moreover, because of the lack of systematic data collection, it is also not possible to link information from the social security database to any other information, making VoTs a very invisible and vulnerable group in Belgium in general.²¹⁰

In the beginning of 2012 the Federal Migration Centre (former Centre for Equal Opportunities and Opposition to Racism) introduced an IT-tool (“ELDORADO”) together with the three specialised reception centres to be used to manage the centres’ electronic files of victims of human trafficking. This tool should make it possible to centralise anonymous data on VoTs and to produce a more elaborate analysis of human trafficking in Belgium²¹¹. The specialised reception centres have started using the system to register their cases of victims of human trafficking, but in its current form it is a rather complex system, which does not yet seem to be used for analysis²¹². However, based on these data it is difficult to make estimations regarding the number of VoTs due to the risk of overrepresentation (for example, a victim discovered by the police can also be registered by a specialised reception centre and/or appear in the registers of the

²⁰⁶ Belgium / 1999-06-09/35 (26-06-1999)

²⁰⁷ Interview with a representative of Pag-Asa, 8 October 2014

²⁰⁸ Interview with a representative of Payoke, 23 September 2014

²⁰⁹ See *Koninkrijk België – De strijd tegen mensenhandel en mensensmokkel. Actieplan 2012-2014* [Kingdom of Belgium – The struggle against human trafficking and human smuggling. Action Plan 2012-2014], pp. 36-37

²¹⁰ Michielsen, J. et al (2014) *Assess integration measures for vulnerable migrant groups (ASSESS): review of existing monitoring mechanisms for the integration of migrants in Belgium: national report Belgium*. Antwerp: University of Antwerp, CeMIS, pp.17-18

²¹¹ Michielsen, J. et al (2014) *Assess integration measures for vulnerable migrant groups (ASSESS): review of existing monitoring mechanisms for the integration of migrants in Belgium : national report Belgium*. Antwerp: University of Antwerp, CeMIS, p.18

²¹² Interview with a representative of Payoke, 23 September 2014

prosecution councils)²¹³. Furthermore, once a victim of human trafficking receives a permanent residence permit, he or she will no longer be traceable as a VoT in the different registers and existing data collection systems, but only by his/her nationality, country of birth or other indicators that are used for general monitoring purposes, which makes longitudinal monitoring of this specific group very difficult.

Below we will present some quantitative data that we were able to gather from the Annual Report on Human Trafficking 2013 from the Federal Migration Centre²¹⁴, the Activity Report 2013 of the Foreigners' Affairs Office of FPS Interior Affairs²¹⁵, and the Annual Reports 2013 of the different specialised reception centres for victims of human trafficking²¹⁶. These data give a general overview of the number of VoTs that benefited from the special procedure, and were given residence permits and received assistance from the specialised reception centres. However, the data presented below do not allow us to draw any conclusions about their level of integration in society beyond that, nor does it give an all-inclusive image of the situation of victims of human trafficking in Belgium, since not all victims are detected or step into the special procedure for VoT. Further research and more systematic data collection is needed to assess the integration outcomes of this vulnerable group in more detail.

The right to stay

The data from the Foreigners' Affairs Office show us that in 2013 thirty people received an 'order to leave the territory' in the framework of the 45-day reflection period; 60 % of them were men. This number is the same as it was in 2011 though somewhat smaller than in 2012, when 36 orders to leave the territory were issued to potential VoTs. As stated before, not all potential VoTs start their procedure with a reflection period; some of them immediately file a complaint or make a statement and do not need this reflection period. Therefore this number should not be read as an indicator of the total number of people who stepped into the special procedure for VoTs in 2013.

