

Administrative Processing Time of Asylum Procedure in Belgium, 1999-2014

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1. Background and Objectives

Among the asylum-seeking literature, factors as age, countries of origin, race, gender, socioeconomic status are explored, but less so on the administration part at the destination country. However, the processing time of administrative procedure might have substantial indirect effect on migrants' living conditions, rights and accessibility to the labour market. In Australia, "unprocessed persons" are detained at a "processing center" until their refugee application is resolved (Stevens, 2002). The length of administrative processing time is defined as the number of days from the date of asylum application to the first decision. The first decision is the *first-time* when the asylum seeker received a formal notification of one of the following results: being refused, granting a refugee status, annulation of application, deregistration, granting of residence permit, or granting subsidiary protection depending on the chronological order. Belgium receives one of the highest proportions of asylum seekers comparative to its total population size. As there was no provision in Belgian law which imposes that an asylum application to be process within a given timeframe (Spotti 2019), the asylum seeker might remain in an "irregular" status for a long period of time. The length of administrative processing time depends on several conditions. First, as administrative capacity is with a limit regarding number of staffs, work time and spaces, a dramatically increasing number of asylum seekers, especially during a time of asylum crisis or pandemic, might lead to a temporarily delayed administration process. Second, immigration authority could opt for actively speeding up the resolution process to discourage ungrounded applications, for example, safe country list in 2012. A shorter processing time should lead to less complex administrative trajectories in general, both because of the smaller size of asylum applications which further means lack of or less severe asylum crisis, or less ungrounded applications during the period when immigration authority consciously speed up the process. However, this should not affect the rate of

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successful refugee which should be subject to immigration policies rather than the processing time.

The objective of this paper is to understand the selection of asylum seekers during each of the following periods: 1999-2006, 2007-2011, and 2012-2014 (see Figure 1) when average processing time showed different trends. From 1999-2006, average number of days to process asylum applications declined to a considerably low level at less than 3 months. In 2006, Belgian immigration authority launched the “quicker and easier asylum procedure”. Law of 15 September 2006 (the most fundamental reform of the Aliens Act since 1980) claimed to speed up asylum procedure so that every asylum applicant knows the outcome within a year at the most. Additionally, the new single asylum procedure replaced the former two phases (admissibility and eligibility) and considers grounds for both Convention refugee status and subsidiary protection in the examination of asylum claims. Paradoxically, after the introduction of 2006 “quicker and easier asylum procedure”, the average processing time increased dramatically to a level even higher than the end of 1990s, at more than 250 days, until it declined sharply again in 2012. In 2012, the Safe Country of Origin status, one of Belgium’s key tools in the process of granting asylums to foreign nationals, came into force (European Migration Network, EMN). The new article 57/6/1 of the Aliens Act of 1980 has introduced the notion of safe country of origin in the Belgian law. The following countries were included in 2012: Albania, Bosnia-Herzegovina, FYROM (Macedonia), Kosovo, Montenegro, Serbia, and India. This list did not change until August 29, 2016 when Georgia was granted safe country of origin and came into force that same day.

2. Data and Methods

We use TI206 asylum seeker file from Belgian National Register data (1999-2014). It provides information on the date of each change in asylum application process and personal identifier to be merged with demographic information from other data files. The asylum procedure slightly changed after 2006. According to “Loi 22 AOUT 2007”, the reformed asylum procedure follows several steps. First, the Alien office (OE) receives the application and transmits it to The General Commission for Refugees and Stateless Persons (CGRA). The CGRA decides on the granting of refugee status or subsidiary protection. The applicant could appeal to 'Conseil du Contentieux des Etrangers' (CCE) and furthermore to Council of State (CE) against the decision of CCE. The appeal procedure is identified through `statK1 == 80`,

which means that the application was being handled by either CE or CCE. Each person would have multiple times of “appeal” or “being refused”. In this study, we only focus on the first decision made by the immigration office. There are 6 types of first decisions: refusal, deregistration, withdraw or annulation (due to repeated applications), granting of (normally short-term) stay,

3. Preliminary Results

Figure 1 shows the average number of days before the resolution of asylum application. The processing time before 2006 remained at a relatively low level except for the first two years, 1999-2001. It increased dramatically from 2006 to 2010 and dropped again since 2012. The processing time needs to be studied accounting for the number of applications as assuming a stable supply of labour and time in reviewing asylum applications, the more applications the longer processing time. As shown in Table 1, total number of applications declined from 146304 in the early 2000s to 45998 in the 2010s. Non-response rate by 2014 was stable and low from 1999 to 2014 except that it was about 10% for applications submitted in 1999 (see Figure 2 in Appendix).

