

Pathways to a regular stay? A quantitative perspective on precarious legal status trajectories among asylum-seekers in Belgium.

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Abstract

In this paper, we explore the heterogeneity of asylum seekers' legal status trajectories in Belgium adopting a longitudinal perspective at the individual level. We use data from the Belgian national register and sequence analyses to address the following questions: How are these pathways characterised (repeated experiences of irregularity, remaining in a temporary resident permit or moving progressively to a more permanent status, etc.)? How do these trajectories vary depending on asylum seekers sociodemographic characteristics, especially their social capital, their age, their employment experience and their family situation? And finally, how have legal status trajectories evolved over our 15-year observation period?

1. Background and objectives

Since the 1990s, asylum-seekers have represented a large share of immigrants from third countries in Belgium. In the late 1990s-early 2000s, half of the immigration flows from non-EU countries² to Belgium were by asylum seekers, and they have represented around one quarter of non-EU immigration flows over the last decade.

Although the numbers and the socio-demographic characteristics of asylum seekers are well documented, their pathways to settlement and integration are less well known. Some studies have focused on the integration on the labour market among refugees, and have shown that access to employment is slow, and jobs are unstable (Carpentier and Schoumaker 2019; Lens, Marx, and Vujić 2018; Rea et al. 2015), in Belgium as elsewhere (Bertrand 2019). However, these studies have focused on beneficiaries of international protection (refugees and subsidiary protection), i.e. on a very selected sample of all asylum seekers. Moreover, legal status trajectories, which are expected to be key factors in integration pathways (Kubal 2013), have received little attention.

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² In this paper, we refer to EU-countries as the current 27 countries of the European Union, as well as the United Kingdom (former member).

Recent research in Belgium has shown that asylum-seekers, including those who obtain international protection (refugees or subsidiary protection), are much more likely to experience precarious legal status trajectories than other immigrants (Schoumaker et al. 2021). These precarious trajectories may have enduring influence on family life, education, employment, health and more broadly the realization of long-term personal projects (Greenman and Hall 2013; Martiniello and Rea 2011; Morris 2003; National Academies of Sciences, Engineering, and Medicine 2015; Torres and Young 2016). Yet, despite the unambiguous precariousness of trajectories among asylum seekers, trajectories are also very heterogeneous. After introducing an asylum request, people receive an authorization for a short stay until the first decision is made. In case of refusal, asylum seekers can introduce an appeal, and obtain another permit for a short stay, which could sometimes be obtained after a period without a residence permit. In periods with large backlogs, such permits also needed to be renewed several times, and periods with short permits could last years. Said briefly, not all asylum-seekers will face similar conditions. While obtaining the refugee status is presumably a major factor protecting from the most precarious trajectories, the status may come after a long stay, refusals and renewals of permits. On the other hand, some rejected asylum-seekers may gain access to a regular status rapidly, and may experience simpler legal status trajectories than some refugees. Access to long-term residence will be reached through other channels, in which social capital is expected to play a key role. For instance, having family and friends in Belgium may help asylum-seekers to have access to crucial information or resources, or to get married with a Belgian citizen. Asylum seekers who are employed may also improve their chances of access to a regular legal status. Age, and related health conditions, may also be a differentiating factor in obtaining a residence permit in Belgium.

Also lacking are analyses of trends over time of the precariousness and complexity of administrative trajectories among immigrants. The growing literature on precarious legal status trajectories, enforced temporariness, and related works on liminal legality or semi-legality (Goldring and Landolt 2021; Jacobs 2019; Kubal 2013; Menjivar 2006; Merla and Smit 2020; Vianello, Finotelli, and Brey 2019) suggest that the legal status trajectories have become more precarious and/or complex over time. However, several reforms of the asylum procedure have taken place in Belgium since the early 2000s, with a major overhaul in 2007. Its objective was to reduce the duration of the procedure, and we may expect it to have led to simpler trajectories. Belgium has also implemented regularisation programs of undocumented migrants and of migrants with a precarious status since the late 1990s. It is estimated that several thousand people with precarious statuses were granted a residence permit each year as part of the 1999 and 2009 regularization operations (Vause 2020). As a result, the administrative trajectories of the most vulnerable migrants in Belgium may have improved.

