

What about asylum seekers refused from asylum? Findings from Belgium

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Abstract

While most studies have focused on the transition from asylum seekers to refugee, revealing for instance a reduction in the length of the procedure to obtain the refugee status, we know little about people who were denied refugee status. By considering that irregularity is “legally produced” by immigration policies, which depend on social, economic and political contexts, we studied in this paper the changes in experiencing irregularity among asylum seekers in Belgium between 2007 and 2014.

Using information from the Belgian National register, an exhaustive list of all individuals legally residing or having resided in the country, on asylum procedure and residence permit history available, we defined ‘irregularity’ as periods without a residence permit of at least one month. Due to changes on asylum procedure in 2006, our analysis was limited to asylum seekers arrived in Belgium between 2007 and 2014 and who were 18 years of age or older at the time of their arrival, that was 86,532 individuals observed during 3.56 years in average.

Our results show that the probability of experiencing irregularity has increased over time, considering that asylum seekers who arrived more recently were more likely to fall in irregularity. In other words, increase in granting for refugee or subsidiary protection in Belgium did not lead to a decrease in irregularity. Finally, our results show that probability of experiencing irregularity depended of citizenship at arrival revealing, which is also related to strong variations in the granting of refugee- or subsidiary protection status by origins.

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Introduction

The geopolitical context of the late 2000s, including the war in Syria started in 2011, led to an increase in migratory flows. While many people have taken refuge in neighbouring countries (Vause et Schoumaker, 2019), some of them have sought asylum in Europe. Belgium, as several other European countries, has witnessed a substantial increase in the number of asylum applications, as well as an increase in the numbers of people granted refugee status (Myria, 2019).

While most studies have focused on the transition from asylum seekers to refugee (Aspinall et Watters, 2010 ; Bloch, 2000), revealing for instance a reduction in the length of the procedure to obtain the refugee status (Carpentier et Schoumaker, 2019), we know little about people who were denied refugee status. Did they appeal from the decision? Did they leave the country? Did they manage to be regularized through another legal pathway? Did they experience irregularity? And how has irregularity among former asylum applicants changed over time, e.g. as a result of changing migration flows and migration policies? Indeed, irregularity appear to be “legally produced” by immigration policies (De Genova, 2004, 2005, 2002) depending of social, economic and political contexts (Vickstrom, 2014). In consequence, evolution in migratory flows could lead to changes in migration policies either to respond to an increase in applications for entry or, on the contrary, by denying immigrants the right to settle in the country, and thus affect the risk of being in an irregular situation for immigrant people. Our aim in this paper is to study the changes in granting for refugee- or subsidiary protection status on one hand, and experiencing irregularity on the other hand among asylum seekers in Belgium between 2007 and 2014.

Methods

Data

We use linked administrative data from the Belgian National register. The National register is an exhaustive list of all individuals legally residing or having resided in the country. Information are collected during first registration (sex, date of birth, country of birth nationality at birth and at the arrival in Belgium, residence before settling in Belgium, civil status, household composition) and during all the stay in Belgium (changes in civil status, household composition, relocation in or out of Belgium). For this paper, we use data on asylum seekers arrived in Belgium between 1999 and 2014 and who were 18 years of age or older at the time of their arrival.

Sample selection

We first restrict our analysis to all people arrived after June, 1st 2007 (due to important changes made in the asylum procedure in 2006 in Belgium) and who made their first asylum application the same month they arrived. Our sample is composed of 86,532 individuals observed during 3.56 years in average. End of observation occurs when people are deleted from national registers (mostly when the authorities notes they leaved the territory) or at the 1/1/2015 for people who were still registered in the Belgian population registers at the end of 2014.

Methods

We use information on asylum procedure, residence permit- and citizenship- histories to define people's experience of irregularity (i.e. living in Belgium without residence permit) during at least one month. From the introduction of the asylum application until the final decision, people are granted a limited residence permit. Then, the acquisition of refugee- or subsidiary protection status gives access to a limited residence permit (5-year residence permit for refugee status, and 1 or 2-year residence permit for subsidiary protection status), that usually leads to an unlimited residence permit after some years. Finally, negative response to asylum application (when asylum application is not applicable or refugee status is not granted) leads to the ending of the limited residence permit. People become "irregular" until they appeal to the asylum decision, or have access to another limited (less than one year), short term-term (1-5 years) or long-term (more than 5 years) residence permit, or obtained UE-citizenship. People who do not obtain a residence permit and remain in Belgium experience irregularity. In this paper, we define irregularity spells as periods without a residence permit of at least one month.

