

Europeanization of Belgian immigration policy in the field of asylum: facing new challenges (2005 -2015)¹

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The main purpose of this paper is to investigate the adaptation of the Belgian asylum policy to the transformations in the movement of people in the last years, especially after the intensification of conflicts in Syria and other countries. The intention is to study the changes in Belgian immigration policy related to the increase of asylum demands to this country in the beginning of the XXI century. The legislation of immigration in the whole Europe needs to take into account a new scenario in the world, especially with the enlargement of the Europe to the West, the intensification of struggles in Africa and the worsening of life quality in some countries of Africa and Middle East. The question of the research is: How Belgium adapts its immigration policy in the field of asylum to face the increasing of the movement of people, especially from the countries that are facing wars and underdevelopment? The hypothesis of this research is that Belgium is changing its legislation of immigrants in a process conditioned for the decisions held by European Union and its leader countries, especially France and Germany, what is called “Europeanization” of national policies. The Dublin Regulation is imposing some restrictions in Asylum Policy what is applied by Belgium in its internal asylum Policies. Belgian rulers announced in 2015 that they will increase the number of quotas and resettlements for refugees but its critical said that Belgium is doing few efforts comparing the magnitude of the problem.

Keywords: Europeanization, European Union Asylum Policy; Belgium Asylum Policy.

Introduction

The main goal of this paper is to investigate the adaptation of the Belgian asylum policy concerned to the increase of migration to this country in the last twenty years. The legislation of immigration in the whole Europe was reformed to take into account a new scenario in the world, especially in the field of asylum. The research question of the paper is: Is Belgium reforming its asylum legislation in order to adapt its policies to European Union directives? The hypothesis of this research is that Belgium is changing its asylum legislation in a process conditioned for the decisions held by European Union and its leader

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countries, what is called “Europeanization” of national policies, which re becoming more restrictive, reducing the number of refugees being accepted in the country comparing other European Countries.

What it is seen in Belgium is a separation of two categories of immigrants: one related to the European Community countries and other formed from the people who come from the under development countries which have the French as first language and are not European States. The first group enjoys a lot of rights consolidated. The second group can be separated in two different categories: the ones who are welcome because of their skills and the ones who face some difficulties to be accepted. This a phenomenon called “selective immigration”, which consists in attract high skill professionals like engineers and avoid the immigrants with no formation, that don’t adjust themselves in the needs of the country. The second category is receiving less protection and face legal discriminations and some difficulties to be accepted in cultural dimension and to be integrated in the society and in the labor market of Belgium, which is the case of asylum seekers.

The theoretical framework of this paper is the conception of “Europeanization”, which is seen as a paradigm such as different theories in Political Science field. The methodology established for this paper is the documents analysis of Belgian authorities and European Union related to the immigration and asylum and the statistics of asylum flux in Belgium.

The work is organized in four sections. The first one is theoretical and will present the assumptions of Europeanization’s theories. The second section presents the reforms in the immigration and asylum policy in Belgium in the last ten years, to prove that this transformation is related to the modifications in the movement of migration. The third section discusses the immigration and asylum policy of European Union in the last ten years to understand how is the treatment of the European Union to citizens of third countries, especially asylum seekers. The fourth and last part of the article compare the European Union legislations and the decisions of Migration Policy in Belgium between 2005 to 2015 to verify if there is a correspondence of policies to confirm the Europeanization in Belgian migration policy.

Europeanization, Policy Diffusion Theory and Migration and Asylum Policy

In the 90s the concept of Europeanization begins to be used to describe a new agenda of topics in the change of the national political systems that is related to the expansion of the European Regional Integrational Process³. The first studies of Europeanization were focused on the influence of the communitarian policies to the domestic level, in other words, to understand which are the consequences of the development of the supranational European system in the national level⁴. Initially, the European integration was seen as the dependent variable and the activities of the States were the independent variable. In the last ten years the variable were inverted and now the changes in the policies of the States are explained by the regional integration, which became the independent variable.⁵

This research area came from the liberal intergovernmentalism based on the domestic sources of the European policies. In the other hand, functionalist and neofunctionalist theories show the European Union as a new center of power and with more importance than the States, and didn't study the diffusion of European policies in the national level, like the Europeanization theory does. Many works were made showing the change to a domestic analysis and an investigation of the effects of the European Union in national policies.⁶ This works had the emphasis in the modifications of the national social organization promoted by the participation in the European Union.

