

Resettlement and humanitarian visas : legal migration channels for people seeking international protection

In light of recent events, Myria wishes to stress some facts on resettlement and humanitarian visas.

In 2015, 276 people were resettled to Belgium. According to [CGRA data](#), 188 were Syrian refugees in Lebanon (141), Jordan (4), and Turkey (43), and 88 were Congolese refugees in Burundi. In 2015 a further group of 26 people were part of the resettlement program (14 Syrians from Iraq and 12 Syrians from Lebanon), but these people have not yet arrived in Belgium. In 2016, a significant amount of people arrived in Belgium, including people from Turkey, as part of the « one for one » program. In total, 305 people arrived: 301 Syrians, of which 24 were from Jordan, 24 from Egypt, 190 from Lebanon, and 63 from Turkey. The remaining 4 people were Congolese from Burundi. Again, there was a further group of 152 people, but they are also yet to arrive in Belgium. 45 of these people were Syrians from Turkey and 107 were Syrians from Lebanon. The resettlement program led in collaboration with the UN Refugee Agency allows third country nationals seeking international protection to be resettled in a country where they will be granted permanent residence.

In the same year, according to a tweet on 1 April 2016 by the Secretary of State for Asylum and Migration, 843 visas were given out for humanitarian reasons (all reasons taken into account), to citizens of Syria, Burundi, Russia, the Dem. Rep. of Congo, and Turkey, compared to 208 in 2014. They were chiefly given out to religious minority groups who sought protection, such as the 281 Christians from Aleppo fleeing Syria. If it is provided for in the Schengen Borders Code of European legislation, the humanitarian visa is not provided for as such in Belgian law, but it does fall into the hands of the Secretary of State and their administration to grant visas. For (undefined) humanitarian reasons a foreigner can request a short-stay visa to enter Belgian territory but their request will be granted at the discretion of the Secretary of State or the Immigration Office. In such cases, the Secretary of State or the Immigration Office can also use their discretionary power to grant a long-stay visa (more than 3 months), though this is a favour and not a right, according to migration law.

Myria would like to stress that, besides resettlement, humanitarian visas are currently one of the only safe (but unguaranteed) legal channels for people seeking international protection and asylum to enter our country. Otherwise, these people are forced to seek more dangerous ways of entering the country, often risking their own lives in the process. In June 2015 Myria called on the authorities to be more lenient when issuing humanitarian visas given the current humanitarian crisis, particularly regarding requests from extended family members, legal residents of Belgium (separate from family reunions), or vulnerable persons. Besides, issuing humanitarian visas is an efficient way to pull the rug out from under the smugglers.

Note that humanitarian visas and resettlement programs should not be confused with relocation, which was introduced within the EU in September 2015, for people arriving in Greece and Italy seeking protection, as part of Europe's response to the asylum crisis. Between September 2015 and 26 October 2016 Belgium has relocated 206 people from Italy and Greece (out of 3,616 people that Belgium originally committed to relocate). This problem is addressed in [l'Europe en crise \(d'asile\)](#).

(Updated extract from [La migration en chiffres et en droits 2016](#), p. 122)

Refugee Status and Subsidiary Protection

When a foreigner requests asylum, the necessary Belgian authorities examine their case in order to decide whether they may be granted refugee status. If, based on their own account, they meet the requirements, they will be recognized as a refugee and may be given right of residence in Belgium. As stated by the Geneva Convention (1951), a refugee is a person who “has a well-founded fear of persecution for reasons of race, religion, nationality, membership of a certain social group, or political opinion” and who “is outside the country of their nationality and is unable to, or owing to such fear, is unwilling to, avail themselves of the protection of that country.”

Since 2006, if an asylum seeker does not meet the requirements to be granted refugee status but returning to their country poses a real threat to them (death penalty, inhumane treatment or degradation, risk to their life from indiscriminate violence in situations of armed conflict), they may be granted another form of international protection: subsidiary protection. This is a less comprehensive form of protection that grants a restricted right of residence.

(Extract from [La migration en chiffres et en droits 2016](#), p. 122)