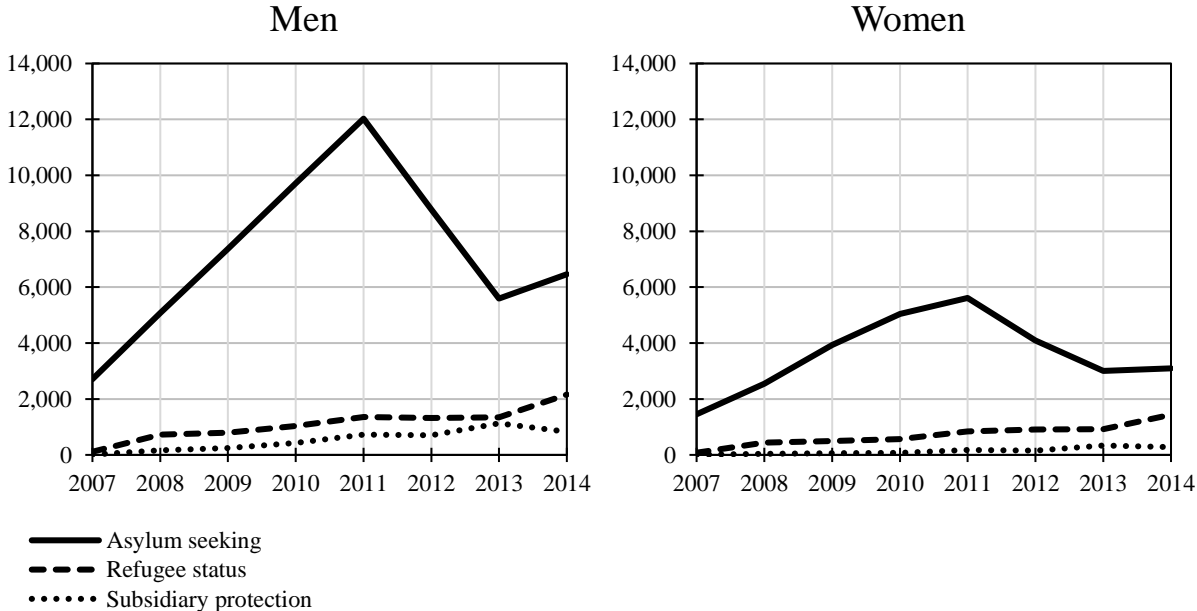
We first present the evolution of asylum seeking and refugee status or subsidiary protection acquisition in Belgium between 2007 and 2014 for both men and women. Then, we present i) the probability of obtaining the refugee or subsidiary protection status, ii) the probability of experiencing a first refusal of asylum and iii) the probability of being irregular during at least one month after the 1st refusal of asylum using Kaplan-Meier estimates according to the period of arrival and sex. Finally, we use cox models (one for each sex) to determine factors associated with being irregular during at least one month after 1st refusal of asylum. Our first hypothesis is that, the risk of becoming irregular has increased over time, partly because the procedures have shortened. Moreover, probability of becoming irregular would differ according to socio-demographic characteristics of asylum seekers, citizenship particularly, considering due to strong variations in the granting of refugee- or subsidiary protection status by origins.

Preliminary results

Increase in asylum seeking and refugee status acquisition during the period

Asylum requests in Belgium increased substantially for both men and women between 2007 and 2011 (Graphic 1), decreased between 2011 and 2013, and slightly increased between 2013 and 2014. Granting of refugee or subsidiary protection status do not follow the same trend as the asylum seeking since there is a continuous increase in the both granting of refugee or subsidiary protection status over the period.