The logic of Europeanization changed the research of the national policies. As a result of the development of the regional integration process, the national deputies discover the need to adjust themselves to the new political game. There is another explanation for these phenomena that is the idea that EU is becoming more competent in some political areas,

³ GRAZIANO and VINK, *Europeanization: New Research Agendas*, Palgrave, New York, 2007.

⁴ DUEZ (D.), « L'Europeanisation au prisme de la science politique: un nouveau regard sur l'Europe », in DUEZ (D.) ; PAYE (O.) ; VERDURE (C.), *L'Europeanisation: Sciences Humaine et nouveaux enjeux*. Bruylant, Bruxelles, 2014, p. 26.

⁵ *Ibidem* p. 28

like the immigration and asylum policy. It is important for this approach to understand the changes of the national policies that result from the pressure of the European Union.⁷

Duez defines Europeanization as “the domestic adaptation to European regional integration”.⁸The concept appears, according to Duez in the 90s with the publication of a paper from Robert Ladrech, named “Europeanization of the Domestic Policies and Institutions: the case of France”. The concept was used in a lot of papers in a generically way to describe the process of dissemination of norms, ideas, identities and behaviors that occurred inside the borders of the European Union. Since 2005 its seen an increasing of works using the notion of Europeanization. In 2008, 111 paper of that topic were published.⁹It is important to stress that globalization and Europeanization are interpreted as interactive phenome. The main concern of the studies on Europeanization is how to distinguish European changes in domestic policies from global effect.¹⁰

Regarding the case of immigration using the words of Ette and Faist, “immigration policy is a particularly interesting field for the study of Europeanization because it concerns the member state’s sovereign discretion over the entry and residence of noncitizens in its territory”¹¹, which is historically a competence of the state. The idea of harmonization of policy of migration appears as one of the purpose of the European Union, which have the objective to control the borders of Europe and avoid problems with excessive flux of migrants. The coordination of migration policy is seen as a difficult one, because is related to internal security and national defense, what is called “securitization of migration and asylum policy”.

⁷ *Ibidem.*

⁸ *Ibidem*, p. 8

⁹ *Ibidem*, p. 22-23.

¹⁰ MANNIN (M.), «Europeanization and European Politics», in BRETHERTON (C.) and MANNIN, (M.), *The Europeanization of European Politics*, Palgrave Macmillan, New York, 2013.

¹¹ ETTE (A.) and FAIST (T.), «The Europeanization of National Policies and Politics of Immigration: Research, Questions and Concepts” » in ETTE (A.) and FAIST (T.), eds. *The Europeanization of National Policies and Politics of Immigration. Between Autonomy and the European Union*. Migration, minorities and citizenship. London, Palgrave Macmillan, 2007, p.2.

In the framework of Europeanization there is a conception that the decisions of European Union can legitimize ideas and discourses of national actors, what can facilitate the process of domestic policy change. We assume that the transformation in Belgium's Asylum Policy is related to the legitimate earned by the changes in the European Union Migration and Asylum Policy.

There are two types of Europeanization, "vertical uploading", which represent that the national preferences can influence the European legislation and "vertical downloading", when the European decisions are transmitted to national legislations.¹² In this paper we are interested in the second kind of Europeanization, the vertical downloading.

Radaelli verify three types of mechanisms in which Europeanization can be manifested: i) presence of a model in Europe, which sometimes is linked to coercive pressures for changing in some areas; ii) negative integration, which refers to the cases when there is no previously model; iii) and soft framing, which is related to some patters of reference to domestic policy-makers in an issue with relative absence of EU regulations. The first two types emphasize the constraints on policy-makers imposed by the Europeanization. In the other hand, the soft framing mechanism explains the Europeanization as an instrument for the national policy-makers to overcome some institutional constraints, which seems to be the case of migration and asylum policy.¹³

Regarding the methodology applied to verify Europeanization, Mannin defends that the use of comparative method is appropriate in considering the phenomenon. The categories of reaction which will be used to understand the process in the paper proposed by Mannin¹⁴: i) inertia, when there is evidence of little change in national policies and politics about the subject; ii) absorption, in which there is a little degree of adaptation in domestic level; iii)

¹² JACOBS (D.) «The impact of substate nationalism and 'horizontal' Europeanization on migration policy: the case of family reunification in Belgium», *Conference: Council for European Studies*, Barcelona, 2011.

¹³ THIELEMAN, «The 'Soft' Europeanisation of Migration Policy: European integration and Domestic Policy Change», *Journal of Ethnic and Migration Studies*, Vol.29, No.4, 2006.