In this paper, we explore the heterogeneity of asylum seekers' legal status trajectories adopting a longitudinal perspective at the individual level. How are these pathways characterised

(repeated experiences of irregularity, remaining in a temporary resident permit or moving progressively to a more permanent status, etc.)? How do these trajectories vary depending on asylum seekers sociodemographic characteristics, especially their social capital, their age, their employment experience and their family situation? And finally, how have legal status trajectories evolved over our 15-year observation period?

2. Data and methods

The Belgian National Register and the Crossroad Bank for Social security

The data come from the Belgian National Register. The National Register is a centralized information system, updated on a continuous basis, on each individual who has resided or legally resides on the Belgian territory (Poulain and Herm 2013; Vause and Schoumaker 2020). In this paper, we will mainly use data on identity documents (TI 195), which details, for each individual, the succession of documents available to him or her, their period of validity and their expiry date³. We also use information on asylum procedures (TI 206) for all asylum-seekers (including rejected asylum seekers), and on entry to and exit from Belgium. Other data from the register are used to characterize individuals: their gender, age on arrival, country of origin, marital status, and municipality of settlement, family situation. The data is linked at the individual level with micro data on labour market participation from the Crossroad bank from social security. A macro-level variable is also used to characterize social capital in Belgium (size of the migrant community from the origin country).

These micro-level data are comprehensive and longitudinal. They allow for the fine reconstruction of legal status trajectories - including administrative trajectories - on specific populations, which no other source in Belgium allows. In this paper, we will focus on asylum-seekers who arrived in the 1999-2014 period, and follow them for 5 years (up to the end of 2019 for those who arrived in 2014). The period was characterized by large flows of asylum seekers, as well as regularization programs and major changes in asylum policies.

In these preliminary analyses, we focus on a 10% sample of all asylum-seekers who arrived between 1999 and 2009⁴, i.e. 10,324 asylum-seekers. Table 1 presents the characteristics of the analysis sample.

³ In total, more than forty types of documents are distinguished in the Register; we have grouped them into a reduced number of categories, according to the duration of authorized residence (Aussems 2012)

⁴ We currently have data on asylum seekers who arrived between 1999 and 2014, and we select those who arrived between 1999 and 2009. In the paper, we will cover arrivals over a 15-year period (1999-2014), as the request was recently accepted by the Belgian national register

Table 1 : Characteristics of non-EU asylum-seekers in the analysis sample, 1999-2009.

Characteristics of asylum-seekers	%	N
<i>Age at arrival</i>		
18-29	52.7	5,443
30-44	38.0	3,922
45-59	7.9	818
60 and over	1.4	141
<i>Mean age at arrival</i>	32	
<i>Gender</i>		
Males	60.8	6,274
Females	39.2	4,050
Period of arrival		
1999-2001	46.1	4,762
2002-2005	29.8	3,080
2006-2009	24.1	2,482
<i>Asylum request and refugee</i>		
Refugee	17.7	1,830
Subsidiary protection	2.1	215
Rejected or pending asylum request	80.2	8,279
Marital status at arrival		
Single	49.2	5,081
Married	34.1	3,520
Divorced/separated/widow	2.9	297
Unknown	13.8	1,426
<i>Region of nationality at arrival</i>		
Europe (non-EU)	34.3	3,541
Western and Central Asia	17.9	1,847
South and Southeast Asia	12.1	1,244
Eastern Asia	1.4	149
North Africa	3.7	381
Sub-Saharan Africa	29.9	3,091
Latin America and Caribbean	0.7	71
Total	100.0	10,324
Top-10 origin countries		
Russia	9.9	1,087
Serbia	9.3	1,019
DR Congo	7.3	793
Armenia	4.4	476
Iran	3.7	402
Iraq	3.6	396
Guinea	3.4	369
Rwanda	3.3	360
Turkey	2.9	322
Cameroon	2.9	313
Data source: Belgian national register. 10% random sample of all asylum seekers between 1999 and 2009, among people aged 18 and over with a non-EU nationality at the time of arrival.		