	Male	Female	Total
Order to leave the territory	18	12	30

Table 32: VoTs who were given a reflection period (2013, in number of cases) [Source: Foreigners' Affairs Office FPS Interior Affairs (2014)²¹⁷]

²¹³ Michielsen, J. et al (2014) *Assess integration measures for vulnerable migrant groups (ASSESS): review of existing monitoring mechanisms for the integration of migrants in Belgium: national report Belgium*. Antwerp: University of Antwerp, CeMIS, p.35

²¹⁴ Federaal Centrum voor de analyse van de migratie-stromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel (2014) *Mensenhandel. Bruggen slaan. Jaarverslag 2013 van de onafhankelijke rapporteur mensenhandel – België* [Human Trafficking. Building bridges. Annual Report 2013 from the independent rapporteur human trafficking - Belgium] Brussels: Federaal Centrum voor de analyse van de migratie-stromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel

²¹⁵ Dienst Vreemdelingenzaken FOD Binnenlandse Zaken (2014) *Activiteitenrapport 2013* [Activity Report 2013] Brussels: FOD Binnenlandse Zaken

²¹⁶ Pag-Asa (2014) *Jaarverslag 2013. Opvang en begeleiding van slachtoffers van mensenhandel* [Annual Report 2013. Reception of and assistance to victims of human trafficking] Brussels: Pag-Asa;

Payoke (2014) *Jaarverslag 2013* [Annual Report 2013] Antwerp: Payoke

²¹⁷ Dienst Vreemdelingenzaken FOD Binnenlandse Zaken (2014) *Activiteitenrapport 2013* [Activity Report 2013] Brussels: FOD Binnenlandse Zaken, p.140

The table below presents the total number of temporary and permanent residence documents the Foreigners' Affairs Office issued in 2013 to (potential) victims of human trafficking and victims of human smuggling: first residence permits (certificate of matriculation) as well as the different temporary residence permits that follow. This number represents not only VoTs who stepped into the procedure in 2013 but also includes VoTs who were already in the procedure but received (a) new temporary residence document(s) in 2013. The number also includes residence permits that were issued outside of the special procedure for human trafficking in its strictest sense, but that were issued because of humanitarian reasons or within the STOP-procedure (see earlier).

In total, 726 temporary residence permits were issued by the Foreigners' Affairs Office in 2013 (compared to 759 in 2012 and 724 in 2011); 61 % of those temporary residence documents were issued to men. Sixty three and a half per cent (63.5 %) of the temporary residence permits were renewals of the temporary certificate of inscription in the foreigners' register for reasons of human trafficking. Seventy-two VoTs obtained a permanent residence permit (compared to 61 in 2012 and 46 in 2011). Here the gap between documents delivered to men and women becomes a little smaller: the male VoTs received only a little more than half (54.2 %) of the permanent residence permits. A little less than two thirds of the permanent residence permits were delivered based on human trafficking reasons, while about one third of them concerned humanitarian reasons (such as for example in the framework of the STOP-procedure).

	Male	Female	Total
Certificate of Matriculation	69	48	117
Renewal Certificate of Matriculation	8	7	15
Temporary Certificate of Inscription in the Foreigners' Register / Human Trafficking	62	38	100
Temporary Certificate of Inscription in the Foreigners' Register / Humanitarian	1	1	2
Renewal Certificate of Inscription in the Foreigners' Register / Human Trafficking	293	168	461
Renewal Certificate of Inscription in the Foreigners' Register / Humanitarian	10	21	31
TOTAL	443	283	726

Table 33: VoTs who were given temporary residence permit(s) (2013, by number of cases) [Source: Foreigners' Affairs Office FPS Interior Affairs (2014)²¹⁸]

	Male	Female	Total
Permanent Certificate of Inscription in the Foreigners' Register / Human Trafficking	25	21	46
Permanent Certificate of Inscription in the Foreigners' Register / Humanitarian	14	12	26
TOTAL	39	33	72

Table 34: VoTs who were given a permanent residence permit (2013, by number of cases) [Source: Foreigners' Affairs Office FPS Interior Affairs (2014)²¹⁹]