¹⁴ MANNIN (M.), «Europeanization and European Politics», in BRETHERTON (C.) and MANNIN, (M.), *The Europeanization of European Politics*, Palgrave Macmilan, New York, 2013, p.22.

transformation, when there are evidences of changes in domestic practices; and iv) retrenchment, in which there is a negative reaction to the European directive, what diminish the probability of Europeanization.

Still regarding the issue of isolate the effect of Europeanization from other agents, Haverland proposed the use of “process tracing”, in which it starts to a directive and investigate what should happened and evaluate what actually happened.¹⁵ The other method than could be used is counterfactual reasoning, in which the existence of EU is determinant. So, there is a need to develop the methodological framework in the matter, which involves multiple strategies. In the next part of the paper we will investigate the development of Immigration Policy in asylum in Belgium to verify if there is a process of Europeanization in this issue.

Immigration Policy in asylum field in Belgium since the 2000s: domestic factor impact in refugee’s policy

According to the OCDE Report of International Migration in Belgium (2012), the number of foreigners coming to the country has been increasing since the year 2002, what result in a necessity to adapt the national law to the expansion of migration flux .Only in 2012, 123000 persons enter in Belgium and among them 110000 were foreign, especially from France (2/3 of the immigrants) and Romania (11200). Two-thirds of immigrants in 2012 were EU nationals, principally from France (13300) and Romania (11200).

It is important to stress that Belgium had signed the Geneva Convention regarding the Status of Refugees and the 1967 Additional Protocol. In addition is part of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Convention Relating to the Status of Stateless Persons and the United Nations Children’s Rights Convention, from 1954.¹⁶

¹⁵HAVERLAND (M.), «Methodology», in GRAZZIANO (P.) and VINK (P.), (eds.) *Europeanization*. New Research Agendas, Palgrave Macmillan. Haverland, M., 2008.

¹⁶ EUROPEAN MIGRATION NETWORK. *Annual Report on Asylum and Migration Policy in Belgium* (2014), 2015.

The law addressed to migration and asylum issues in Belgium is the Law of 15 December 1980 on entry, stay, settlement and removal of foreign nationals, which is later called “Immigration Act”. This law also regulates the asylum procedures. The Royal Decree of 8 October 1981 defines the matters related to entry, stay, settlement and removal of foreign nationals established in the Immigration Act. Both Acts had been modified since their adoption and many new directives had been adopted. In addition the Law that regulates the reception conditions for asylum seekers is from 12 January 2007. The access to work for foreigners, including refugees, is defined by the Law of 30 April 1999 and its implementation Decree of 9 June 1999.¹⁷

Belgium Foreign Law suffered some modification in 2014, in a restrictive ways. The topics changed are related to the terms of asylum procedures, like the acceleration of the procedure in 15 days in the so-called safe countries and the channels of legal migration, such as family reunification.¹⁸

Belgium, even with the problem of the difference of the two regions, Wallonie and Flandres, achieved a consensus in the matter of migration policy. It is important to analyze how it was possible to reach an agreement on the migration policy field. One of the hypotheses of this work is that the Europeanization of migration policy minimizes the impact of the subnational nationalism.¹⁹ In this sense, Belgium pass through a process of policy convergence in the field of immigration, driven by diffusion of ideas and practices from EU level. This is a consequence of the diffusion of policies connected to the existence of networks between the policy makers of the countries in the European Union. This also motivates countries to copy or emulate some ideas or policies, resulting in policy transfer.

The regional problem was reflected in the period of negotiations of 2007, when the Flemish demanded a much restrictive legislation in regards of nationality and a limitation of family

¹⁷ Ibidem.

¹⁸ Ibidem.

¹⁹ JACOBS (D.) «The impact of substate nationalism and ‘horizontal’ Europeanization on migration policy: the case of family reunification in Belgium», *Conference: Council for European Studies*, Barcelona, 2011.

reunification, while the Francophone, in the other hand, wanted a regularization of undocumented migrants. With regard to the matter of regularization of the undocumented, even with the different views from Flemish and Francophones deputies, some progress was made, but almost no progress has been made on modification of nationality legislation or regulation related to family reunification, which is one of the main sources of new immigrants to Belgium. According to Jacobs the governmental policy making on migration issues was stopped between 2007 and 2011.²⁰

There is a movement of separation that emerges from the Flemish part, which culminates in a severe political crisis in the State. The members of the government are trying to reform the political system in order to return the authority to the federal entities. One of the topics of this negotiation is the migration policy and how to manage the theme in the federal sphere, which is a big challenge for Belgium. Since 2011 Belgium is closing the doors to the refugees and for the asylum applications. In 2013, in the first eight months of the year, 8400 requirements were denied and 2000 were accepted, what represent less than 20%.