Table 1 shows that the age, sex and marital status of asylum seekers did not change much by cohort of arrival. Single young men are the main source of asylum seekers. Over time, proportion of asylum seekers from Europe declined from over one third during 1999-2006 to less than a quarter in 2010s, while others from West Asia, South Asia and West Africa increased substantially. Type of first decision changes a lot over time. From 1999 to 2006, about 90.7% of the asylum applications are refused, while 8.7% of the asylum applicants received a temporary residence (“sejour”). After 2006, the rejection rate declined and proportion of asylum seekers successfully being recognized as refugee and granted subsidiary protection increased. The granting of refugee and subsidiary protection takes on average 276 days and 273 days, versus mean processing time of being rejected (115 days), application withdrawal or annulation (111 days) and the shortest, being granted a temporary residence (“sejour”). The relatively rapid asylum procedure before 2006 seem to be related to the higher proportion of granting temporary residence and high rejection rates.

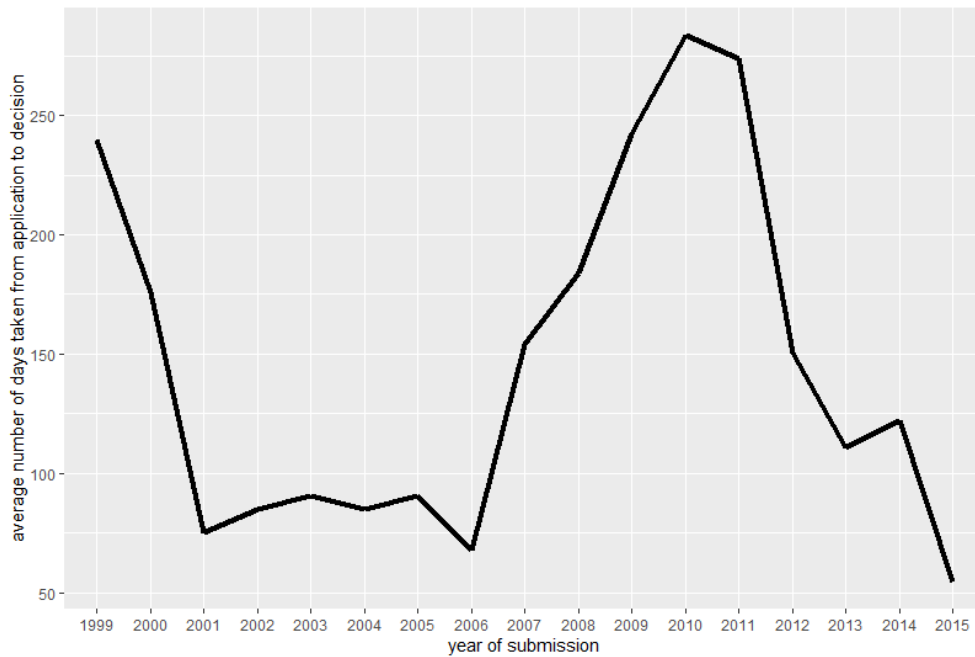


Figure 1. Average number of days before getting a decision by year of submission.

Table 1. Description of Asylum seekers arrive during 1999-2006, 2007-2011, and 2012-2014.

	1999-2006	2007-2011	2012-2014
Age at arrival			
18-24	42498 (29.0%)	21031 (28.8%)	13163 (28.6%)
25-34	63078 (43.1%)	31256 (42.8%)	19584 (42.6%)
35-49	33820 (23.1%)	16585 (22.7%)	10326 (22.4%)
above 50	6908 (4.7%)	4208 (5.8%)	2925 (6.4%)
Sex			
Male	95455 (65.2%)	49614 (67.9%)	31097 (67.6%)
Female	50849 (34.8%)	23466 (32.1%)	14901 (32.4%)
Marital status at arrival			
missing	36492	12902	5254
single	62034 (56.5%)	29907 (49.7%)	21240 (52.1%)
married	39617 (36.1%)	14909 (24.8%)	9908 (24.3%)
divorced	1463 (1.3%)	357 (0.6%)	397 (1.0%)
widowed	1794 (1.6%)	377 (0.6%)	384 (0.9%)
indetermined	4904 (4.5%)	14628 (24.3%)	8815 (21.6%)
Region of origin			
missing	89500	51330	33814
EU-15	266 (0.5%)	151 (0.7%)	94 (0.8%)
13 new countries of European Union	3288 (5.8%)	345 (1.6%)	51 (0.4%)
Europe outside of EU	17221 (30.3%)	5312 (24.4%)	2643 (21.7%)
West Asia	6405 (11.3%)	3816 (17.5%)	2205 (18.1%)
Central Asia	2105 (3.7%)	126 (0.6%)	73 (0.6%)
South Asia	7058 (12.4%)	3564 (16.4%)	2091 (17.2%)
Southeast Asia	87 (0.2%)	16 (0.1%)	13 (0.1%)