Graphic 1 : Evolution of asylum seeking, granting of refugee and subsidiary protection status in Belgium between 2007 and 2014

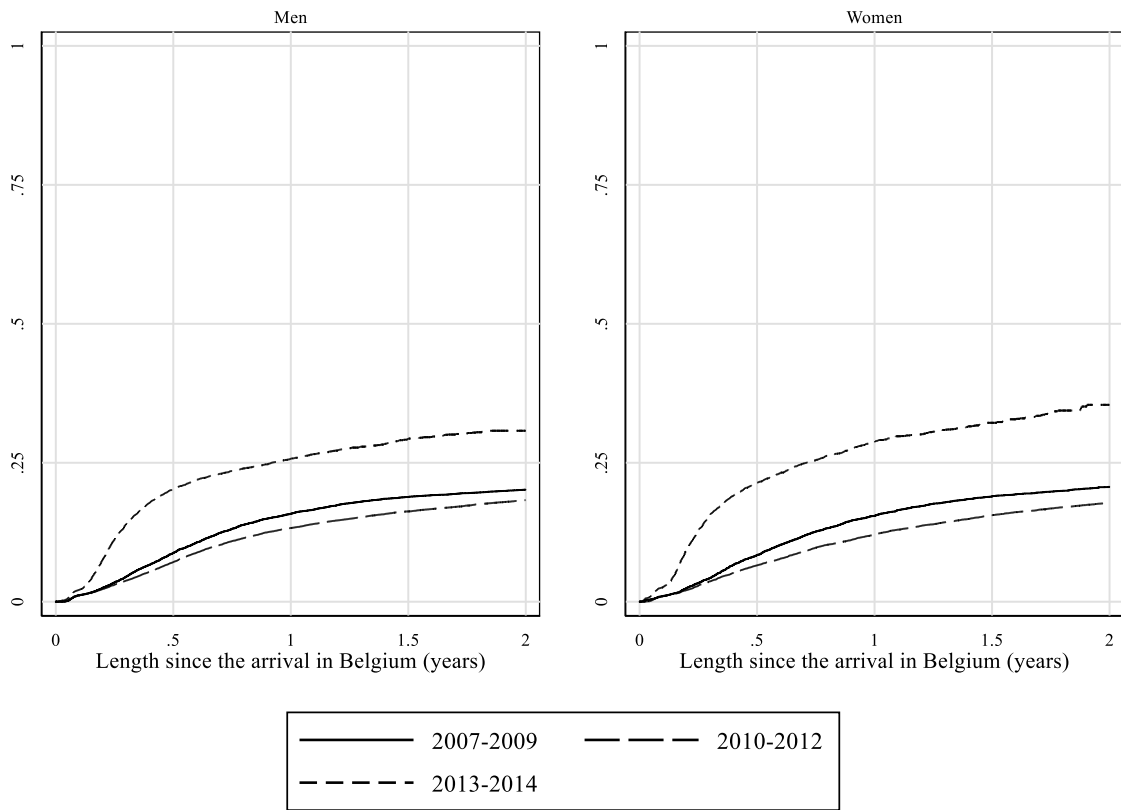


Sample: People arrived in Belgium between 2007 and 2014 and aged 18 or more who made their first asylum application the same month they arrived.
 Source: Belgian National register.

Granting of refugee or subsidiary protection status obtained more rapidly for people arrived in 2013-2014

Probability of granting of refugee or subsidiary protection status has increased over the period (Graphic 2). Men and women who arrived between 2013 and 2014 were more likely to granted refugee or subsidiary protection status than those who arrived before.

Graphic 2: Probability of obtaining refugee or subsidiary protection status since the arrival in Belgium