Method

We mainly use sequence analysis to exploit the longitudinal nature of residence permit data. This method involves describing a succession of states and summarising them through typologies of sequences (Abbott and Tsay 2016; Beauchemin and Schoumaker 2016; Billari 2001; Ritschard et al. 2008), i.e. identifying temporal regularities in pathways (Lesnard 2010). These trajectories encompass all the statuses known by individuals, their diversity, their variable durations, their succession, and any possible backtracking. Optimal matching is used

as a clustering method to identify the main types of administrative trajectories. The clustering approach allows matching quantitative trajectories with more qualitative or narrative approaches (Garip 2012).

The sample is 'monitored' over a 5-year period, using monthly data. For individuals who have resided in Belgium for 5 years since their arrival, 60 months of observation are therefore available. For people who left Belgium after a few months or a few years, we have the history of their residence permits until their departure or removal from the Register. On the other hand, and contrary to what is done in some other studies (Bertrand 2019), we retain in the analyses those persons who left Belgium within 5 years of their arrival.

Several indicators are computed to measure the complexity of the trajectories, their upward nature, and the speed of access to an unlimited right of residence. We also identify the socio-demographic characteristics of the individuals who make up these different groups, and we use multinomial logistic regression to link these socio-demographic characteristics with the trajectories. Finally, we analyse changes in the distribution of the trajectories by one-year cohorts of arrival in Belgium. To test whether complex and insecure trajectories have become more common, we compute the standardized distribution of trajectories by year of arrival, controlling for changes in the composition of flows by gender, age and place of origin.

3. Preliminary results

We categorize each monthly period into seven types of statuses (or states), by combining the duration of residence authorized by the permit (or the absence of a residence permit), and the presence or not on Belgian territory. The statuses are: (1) no title, (2) short residence permit (usually 3-6 months), (3) limited permit (usually 1 year), (4) unlimited permit (permanent residence), (5) Belgian nationality, (6) emigrated, (7) deregistered, i.e. removed from the register by the administration⁵.

Preliminary analyses through sequence analyses lead us to eight broad types of legal status trajectories (eight *clusters*) among asylum-seekers:

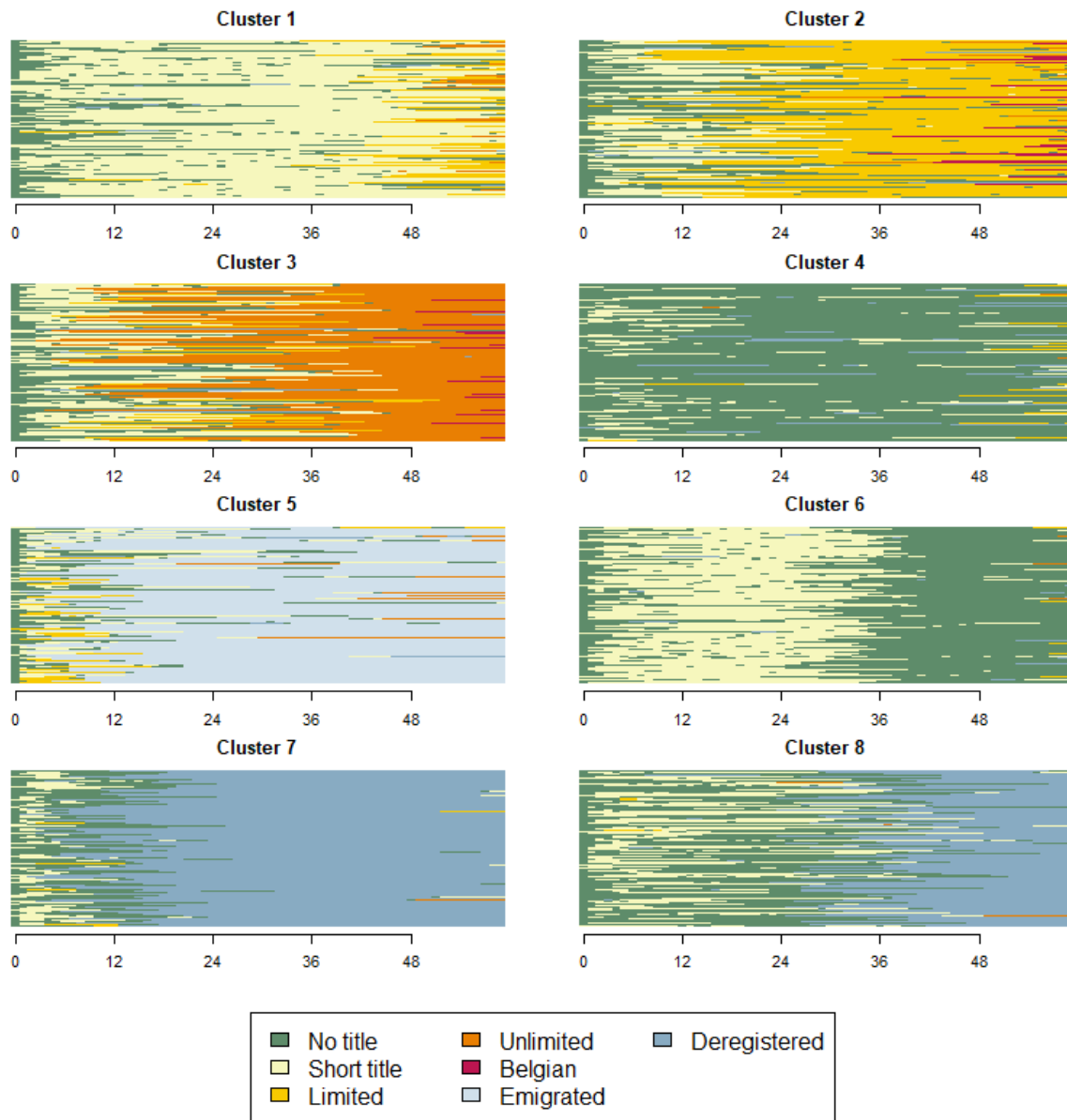
1. **Short permits trajectories (25.3%):** most of the 5 years are spent in a legal but very precarious status, with very frequent renewals and no clear perspective. These trajectories correspond to lingering asylum procedures.
2. **Rapid regular stay trajectories (10.3%):** people in this cluster manage to obtain a limited residence permit quickly, but only a few of them obtain an unlimited permit after 5 years.
3. **Rapid permanent stay trajectories (11.5%):** these are the most favourable trajectories, with a rapid access to a long-term residence permit.

⁵ These are usually treated as emigrations which were not declared by the emigrants, but presumed by the administration

4. **Continuous irregularity trajectories (23.8%):** people in these trajectories spend most of their stay in Belgium without a residence permit, and sometimes with a short permit. These are the most precarious trajectories, and they are experienced by almost a quarter of all the asylum seekers.
5. **Early departure trajectories (2.4%):** in these trajectories, people leave Belgium quickly, after a rejected asylum application. In contrast with deregistration trajectories, asylum-seekers declare their departure. These trajectories are very rare.
6. **Late irregularity trajectories (5.1%):** people remain in with short permits for 2-3 years, and after that period, they no longer have a valid residence permit.
7. **Early deregistration (12.1%):** as in early departure trajectories, leave the national register – and presumably leave Belgium – quickly.
8. **Late deregistration trajectories (9.5%):** people stay with short permits or no residence permits for 2-3 years, and are removed from the register afterwards.