Finally, table 34 below shows that 11 orders to leave the territory were delivered to 7 male and 4 female VoTs who arrived at the end of the special procedure for victims of human trafficking, or whose procedure was stopped (compared to 8 in 2012 and 7 in 2011). This number does not tell

²¹⁸ Dienst Vreemdelingenzaken FOD Binnenlandse Zaken (2014) *Activiteitenrapport 2013* [Activity Report 2013] Brussels: FOD Binnenlandse Zaken, p. 140

²¹⁹ Dienst Vreemdelingenzaken FOD Binnenlandse Zaken (2014) *Activiteitenrapport 2013* [Activity Report 2013] Brussels: FOD Binnenlandse Zaken, p. 140

us whether or not these persons actually left the country, nor does it include VoTs who decided to return voluntarily to their country of origin.

	Male	Female	Total
Order to leave the territory (Annex 13)	7	4	11

Table 35: VoTs who received an order to leave the territory outside the framework of the reflection period (2013, in number of cases) [Source: Foreigners' Affairs Office FPS Interior Affairs (2014)²²⁰]

Access to welfare and assistance

Accommodation

In 2013, a total of 49 persons stayed at the safe shelter of the specialised reception centre in Brussels; 36 of them (19 men and 17 women) were new VoTs while the other 13 VoTs had already been staying at the centre since 2012²²¹. The specialised reception centres in Flanders and in Wallonia also have a safe shelter, however, we do not have the exact data on the number of individuals that were accommodated there.

Access to assistance

Contact from or the referral of an individual to these specialised reception centres for VoTs do not always result in the beginning of a new assistance process, since it sometimes involves a matter other than human trafficking (such as, for example, domestic violence, problems in finding accommodation, general residence permit-issues, etc.). In 2013 new assistance processes were initiated (including all components of this assistance, i.e. psychosocial, administrative and legal) for a total of 133 cases. The top five nationalities were Morocco (mostly male victims of economic exploitation), Romania (male victims of economic exploitation and female victims of sexual and economic exploitation), China (male victims of economic exploitation and female victims of sexual and economic exploitation), Nigeria (mostly female victims of sexual exploitation), and Tunisia (male victims of economic exploitation)²²². The specialised reception centres provide assistance to all potential VoTs, regardless of their nationality. The nationalities of the VoTs they assist show us that the majority of them (almost 80 %) are TCNs. However, with one out of five being an EU-citizen, the latter also remains an important group within the VoTs in Belgium. In 2011 the number of new cases for which assistance processes were initiated was exactly the same (i.e. 133) though the top five nationalities differed and included Bulgaria and India instead of China and Tunisia. In 2012 the number of new cases was somewhat higher (i.e. 143) and by that time China had already taken the place of India as one of the top five nationalities.

²²⁰ Dienst Vreemdelingenzaken FOD Binnenlandse Zaken (2014) *Activiteitenrapport 2013* [Activity Report 2013] Brussels: FOD Binnenlandse Zaken, p. 141

²²¹ Pag-Asa (2014) *Jaarverslag 2013. Opvang en begeleiding van slachtoffers van mensenhandel* [Annual Report 2013. Reception of and assistance to victims of human trafficking] Brussels: Pag-Asa, pp.30-31

²²² Federaal Centrum voor de analyse van de migratie-stromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel. *Mensenhandel. Bruggen slaan. Jaarverslag 2013 van de onafhankelijke rapporteur mensenhandel – België* [Human Trafficking. Building bridges. Annual Report 2013 from the independent rapporteur human trafficking - Belgium] Brussels: Federaal Centrum voor de analyse van de migratie-stromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel, p.108

	Male	Female	Total
Morocco	17	8	25
Romania	11	13	24
China	6	4	10
Nigeria	1	6	7
Tunisia	6	0	6
Total all TCN nationalities*	33	56	89
Total all nationalities	71	62	133