In the words of Jacobs²¹.

The internal linguistic cleavage is neutralized by this, as two influential neighboring countries the Netherlands and France, which have strongly influenced policy making in respectively Flanders and Francophone Belgium have started developing similar so-called integration policies (Bonjour, 2010) which are in fact aimed at controlling migration flows (hoping to stimulate “chosen migration” over “endured migration”).

According to Martinello²² there are some categories of foreign workers who receive the right to work in Belgium, the so called “attraction of brains”. There are two kinds of works visa for foreign: the work permit A, which is unlimited in time and valid for all jobs and requires a proof of legal residence in Belgium before the application, and the work permit B, which is limited to one year and is related to a position in which a Belgian worker is no

²⁰ *Ibidem.*

²¹ *Ibidem*, p. 15.

²² MARTINIELLO (M.), «Belgium's Immigration Policy», *International Migration Review*, Vol. 37, No. 1, 2003, pp. 225-232.

available to fulfill the job. Other important category of immigrants is the foreign students, who receive the residence permit for the period of studies. In 2006 the students correspond 25% of the total long term visas issued.²³

About the demands of asylum in Belgium, in the 1990s the majority of the applications were from the countries of Europe. In the last years, especially from the beginning of the 2000's the influx become more international and most of the applicants came from countries suffering conflicts or instability, like Congo, Iraq, Syria and Russia. In concern of the profile of migration, there are two types immigration. The first one involves citizenships from member States of the EU, which is an important flux of immigrants that arrive in Belgium. The second type is connected to non-EU citizens who migrate because of family reunification. For example, in 2006, almost half of the visas issued authorize immigrants to settle in the country with parents who have already been living in Belgium.²⁴

On 2011 was voted a new law linked to family reunification, which follow the European directives on that issue. In this law the conditions for family reunification linked to third countries (non-EU) were stricter than before. It demands that the applicant had at least 21 year and had a stable job, which represent 120% of the social support provided by Belgian government and a "decent housing". In the next part we will analyses European Union Asylum policies to make possibly to verify if there is an Europeanization.²⁵

European Union immigration and asylum Policies until 2015: a common asylum Policy more liberal or more restrictive?

The migration issue strongly worries EU bodies for a bunch of reasons: the large number of immigrants, the high level of migration growth rate, migratory pressure exercised especially from Africa, the global competition for attracting brains, the issue of an aging

²³ EUROPEAN MIGRATION NETWORK. *The organization of Asylum and Migration Policies in Belgium*, 2009.

²⁴ Ibidem.

²⁵ Ibidem.

European population, the fear of reduction of the active population, the issue of integration, among others.²⁶

In this context, the immigration policy of the European Union moves forward in its own rhythm, not following the progress of policies in other areas. However, harmonization of immigration policy proves to be a central theme, because correspond to one of the corollaries of the communitarian free circulation. The idea of an EU migration policy is a product of the implementation of the free movement of persons' objective. It is the result of a volunteer policy from the part of the States, which is conducted by the EU. In this sense, EU had achieved free movement of people inside its borders, but had imposed more restrictions outside its borders.²⁷

Since the beginning of the 21st century a discourse defending the promotion of labor migration from certain countries is gaining space in the EU. The cooperation in the field of migration shows the intergovernmental character of some topics in the EU. In the 70s there were discourses that zero immigration imposes restrictions in labor migration. The Schengen space results in elimination of the internal border, but in more controls and security measures in the external border. In the words of Gsir²⁸ "Since the Treaty of Maastricht entered into force in November 1993, the European immigration policy has basically developed emphasizing the dissuasive/ exclusionary axis of its immigration policy". So there is a distinction and discrimination between the nationals of the European Union and the foreign of the Third States.

About the Asylum Policy of European Union, for the purpose of this article, the legislation analyzed in a deeper way will be since 2003, starting with Dublin Regulation II. What is noticed is that although European Union is not the supreme authority in the policy making

²⁶ DUMONT (G.) «La politique d'immigration de l'Union européenne: une stratégie volontaire ou contraite?» in BERRAMDANE (A.); ROSSETTO (J.), *La politique européenne d'immigratio*, Paris, Karthala, 2009.

²⁷ Ibidem.