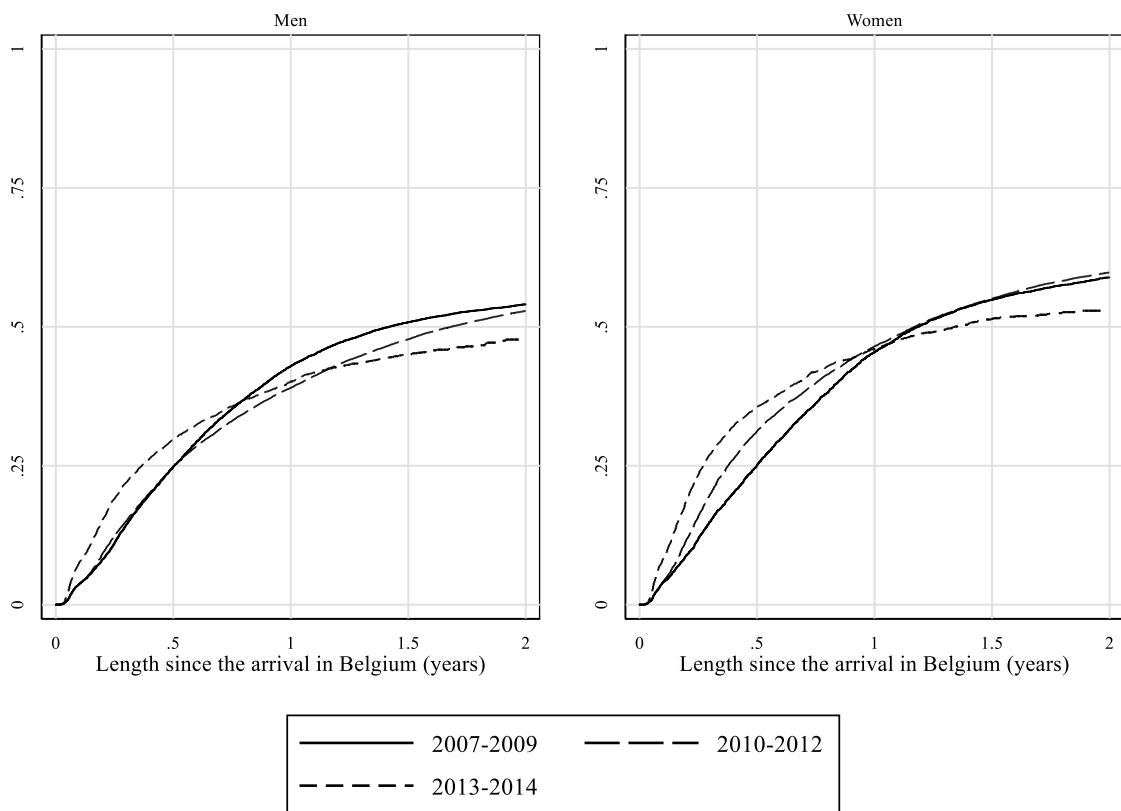
Sample: People arrived in Belgium between 2007 and 2014 and aged 18 or more who made their first asylum application the same month they arrived.

Source: Belgian National register.

Decrease in probability of experiencing 1st irregular status

The increase in the probability of granting of refugee or subsidiary protection status across the time did not seem to have led to a decrease in the probability of having been refused asylum in the first two years. Maybe, the shortening in the length of the asylum procedure led to obtain decision for asylum more rapidly for both granting for refugee status and refusal decision of asylum. Indeed, asylum seekers arrived in Belgium in 2013-2014 appear to be more likely to be refused asylum than those who arrived before (Graphic 3). As we noticed before (Graphic 1), increase in granting of refugee or subsidiary protection status did not equal increase in asylum seeking.

Graphic 3 : Probability of experiencing a first refusal of asylum since the arrival in Belgium



Sample: People arrived in Belgium between 2007 and 2014 and aged 18 or more who made their first asylum application the same month they arrived.
 Source: Belgian National register.