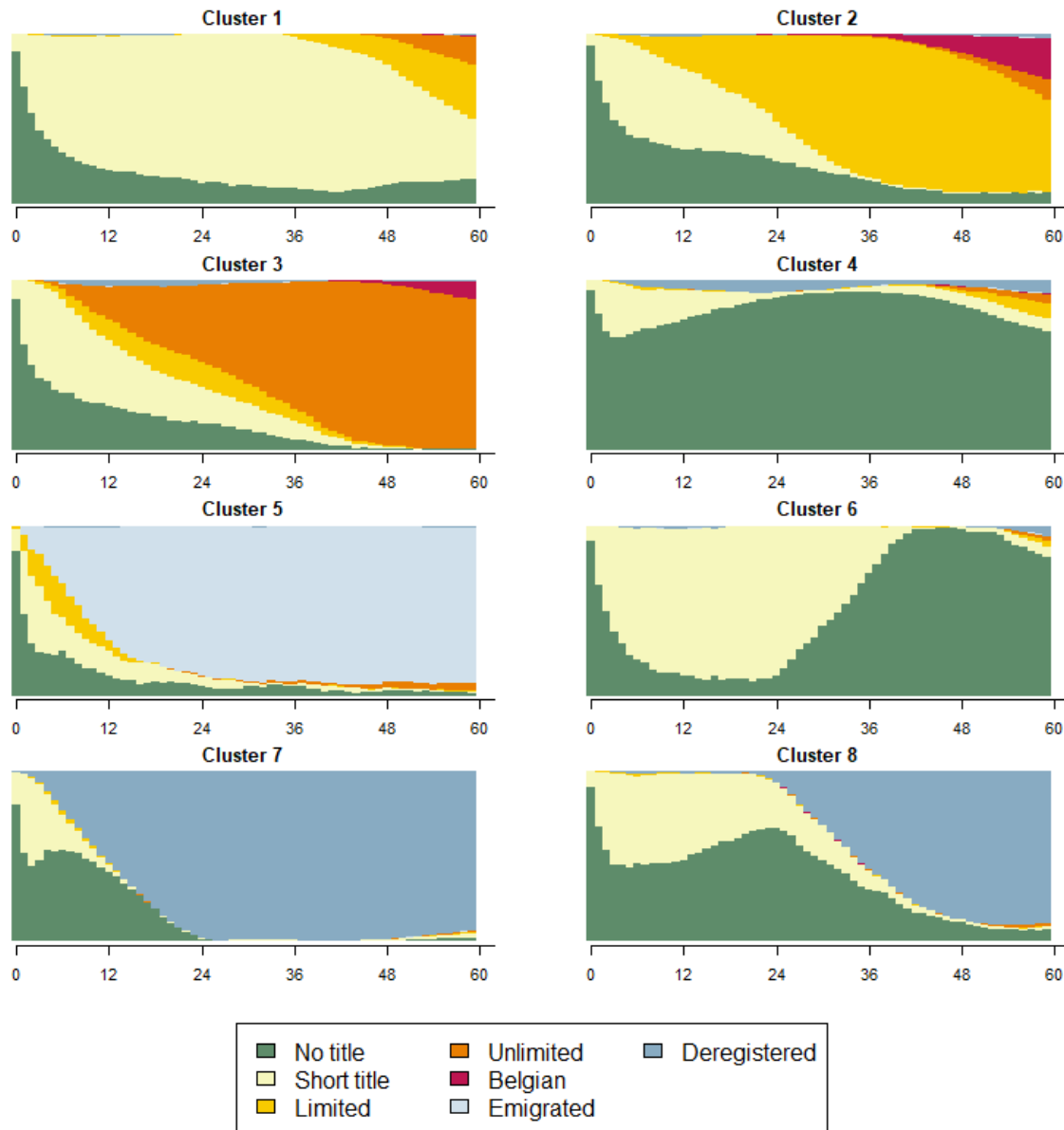
Table 2 shows some characteristics of the asylum seekers in the 8 clusters of trajectories. These preliminary results indicate that the types of trajectories vary depending on factors such as gender, asylum status, and region of origin. For instance people from sub-Saharan Africa tend to be more represented in trajectories with liminal legality (1), or with a regular stay (2 and 3). Women seem to be more likely than men to be in trajectory with a regular stay, especially a limited residence permit (2). There is a clear link between the obtention of a protection status and the type of trajectory, as show by the overrepresentation of refugees in trajectories with regular stays (2 and 3). Yet, as many as 40% of people in thee trajectories are rejected asylum-seekers, indicating the existence of other channels to a regular stay for asylum seekers. We also find that trajectories have considerably changed over time. For instance, rapid permanent stay trajectories (3) have increased, while irregularity trajectories (4) have diminished. These preliminary results suggest that legal status trajectories have become less complex over time.