²⁸ GSIR, Sonia. «EU Labour Immigration Policy: Discourses and Mobility». *Refugee Survey Quarterly*, Vo. 32, No. 4, 2013, p.91

of migration, it is important in this area. The article of Boswell and Geddes²⁹ confirms that the process of EU integration is increasingly important in the determination of domestic migration policy. There are several ways EU try to intervene in the regulation of migrants in the borders of the continent. In The Amsterdam Treaty from 1997 the European Union putted the migration and asylum policy as a priority and a concern for the regional integration process.³⁰

The question of asylum was the first to receive attention of the European authorities. The Dublin's Convention of 1990, which was adopted in 1997, determined the principle of unique responsibility of a State in the treatment of asylum demand. However, States found difficult to implement the Convention, due to elements ignored by the document, as the issue of family reunification. In 2000, as an extension of Dublin's Convention, it was instituted the first system of comparison of fingerprints of asylum demanders and illegal immigrants, to avoid multiple asylum applications.³¹

In 2003, Dublin Regulation II, which deals with the asylum system and made some changes in the Dublin Convention, was adopted. This document confirms the principle that only one Member State should be responsible for examining an asylum application based on five criteria, namely: i) the principle of family unity; ii) issuance of residence permits or visas; iii) illegal entry or stay in a Member State; iv) Legal Entry into a Member State; iv) asylum application in a transit area of an airport. It is noted the attempt to control the asylum issue, due to the increase of asylum applications in the European Union from the beginning of the XXI century.³²

²⁹ BOSWELL (C.) and GEDDES (A.), *Migration and Mobility in the European Union*. Basingstoke, Palgrave Macmillan, 2011.

³⁰ CARMEL (E.), «Mobility, migration and rights in the European Union: critical reflections on policy and practice ». *Policy Studies*, vol. 34, n° 2, 2013, pp. 238-253.

³¹ EUROPEAN UNION. 2015. *Legislation of Asylum and Immigration*. Access in 20/7/2015. Available in: http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/index_pt.htm

³² *Ibidem*.

In 2005, the "Hague Program" set 10 priorities on the subject of asylum and migration over the next five years. The priority topics were: 1) Strengthening fundamental rights and citizenship; 2) Fight against terrorism; 3) Define a balanced approach on migration; 4) Develop an integrated management of the Union's external borders; 5) Establish a common procedure for asylum; 6) Maximize the positive impact of immigration; 7) Find the right balance between respect for privacy and security in sharing information; 8) Develop a strategic concept for organized crime; 9) Ensure a genuine European area of justice and 10) Share responsibility and solidarity. This document intended to create a common asylum policy for the EU, as well as a Secretary that deals with the issue of asylum in a unified manner.³³

Jacobs affirms about the Hague Programme that "The principles are formulated in a rather general way and do not push Member States in a clear manner into particular immigrant integration policies".³⁴ In this sense, it is a difficult task to combine the diversity of views in the EU Members States. In 2005, the principles were transferred in a document named "Common Agenda for Integration".

In 2008 the European Commission launched the European Pact on Immigration and Asylum, which covers the following topics: organize legal migration; fight against illegal immigration; improve the effectiveness of border controls; construct an Europe of asylum; create partnerships with countries of origin and transit (concern about migration and development), reinforcing the priorities of the Hague Program. In June of the same year, it was prepared the Action Plan on asylum, seeking the issue of harmonize domestic policies on asylum, in other words, the Europeanization of this policy. In 2010 finally was created the European Office on Asylum. The regulation of this Office contained the following points: Support for practical cooperation; Support for EU countries subject to particular pressure; Support teams on asylum and Administration and management.³⁵

³³ *Ibidem*.

³⁴ JACOBS (D.) «The impact of substate nationalism and 'horizontal' Europeanization on migration policy: the case of family reunification in Belgium», *Conference: Council for European Studies*, Barcelona, 2011, p. 11.

³⁵ EUROPEAN UNION. *Legislation of Asylum and Immigration*, 2015, Access in 20/7/2015.

The European Council adopted in 2009 the Stockholm Program which defines the guidelines for legislative controls in the migration area. The European Commission created an Action Plan in April 2010 highlighting the defense of migrants' fundamental rights and their contribution to the EU economy and society. Regarding the instruments to achieve the coordination of the migration policy in Europe this document designed the idea of knowledge exchange and coordination. A very important initiative in this sense was the formulation of the Handbook on Integration, a framework involving 600 experts giving orientation on integration. This handbook is used by policy makers to learn from different experiences in the migration field, which represent an instrument of Europeanization.³⁶

In 2013 the Reception Directive adopted by the European Parliament establishes standards for the European Union in the issue of reception of asylum seekers. The goal was to avoid inadequate practices by the Member States. This directive aims to ensure that asylum applicants have access to housing, food, health care and employment, and also medical and psychological treatment in the country in which when they demand asylum. One important element is that access to employment for an asylum seeker must be granted within a maximum period of 9 months. This had the objective to guarantee highest levels of well-being for asylum seekers.³⁷

In the field of resettlement, the EU proposed that is necessary to define annual common priorities, focused on the need of the refugees. In this sense, the European Parliament adopted the Joint European Resettlement Program on 2012. Since 2013, the State Members committed to adapt domestic policies to the priorities started to receive increased financial support from the European Refugee Fund.