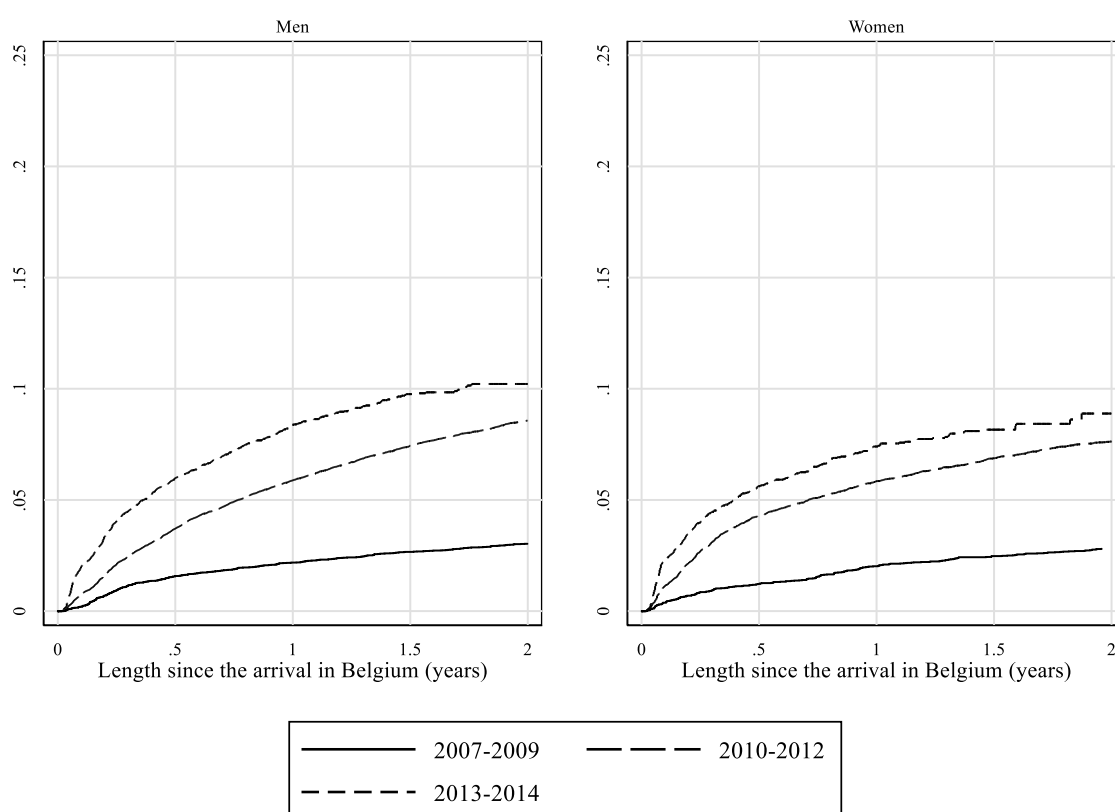
Preliminary analyses suggest that a substantial share of former asylum seekers experience irregularity, but not always for long periods. After the first refusal of asylum, half of people appealed the decision (50.44% of men and 53.86 of women), and 2 out of 5 (41.44% of men and 38.84% of women) received order to leave the territory. Among the latter, 7 out of 10 (70.01% of men and 74.85% of women) spent less than one month in irregularity whereas 28.33% (29.99% of men and 25.15% of women) spent two years in average in irregularity.

Finally, overall asylum seekers arrived in Belgium between 2007 and 2014, 6.17% experienced irregularity during more than one month after first refusal of asylum (8.61% of men and 7.28% of women), which represented 14.84% of asylum seekers who experienced a first refusal (16.26% of men and 12.30% of women). Some asylum seekers who appealed from first refusal will also experience irregularity.

Probability of being irregular during at least one month after first refusal of asylum increase across the time

The probability of experiencing irregularity during at least one month after the first refusal of asylum has increased over time. Asylum seekers who arrived in Belgium in 2013-2014 appear to be more likely to experience at least one-month irregularity after first refusal of asylum than those who arrived before (Graphic 4). While the shortening in the length of asylum procedure had led to obtain refugee status more quickly, it also seemed to have led individuals who have been refused asylum to become irregular more quickly.

Graphic 4 : Probability of being irregular during at least one month after 1st refusal of asylum since the arrival in Belgium



Sample: People arrived in Belgium between 2007 and 2014 and aged 18 or more who made their first asylum application the same month they arrived.

Source: Belgian National register.

Increase in probability of experiencing irregularity during at least one month after first refusal of asylum according to the period of arrival persisted when adjusted on age at arrival, citizenship at arrival and place of asylum seeking (Table 1).

Moreover, probability of experiencing irregularity depend on citizenship at arrival. Indeed, citizens of a European country who do not belong to the European Union (mostly from Albania and Bulgaria) and those of an Eastern Asian country (mostly from China², India, Nepal, Northern Korea, Mongolia and Bangladesh) were more likely to experience irregularity compared to asylum seekers with Western Asian citizenship (mostly from Armenia, Afghanistan, Georgia, Irak, Iran, Pakistan, Syria and Turkey). This runs counter to the popular belief that irregularity is more common among non-European nationals. In addition, citizens of a sub-Saharan country (mostly from Cameroon, DR of Congo, Guinea, Senegal, Rwanda, Somalia and Togo) were less likely to experience irregularity compared to asylum seekers with Western Asian citizenship. Furthermore, while male citizens of Northern African countries (mostly from Algeria, Egypt, Morocco and Sudan) were more likely to experience irregularity than male asylum seekers with Western Asian citizenship, this was not the case for their female counterparts for which probability of experiencing irregularity seemed to be the same as female asylum seekers with Western Asian citizenship. Finally, Latin American citizens at arrival in Belgium seemed to experience irregularity as much as asylum seekers with Western Asian citizenship.