Figure 1 : Sequence mats corresponding to the eight types of legal status trajectories



Reading guide: Each line represents an individual trajectory. The colour changes on the lines represent changes in status over time for each individual. Time is measured in months since arrival in Belgium.

Figure 2 : Chronograms corresponding to the eight types of legal status trajectories



Reading guide: Chronograms represent the proportion of individuals in each of the selected categories according to the time elapsed since arrival in Belgium.

Table 2. Selected socio-demographic characteristics of asylum-seekers in the eight types of trajectories (column percentages)

Characteristics of asylum-seekers	Cluster								Total
	1	2	3	4	5	6	7	8	
<i>Age at arrival</i>									%
<i>Mean age at arrival</i>	31.1	32.1	30.1	31.1	31.2	31.9	30.6	30.0	31.0
Gender									
Males	57.4	53.7	58.1	59.1	60.0	62.4	71.5	70.3	60.8
Females	42.6	46.3	41.9	40.9	40.0	37.6	28.5	29.7	39.2
Period of arrival									
1999-2001	45.9	37.3	13.9	59.9	64.5	40.8	53.2	50.2	46.1
2002-2005	35.3	44.1	21.9	26.5	9.4	33.4	30.3	20.1	29.8
2006-2009	18.8	18.7	64.2	13.6	26.1	25.8	16.5	29.7	24.1
Asylum request and refugee									
Refugee	17.6	48.2	58.0	4.7	2.5	1.9	2.0	1.3	17.7
Subsidiary protection	1.3	12.7	0.2	1.3	0.0	0.8	0.2	0.3	2.1
Rejected or pending asylum request	81.1	39.0	41.8	94.0	97.5	97.3	97.8	98.4	80.2
Region of nationality at arrival									
Europe (non-EU)	29.9	34.6	28.0	34.6	71.4	29.4	40.9	37.3	34.3
Western and Central Asia	16.2	17.0	14.7	23.0	10.6	21.2	15.8	17.1	17.9
South and Southeast Asia	9.8	10.5	10.9	14.7	7.3	15.0	11.9	14.2	12.1
Eastern Asia	0.8	0.8	3.0	1.6	0.8	1.3	1.9	1.5	1.4
North Africa	2.2	2.4	4.4	3.8	3.3	3.0	6.3	5.0	3.7
Sub-Saharan Africa	40.5	33.7	38.6	21.5	6.1	30.0	22.2	24.1	29.9
Latin America and Caribbean	0.5	1.3	0.4	0.8	0.4	0.0	1.0	0.7	0.7
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
<p>Note : Grey cells indicate categories that are overrepresented compared to the average.</p> <ol style="list-style-type: none"> 1. Short permits trajectories 2. Rapid regular stay trajectories 3. Rapid permanent stay trajectories 4. Continuous irregularity trajectories 5. Early departure trajectories 6. Late irregularity trajectories 7. Early deregistration 8. Late deregistration trajectories 									

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