Regarding the financial question there are many European Funds with the purpose to support national asylum practices. Between 2007 and 2013 the EU created four funds as a result of the Program 'Solidarity and Management of Migration Flows', which are the European Refugee Fund, the European Return Fund, the External Frontiers Fund and the

³⁶ *Ibidem.*

³⁷ *Ibidem.*

European Integration Fund. The last Fund made was the Asylum, Migration and Integration Fund created in 2014, as a response of the increasing of deaths in the Mediterranean sea and the increasing number of asylum demand in the Europe, consequence of the intensification in the confronts in Syria, Iraq, Eritrea and other States. The main targets of this fund are to prevent the fight against criminality and crisis management, and to control border, what proves the securitization of asylum policy in European Union.³⁸

In 2015, the document named "European Agenda on Migration" remark the following actions: Save lives at sea; Target criminal smuggling networks; Respond to high volumes of arrivals Within the US via Relocation. The document had four pillars to combat the illegal entry in the EU: Reducing the incentives for irregular migration; Border management to save life; A new policy on the legal migration, Europe's duty to protect: a strong common asylum policy and securing external borders. What we can highlight about this last document is the issue of security as a priority and the urgency to deal with the issue of illegal entry of persons arising especially from conflict regions. In the other hand, there is a problem of coordination and national acceptance of the refugees.³⁹

The next section analyzes if there is a political engagement between Belgium and European Union and if altered the mode of governance in the matter of migration in the field of asylum and incorporated some discourses from European Union in Belgium's policies. The empirical and theoretical research question of the article is how political engagement with the EU has altered the policies in the matter of asylum in Belgium in the past decade. The main purpose of this part is to investigate if there is an Europeanization of the migration policy in Belgium in asylum area.

³⁸ *Ibidem.*

³⁹ *Ibidem.*

The EU effect on Belgium Asylum policies: is there an Europeanization of Asylum Policy in Belgium?

One proof that there is a process of Europeanization in Belgium policy is the national reforms that Belgium had made in immigration policy in the field of asylum, which result in the modification in 2008 of the Foreign Law in Belgium and the Family Reunification Law of 2011. All these reforms were clearly conditioned by the European Union normative because it followed the European directives on that matter, which intend to reduce the numbers of immigrants arriving in Europe.

The emerging EU migration regime and EU directives were useful to Belgium to have a model of act in with regard asylum. Even that EU don't had the intention to harmonize the policies in any field, such as mentioned in the Lisbon Treaty from 2007, the impact of horizontal Europeanization is not excluded. Member states are using the European networks and inspiring it policies in successful cases.

Toshkov and Haan defend that "asylum policy in the Union can be conceptualized as a collective action problem - although all states might prefer high standards of refugee protection, individually they will try to shirk responsibility and free-ride on the efforts of others"⁴⁰. So in this sense, even if it is seen a process of Europeanization in asylum policy, there are some differences in the approaches that each country use to deal with the issue and between the legislation of EU and national normative.

Many researches defend that the EU asylum and migration policy, which is connect, has been restrictive and is reducing the rights and numbers of asylum seekers in Europe. Virgine Guiraudon argues that the co-operation on asylum and migration in EU had an effect on national policy because national policy makers moved policy-making to an EU policy-venue. This argument is known as the venue-shopping in EU and explains in which

⁴⁰ TOSHKOV (D.), HAAN (L.), «The Europeanization of Asylum Policy: An assessment of the EU impact on asylum applications and recognitions rates Institute of Public Administration », *Journal of European Public Policy*, Vo. 20, No. 5, 2013, p. 4.

measure domestic policy makers they to the supranational level enable policy makers to increase restrictions, avoiding internal judicial controls. In this sense, the EU asylum policy was diffused to the national states, in a Europeanized process but to give instruments to the States to refuse a more open asylum policy. When domestic policy makers want to increase migration control they face domestic obstacle and they turn to the supranational level enable policy makers to increase controls. This European restrictive migration agenda impact in national asylum policies.⁴¹