² Whereas people with Chinese citizenship seemed to be less likely to experience irregularity among Eastern Asian countries citizens.

Table 1: Associated factors of being irregular during at least one month after 1st refusal of asylum since the arrival in Belgium

| | Men | | Women | |
|--------------------------------|---------|-----------|---------|-----------|
| | ORa | CI 95% | ORa | CI 95% |
| Age at arrival | | | | |
| continuous | 0.99*** | 0.99-1.00 | 1.00 | 0.99-1.00 |
| Period of arrival | | | | |
| 2007-2009 | 1.00 | 1.00-1.00 | 1.00 | 1.00-1.00 |
| 2010-2012 | 2.94*** | 2.70-3.19 | 2.71*** | 2.39-3.06 |
| 2013-2014 | 4.62*** | 4.15-5.13 | 4.24*** | 3.63-4.95 |
| Citizenship at arrival | | | | |
| European (except UE) | 1.79*** | 1.67-1.92 | 2.09*** | 1.86-2.35 |
| Northern-African | 1.85*** | 1.63-2.10 | 0.87 | 0.55-1.37 |
| Sub-Saharan African | 0.74*** | 0.68-0.80 | 0.69*** | 0.60-0.79 |
| Eastern Asian | 1.78*** | 1.61-1.96 | 1.83*** | 1.50-2.22 |
| Western Asian | 1.00 | 1.00-1.00 | 1.00 | 1.00-1.00 |
| Latin American | 1.40 | 0.84-2.33 | 1.08 | 0.51-2.28 |
| Others | 0.46*** | 0.36-0.60 | 0.65+ | 0.41-1.03 |
| Place of asylum seeking | | | | |
| Foreigners' office | 1.00 | 1.00-1.00 | 1.00 | 1.00-1.00 |
| Borders | 0.17*** | 0.11-0.25 | 0.14*** | 0.07-0.30 |
| Holding centre | 0.19*** | 0.12-0.28 | 0.08* | 0.01-0.57 |
| <i>N</i> | 57744 | | 28788 | |

Sample: People arrived in Belgium between 2007 and 2014 and aged 18 or more who made their first asylum application the same month they arrived.

Legend: Significant distribution difference at +: 10%, *: 5%, **: 1%, ***: 0.1%.

Source: Belgian National register.

Discussion

While the granting of refugee or subsidiary protection has increased since 2007 in Belgium, this increase is not comparable as the increase in asylum seeking.

While most of people who have been refused for asylum appealed for the decision, others have remained in Belgium and experienced irregularity during at least one month. Our results show that the probability of experiencing irregularity has increased over time, considering that asylum seekers who arrived more recently were more likely to fall in irregularity. In other words, increase in granting for refugee or subsidiary protection in Belgium did not lead to a decrease in irregularity. It may then be that the measures for granting residence permit to persons not dependent on the right of asylum have become more stringent. It may also be that, because of a reduction in the delay in responding to asylum applications (Carpentier et Schoumaker, 2019), people arrived more recently may experience irregularity more quickly than those arrived earlier.

Our preliminary analyses have some limitations that will be addressed in the paper. First, it is not sure that all the stages of the asylum procedure have been correctly registered. However, the quality of the data should be fairly good, as we only focus on granting for refugee- or subsidiary protection status, refusal for asylum and granting for resident permit. All these decisions are taken by the Foreigners' office and transmitted to the National Register. In addition, the measurement of the time spent in irregularity depends on information on departures from the country recorded in the population register, that corresponds to a statement by the authorities that the person no longer lives at the address he had indicated. However, people in irregularity may be identified as having left the country, while still living in Belgium (Perrin et Poulain, 2012). This issue may lead to underestimating irregularity, and will be dealt with in the paper.

Finally, our results show that probability of experiencing irregularity depended of citizenship at arrival revealing, which is also related to strong variations in the granting of refugee- or subsidiary protection status by origins (Akoka et Spire, 2013). It is also possible that knowing the possibility of appealing decision of asylum could differ depending on the citizenship of the persons. Asylum seekers with a social network familiar with asylum or immigration procedures may therefore be able to delay the time when they find themselves in an irregular situation. It is also possible that the probability of leaving the territory depends on the nationality of the persons and the possibility of finding asylum in another country.

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