Table 36: Top 5 nationalities of VoTs whose assistance initiated during the given year (2013, by numbers of cases) [Source: Federal Migration Centre (2014)²²³; *own calculation]

Table 36 below shows the total number of VoTs who received psychosocial and/or legal and/or administrative assistance (new cases and on-going cases) for two of the three reception centres²²⁴. In 2013, the specialised reception centre in Brussels and Flanders provided psychosocial assistance to a total of 167 and 191 VoTs respectively; they provided legal assistance to a total of 199 and 191 VoTs respectively and administrative assistance to 158 and 171 cases respectively. The higher number(s) here than in the previous table (table 36) for new assistance clearly shows that the assistance the specialised reception centres provide to VoTs generally lasts longer than one year and that not always the exact number of cases receives the three types of assistance.

	Psychosocial assistance	Legal assistance	Administrative assistance
Specialised reception centre Brussels (i)	167	199	158
Specialised reception centre Flanders (ii)	191	191	171

Table 37: VoTs who received psychological, legal and administrative assistance from the specialised reception centres in Brussels and Flanders²²⁵ (2013, in number of cases) [Source: (i) Pag-Asa (2014)²²⁶, (ii) Payoke (2014)²²⁷]

Education and employment

Even though enrolment in professional training/language or other courses and entering into employment can be considered important aspects of the integration process for VoTs, no systematic data collection is currently being done on the topic. The specialised reception centres know from experience that most of the VoTs who receive their assistance are motivated to enrol for language courses and professional training, and that they are eager to find a job as soon as possible²²⁸. However, there are no data to illustrate this, or monitor the integration process of VoTs in this regard. A few years ago the three specialised reception centres conducted an (unpublished) study to try to investigate the situation of employment of the victims of human

²²³ Federaal Centrum voor de analyse van de migratie-stromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel. Mensenhandel. Bruggen slaan. Jaarverslag 2013 van de onafhankelijke rapporteur mensenhandel – België [Human Trafficking. Building bridges. Annual Report 2013 from the independent rapporteur human trafficking - Belgium] Brussels: Federaal Centrum voor de analyse van de migratie-stromen, de bescherming van de grondrechten van de vreemdelingen en de strijd tegen mensenhandel, p.108

²²⁴ The third specialised reception centre also provides assistance to VoTs in a similar way but we do not have the exact information on the overall number of cases they assisted throughout 2013.

²²⁵ Data on the psychosocial, legal and administrative assistance from the specialised reception centre in Wallonia is missing; as a result the information presented here is not complete

²²⁶ Pag-Asa (2014) *Jaarverslag 2013. Opvang en begeleiding van slachtoffers van mensenhandel* [Annual Report 2013. Reception of and assistance to victims of human trafficking] Brussels: Pag-Asa,

²²⁷ Payoke (2014) *Jaarverslag 2013* [Annual Report 2013] Antwerp: Payoke, pp.3-4

²²⁸ Interview with a representative of Pag-Asa, 8 October 2014;

Interview with a representative of Payoke, 23 September 2014

trafficking they were assisting at that period in time. The preliminary results showed that a majority of the VoTs were employed or following a professional course²²⁹. However, this exercise was a one off initiative of the specialised reception centres, which does not allow us to make an in-depth analysis or draw any conclusions. The specialised reception centres did this exercise because they felt a need to gain a better insight into this matter of employment. Systematic and longitudinal data collection on education and employment (not only whether or not VoTs enter employment but also how they find a job, in which sector, with what type of contract, full-time or part-time, etc.) would allow to better look into the situation of integration of VoTs, both during and after the procedure.