In the other hands, some authors criticize Guiradoun (2000) conclusions, like Kaunert and Leonard defending that her arguments were old and that the Common Asylum Policy had progressed in the 10 years after the publication of her work.⁴² So, the venue shopping model has to be kept in mind but the way Kaunert and Leonard revisited it is relevant. They presented four changes in the venue-shopping framework. The first one is that is important to break down the idea of EU asylum and migration important in three distinct venues: asylum, external border and migration, because the goals are different. When each area is analyzed separated it is possible to understand in a deeper way. The second one is that some policy venues depend on one another, in a co-dependency effect. So, some policies venues have indirect effects on the other, even they are different. The third aspect is that is relevant to understand any policy venue in a bigger context of the system of policy venues, noticing that they are parts of a whole. Finally, they defend that normally States want to define restrictive asylum policies, which is a generalization. There are more cooperation in the field, what shows that the interests and preferences can change over time.

According to Jacobs, that made interviews with several politicians from Flemish and Francophone parties to know their opinion about the Europeanization of migration policy in Belgium, the goal of many politicians is to adapt Belgium policies to the practices of other States, learning from them and copying their policies. In the case of Belgium, as stated by

⁴¹ GUIRAUDON (V.), «European Integration and migration policy», *International Journal of Refugee Law*, Vol. 18, 2000, pp.630-651.

⁴²KAUNERT (C.) and LÉONARD (S.), «The development of the EU asylum policy: venue-shopping in perspective. The development of the EU asylum policy» *Journal of European Public Policy*, vol. 19, no. 9, 2012, p. 1397.

the Flemish deputy Theo Fracknen regarding the family reunification Law from 2011, “For the first time our country takes steps to realign itself with the legislation of our neighboring countries and particularly guiding country, the Netherlands”. So, there is evidence that occurs a process of policy diffusion between European Union countries.⁴³

Vink formulated a study about the domestic implications in Netherlands in the case of asylum, by analyzing the domestic implementation of the Dublin Convention in the country⁴⁴. Netherland’s politicians understand the European asylum regime as a way to distribute the responsibility for asylum seekers within the European Union. This seems a clear manifestation of Europeanization, which happened also in Belgium. Including in Germany there a constitutional amendment, to follow Europe, another evidence of Europeanization with regard asylum. In Germany, the emerging EU migration regime was useful to those in the Germany government to promote domestic reform and to justify their restrictive policy proposal with the argument that Germany's participation in the European regime required constitutional adjustments.⁴⁵

The debates in EU about integration are increasingly assuming a position of anti-immigration policies, which is spread with in EU countries, such as Belgium. In addition, the European Union influences Belgium migration policy funding and monitoring the laws.

As pointed out by Toshkov and Haan⁴⁶ some countries, like Belgium, are receiving more demands for asylum since the beginning of the 2000s, related to its high GDP, as well as Austria, Switzerland and Sweden. This author argues that in the first years of the Common European Asylum policy didn’t had a strong effect on the outcomes of domestic policies.

⁴³ JACOBS (D.) «The impact of substate nationalism and ‘horizontal’ Europeanization on migration policy: the case of family reunification in Belgium», *Conference: Council for European Studies*, Barcelona, 2011.

⁴⁴ VINK, the Europeanization of Domestic Asylum Policy. Paper presented in Seventh Biennial International Conference ECSA, Madison, Wisconsin, 2001, Available in: http://aei.pitt.edu/2203/1/002663_1.pdf.

⁴⁵ THIELEMAN, «The 'Soft' Europeanisation of Migration Policy: European integration and Domestic Policy Change», *Journal of Ethnic and Migration Studies*, Vol.29, No.4, 2006.

⁴⁶ TOSHKOV (D.), HAAN (L.), «The Europeanization of Asylum Policy: An assessment of the EU impact on asylum applications and recognitions rates Institute of Public Administration », *Journal of European Public Policy*, Vo. 20, No. 5, 2013, pp. 661-683.

Tohkov and Haan showed in its research that there are some evidences for convergence among the States of European Union in the indicator of asylum policy, what proves the Europeanization process in this field. In the other hand, there are some significant divergences and countries remain the controllers of immigration policy in the issue of asylum.