East Asia	870 (1.5%)	546 (2.5%)	285 (2.3%)
North Africa	2461 (4.3%)	583 (2.7%)	363 (3.0%)
West Africa	5250 (9.2%)	3160 (14.5%)	2055 (16.9%)
East Africa	3735 (6.6%)	1508 (6.9%)	876 (7.2%)
Central Africa	6846 (12.1%)	2022 (9.3%)	1133 (9.3%)
Southern Africa	26 (0.0%)	6 (0.0%)	7 (0.1%)
North America	7 (0.0%)	4 (0.0%)	6 (0.0%)
Central America	21 (0.0%)	10 (0.0%)	9 (0.1%)
Caribbean	45 (0.1%)	18 (0.1%)	5 (0.0%)
South America	350 (0.6%)	14 (0.1%)	12 (0.1%)
Oceania	1 (0.0%)	2 (0.0%)	0 (0.0%)
Refugee, stateless and undetermined	762 (1.3%)	547 (2.5%)	263 (2.2%)
Type of first decision			
refused	132729 (90.7%)	54899 (75.1%)	32156 (69.9%)
withdrawal or annulation	876 (0.6%)	5066 (6.9%)	2731 (5.9%)
sejour	12665 (8.7%)	749 (1.0%)	4 (0.0%)
refugee	32 (0.0%)	9359 (12.8%)	8176 (17.8%)
subsidiary protection	2 (0.0%)	3007 (4.1%)	2931 (6.4%)
Total	146304	73080	45998

Reference

Stevens, C. A. (2002). Asylum Seeking in Australia. *International Migration Review*, 36(3), 864–893.

Spotti M. (2019) “It’s All About Naming Things Right”: The Paradox of Web Truths in the Belgian Asylum-Seeking Procedure. In: Gill N., Good A. (eds) *Asylum Determination in Europe*. Palgrave Socio-Legal Studies. Palgrave Macmillan, Cham.

Appendix

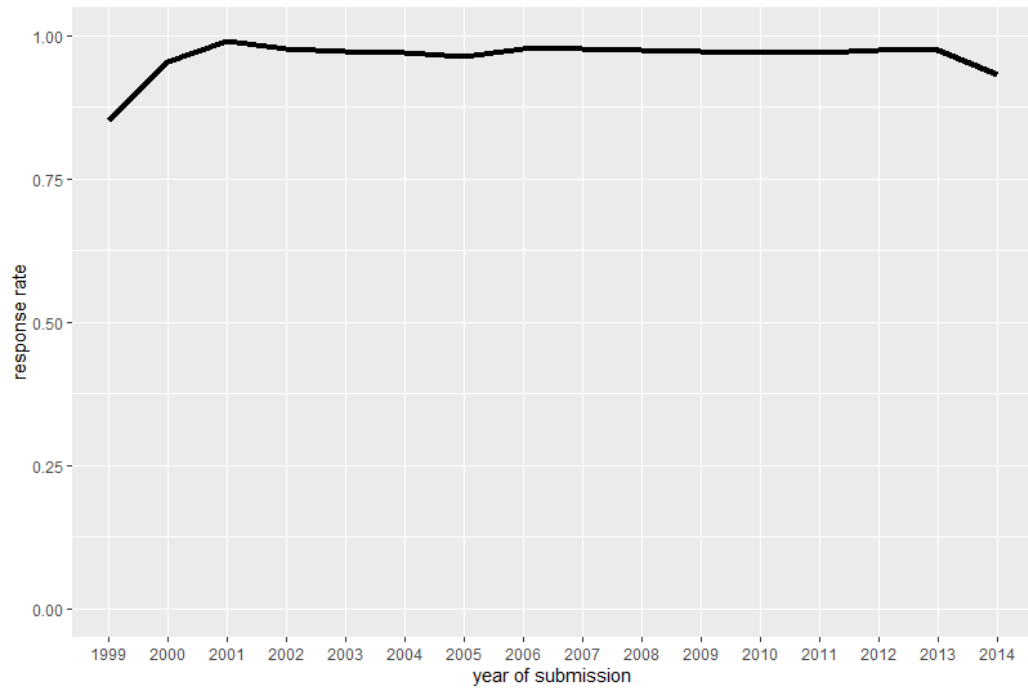


Figure 2. Response rate, or % finally got a decision until 2014 by year of submission.