²²⁹ Interview with a representative of Payoke, 23 September 2014;
Interview with a representative of Pag-Asa, 8 October 2014

Conclusion and recommendations

Conclusion

Belgium is a country with a complex structure of federal, regional and community governments. Each government has its own responsibilities, which results in a vast number of policy measures and initiatives. While some of these measures apply to the whole country, others only apply to a specific region or language community. Furthermore, the country is currently going through a time of political changes with new federal, regional and community governments and a sixth state reform that recently transferred a number of responsibilities from the federal level to the regional or community level, making it even more difficult to keep a clear overview. This report tried to be concise, but was at the same time dealing with three ultimately very different and heterogeneous migrant groups. In that sense we do not claim to have drawn an all-inclusive picture of their integration reality, which would require a much more in-depth analysis of the different issues we have touched upon in this report.

While several policy measures and initiatives exist to promote employment for certain groups -- to have educational qualifications obtained abroad and professional skills recognized, to learn the language and to take part in professional training programmes, etc. -- in general, **TCN migrant women** are not a specific target group of these policy initiatives. Governmental measures to promote employment tend to target young people, people with a work disability or low-qualified people; and processes for the recognition of professional skills are largely developed to fill a demand of specific vocational (mostly typically male) jobs on the labour market, which makes it difficult for TCN women to benefit from these initiatives. On the one hand, language courses and professional training provided in the framework of the civic integration programme of the Flemish Community target all recently arrived adult migrants, including TCN women. Regulations about who is and is not obliged to follow a civic integration programme apply to both TCN men and women in the same way; however, some specific provisions are installed to try to accommodate particular needs of TCN women, e.g. in case of pregnancy or when a TCN migrant has not been able to find child care arrangements. On the other hand, in practice, the role of the migrant woman in the household often still constitutes an extra obstacle for her to access these courses. Therefore enough efforts should be put into the preparation phase, allowing them to create a network, to discuss the issue of the division of household tasks at home etc. The current system of day care centres for young children between 0-3 years old seems to be another obstacle for migrant women. While in principle they have access to these day care centres, they make little use of it, making it more difficult for them to participate in training courses or to take on employment. The current system of day care centres is a rather strict system that requires parents to register their child on a long-term basis and for a pre-set number of days per week, for which they pay a fixed price; if, for some reason, the child does not go to the day care centre on one or more days for which it is registered, the parents still have to pay for it. The reverse equally poses an obstacle: a child will not be able to attend a day care centre on a sudden or occasional basis if it is not registered there or if it is not registered for that particular day of the week. This lack of flexibility is especially problematic for (TCN) migrant women (and men), who are more likely to depend on short, temporary jobs with irregular work hours. In that sense, a more flexible system of day care centres might make it easier for this group to make use of these facilities. On a more general level, the social security system in Belgium is an inclusive system for everybody who works and resides legally in the country. Except for a few specific situations, TCN migrant women have access to the social security programmes, provided they fulfil the general eligibility

conditions (waiting periods, minimum contributions...). Since having a legal residence permit is a basic requirement to access the social security programmes, the undocumented migrants are most vulnerable in this regard, as they are de facto excluded from it.

Active citizenship, and especially political participation, of TCN migrant woman (and men) is still limited: they are only granted voting rights for municipal elections and only when certain conditions are met. They can, however, become members of political parties, unions and civil society organisations, since the right to association is guaranteed by the Constitution for everybody who lives in the country. Whether they actually make use of this right in practice is difficult to assess since no systematic data collection on or monitoring of their membership exists. Regarding anti-discrimination, important legislation has been developed at the federal, regional and community levels to try to tackle discrimination based on nationality, origin and gender (amongst other things) in society; while the general scope of this legislation is much broader than discrimination against the specific group of TCN migrant women, they can still benefit from it.