Regarding the issue of resettlement, Belgium since 2013 has raised its quota of refugees annually in order to adapt to EU directive, but the official number of receptions are not high as expected. Belgium is investing in the Return Policy and this investment had results. From January until June 2015, 1376 persons have returned voluntarily. The majority of these migrants were illegal immigrants. This proves that the mayor investment is in control and reduce the immigration and nor in expansion of rights.⁴⁷

In the other hand the waiting period for asylum seekers to be allowed to work in Belgium had been reduced in November 2015 from 6 to 4 months, following the measures institute by EU. According the EU in Migration from June to September 2015 Belgium had approved in August and September 2015 a series of measures to increase the capacity of reception of asylum seekers, from 16,200 places in July to around 36, 000 places by the end of the years.⁴⁸

Regarding the entrance and the securitization issue, on September 2015, amendments in the Belgian Immigration Act came into force, which extended the possibilities to refuse asylum seekers who could represent a threat to the national security. This decision demonstrates the Europeanization of asylum policy in Belgium, which is becoming more restrictive. In a Report of Migration and Asylum Policy in Belgium both the State Secretary for Migration and Asylum Policy, Maggie De Block, and her successor affirmed their commitment to a harmonized common European asylum system and the adaptation to the EU norms.⁴⁹

In 2014, the number of asylum applications in Belgium increased and the recognition rate for beneficiaries of international protection reached an average of 40%, which is low, but

⁴⁷ FEDASIL, 2015.

⁴⁸ EUROPEAN MIGRATION NETWORK. *Annual Report on Asylum and Migration Policy in Belgium* (2014), 2015.

⁴⁹ *Ibidem*.

represents the highest proportion of all-time. The expansion in asylum seekers is linked to the high number of asylum demands from conflict countries. Furthermore, Belgium welcomed 100 refugees in its resettlement commitments in 2014, which is an inexpressive number comparing the reception in Germany or Sweden for example. Many NGOs argued that the effort was limited considering the crisis and asked the Belgian government to do more to protect Syrian refugees. In 2015, the country increased the number of resettlement places.⁵⁰

Conclusions

The main objective of the paper was to understand the changes in Belgium Migration Policy in asylum in the last years, which became stricter. The hypothesis of an Europeanization in Asylum Policy in Belgium was confirmed, although there are some differences in the treatment of the issue from Belgium. The increasing of the asylum seekers in Belgium contributes to seek the formulation of anti-immigration policies. Belgium is being criticized for don't collaborate with the refugee policy in a proportional way.

The first part of the article was important to present the conception of Europeanization and the methodological instruments to study the process. In the second chapter Belgian migration policy in the fields of asylum was treated and were identified reforms in 2008 and 2011 in the issue of refugees and family reunification, seeking to reduce asylum entry phenomena and applications for family reunification, by raising the criteria to applications for asylum seekers and family reunification demands. In the third part of the article the evolution of migration policy in the European Union was analyzed with emphasis on the subject of asylum. In the last section, we investigate the process of Europeanization by comparing the guidelines of the European asylum system with asylum policy of Belgium, revealing some points of convergence and a process of adaptation of the Belgian migration policy to decisions of European Union.

In sum, until 2015, the EU most important achievements in the area of asylum were the adoption of four key directives: the so-called “Temporary Protection”, “Qualification”,

⁵⁰ *Ibidem.*

“Procedures” and “Reception Conditions” Directives (which define common minimum standards for national asylum system) the Dublin Regulation II and the establishment of the European Asylum Support in 2010. These six documents were important to define orientations for the Member States in the harmonization of asylum policy. As stated by Kaunert and Léonard,⁵¹ these mechanisms didn’t produce more restrictive policies but increase the legal protection for refugees. However, the norms exist and are more generous with asylum seekers the implementation of it doesn’t produce a more open asylum system in Europe.

In the context of liberal democratic governments it is inadequate to defend in the EU a regulation in migration in a defensive way. Especially because of the diffusion of information by the media about the deplorable conditions in which the asylum seekers are arriving in Europe by the Mediterranean sea, there are an increasing of groups defending the refugee rights. Indeed, there are the more conservative sectors that defend the control in migration and more liberal sectors who claim for a more humanitarian approach to the case.

We stress in the article that although the Europeanization happens in the field of asylum, and Belgium adapting its legislation to the EU directives, expanding resettlements and reducing the time to allow legal work for the refugees, there are other policies that restrict the entrance of refugees. Asylum seekers don’t have the necessary support from the Belgium government and the number of asylum concessions is really low compared to the demands and with other countries of European Union. In Belgium there are more investments in control and voluntary return than in the expansion of reception. This can be also a result of the observed raise in xenophobia and racism nowadays in public opinion, exacerbated by the economic crisis’s effects.

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⁵¹ KAUNERT (C.) and LÉONARD (S.), «The development of the EU asylum policy: venue-sopping in perspective. The development of the EU asylum policy» *Journal of European Public Policy*, vol. 19, no. 9, 2012, p. 1401.

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