The overall assessment of the integration outcomes for TCN migrant women shows worrisome results: the majority of TCN women in Belgium is likely to be either unemployed or inactive, with a relatively low educational attainment and without participating in life-long learning; or, in other words, not at all integrated in the labour market and with little chance of improvement, making them very vulnerable to poverty and social exclusion. Indeed, with an average income that is much lower than the general average income in Belgium and a much higher risk of poverty (even when at work), TCN migrant women seem to be in a much more vulnerable position vis-à-vis other groups in Belgian society. Regarding the political participation of TCN migrants, there is no systematic monitoring of voter turnout of this group and the only available data are these on the TCN migrants who registered to vote in the municipal elections. These data show that only a minority of TCN migrant women (and men) who are eligible to vote actually register to do so; with Flanders being the region with the least registered TCN voters.

TCN migrant children in Belgium have a guaranteed access to education, regardless of their administrative or legal status, meaning that both documented and undocumented children have to receive education. Both in the Flemish and the French Communities, policy measures have been developed and systems of reception education (focusing mainly on learning the language) have been created to facilitate the integration of recently arrived migrants into regular education. While these initiatives do not focus particularly on TCN migrant children, they have access to them provided they meet the eligibility criteria (these criteria are mainly about age, language knowledge and time spent in Belgium). Since currently no additional diploma requirements exist for teachers of reception education, they often have a diverse background without any guarantees that they have the necessary expertise in teaching Dutch as a second language or dealing with the specific needs of the very heterogeneous group of recently arrived (TCN) migrant children in their reception classes. Furthermore, because of the insecure working conditions for reception education teachers, it is difficult to hold on to the expertise and the experience that those teachers *do* acquire, since they tend to move on to more secure teaching positions if the opportunity arises. The integration outcomes for TCN migrant children show that their integration into education (measured by their educational performance) remains problematic, with a much higher percentage of educational backlogs, low achievers and early school leavers among TCN children than among their Belgian peers. While the reality of educational performance in Belgium is a complex issue that also has to do with the educational systems in general - of which critics say

that they reproduce inequality instead of tackling it -, the large gap between the educational performances of migrant and non-migrant students suggests that special attention to the particular situation of the former should be increased if more equal educational performances are to be achieved.

Policy initiatives to fight child poverty also exist at the different government levels of the country. While particular vulnerable groups are identified (e.g. children in extreme poverty, children in early childhood, young adults), (TCN) migrant children as such are not one of them, and no concrete measures have been taken so far to tackle the specific problem of child poverty among immigrant families. Organised leisure activities take up an important role in the life of children in Belgium and the different responsible governments have created policy measures to try to promote participation in such leisure activities. These policy measures do not have a specific focus on TCN migrant children as such but focus more generally on 'disadvantaged groups' and 'socially vulnerable groups' in Flanders or on the issue of 'social cohesion' in the French Community and the Walloon Region. Research seems to show that, despite these efforts, participation of vulnerable groups in organised leisure activities remains low in practice; but a general lack of a more systematic data collection on the participation of TCN migrant children in leisure activities makes it very difficult to assess the outcomes for TCN migrant children in this policy domain.

For **UAMs**, a guardianship system has been put in place by the Guardianship Service since 2004. The Guardianship Service is a federal authority and the guardianship system applies to the entire country. Because of the two-fold system of 'professional' and 'voluntary' guardians, and limited training and follow-up, the quality of the care the UAM receives ultimately depends a lot on the individual guardian. Currently, little information is available about the strengths and weaknesses of the two-fold guardianship service and the impact it has on the UAM; it would be interesting if further studies could look into this.

In the framework of the special procedure for **VoTs**, Belgium has a well-developed system of protection, reception and assistance. Anyone identified as a VoTs receives psychosocial, administrative and legal assistance from one of the three officially recognised reception centres. While there are no specific language or professional courses for VoTs, they have access to the Flemish civic integration programme and the integration trajectories organised sporadically by the French Community. In principle, VoTs have access to the labour market early on in the procedure. Despite the establishment of a legal framework to protect VoTs and the development of specialised reception centres to assist the VoTs, there are still some challenges. A lack of structural funding and current financial cutbacks, for example, can make it difficult for the specialised reception centres to carry out their task as assistance providers. Furthermore, a lack of systematic data collection on the situation of VoTs makes it very difficult to monitor their integration outcomes in the short- as well as in the long run.

Recommendations

Migrant women:

- More attention should be given to (TCN) migrant women as a specific vulnerable group in policy making, especially in policy areas of employment, education, child care and social inclusion
- The extremely vulnerable position of TCN women on the labour market and their high risk for poverty status requires that a gender perspective be used when developing policy measures to facilitate migrants' integration on the labour market
- TCN migrant (women) should be more actively encouraged to participate in municipal elections. To further promote their political participation they could be granted passive voting rights (be allowed to be elected) and/or their voting rights could be extended to other elections (regional, federal)

Migrant children:

- Special training programmes for reception education teachers and methods to hold on to and systematize the existing expertise should be developed further; official training programmes for teaching Dutch as a second language should be developed
- Schools should be better equipped to deal with the specific, sometimes traumatic, experience vulnerable TCN migrant children (asylum seekers, refugees, undocumented children, UAMs...) are dealing with.
- More attention should be given to the particular situation of (TCN) migrants and (TCN) migrant children in policy initiatives that want to fight (child) poverty
- More outreach activities are needed to reach TCN migrant children and promote their participation in leisure activities
- Data collection mechanisms should be developed to be able to monitor and assess the situation of UAMs and undocumented children, who remain largely invisible as specific vulnerable migrant subgroups within the general group of migrant children
- Studies should be carried out to compare the impact of the two-fold system of guardianship on the well-being of UAMs and the care they receive

VoTs:

- Systematic and longitudinal data collection mechanisms should be developed to be able to monitor the situation of VoTs and assess their integration not only during but also after the special procedure for VoTs
- A system of structural funding should be developed for the specialised reception centres in order for them to be able to continue delivering high quality assistance to VoTs, specifically tailored to them in order to facilitate their integration

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Belgium / 2008-12-23/30 (29-12-2008)
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Annex

Overview of interviews:

	Institution	Name of the respondent	Position of the respondent	Date of the interview	Data collected about which target group:
1	Nederlandstalige Vrouwenraad (Dutch-speaking women's council)	R. Van Gool	Programme Officer	16.09.2014	migrant women
2	Nederlandstalige Vrouwenraad (Dutch-speaking women's council)	G. Goorden	Programme Officer	16.09.2014	migrant women
3	Intercultureel Vrouwencentrum Antwerpen – IVCA (Intercultural Women's Centre Antwerp)	I. Ceballos	Programme Officer	17.10.2014	migrant women
4	Délégué général aux Droits de l'Enfant (General Delegate for Children's Rights)	B. De Vos	General delegate	15.09.2014	migrant children
5	Platform Kinderen op de Vlucht (Platform Minors in Exile)	L. Van der Vennet	Coordinator	29.09.2014	migrant children
6	Platform Kinderen op de Vlucht (Platform Minors in Exile)	K. Fournier	Coordinator	29.09.2014	migrant children
7	Kruispunt Migratie-Integratie (Expertise Centre Migration-Integration)	R. Laget	Programme Officer equal opportunities in education	10.10.2014	migrant children /migrant women
8	Kruispunt Migratie-Integratie (Expertise Centre Migration-Integration)	B. Roels	Programme Officer language & diversity	10.10.2014	migrant children /migrant women
9	Vlaams Ministerie van Onderwijs & Vorming (Flemish Ministry of Education & Training)	C. Gijssels	Programme Officer department strategic policy support	10.10.2014 & 14.10.2014	migrant children /migrant women
10	Payoke	P. Sørensen	Director	23.09.2014	VoT
11	Payoke	S. Cluydts	Coordinator	23.09.2014	VoT
12	Pag-Asa	S. De Hovre	Director	08.10.2014	VoT
13	Pag-Asa	J. Polaster	Psycho-social counsellor	08.10.2014	VoT