



Integratiecentrum Foyer - Brussel

A plea for the right to ‘migration orientation’ of undocumented migrants

Like many other European countries, the Belgian government has a strict immigration policy. Entry and residence of foreigners in Belgium is strictly regulated. Those who do not meet the residence requirements must leave the territory. The government takes initiatives to facilitate and to humanize their return; people are encouraged to leave voluntarily and can benefit from the support provided by IOM including opportunities for reintegration. Those who do not want to leave voluntarily will be expelled.

Although Belgium has not yet ratified the UN Convention on the Protection of the Rights of Migrants and of their Families, its’ foreigners law is almost entirely consistent with this convention. A Belgian ratification would have little effect on the situation of undocumented migrants; while it may have a small positive effect on some basic social rights, it would not change the motivation of the government to force the undocumented migrants to return to their home states. The convention and the Belgian government agree upon the idea that the only solution in response to the problems of people residing illegally in the country is a return home. In practice, Belgium holds a ‘*residence orientation*’ with migrants to explore opportunities for legal residence, such as regularisation. However, if no grounds for residence exist, then an order for return is given.

The Belgian government expects that the official social services bring this residence orientation into practice. However, social workers have very little success when they try to talk about a voluntary return. Moreover, many social workers experience this approach as inconsistent with their professional ethics. Their task is primarily to help people in finding a solution for their problems, not for those of the government. For that reason they developed a more authentic social approach for this group. They called it ‘*migration orientation*’ because the focus here is the *migration project* of the undocumented migrant and not his residence status. The work was done in collaboration with various official social services. This cooperation is coordinated by the Integratiecentrum Foyer.

Foyer and his partners support undocumented migrants in seeking a dignified, meaningful and realistic alternative for their migration projects. By means of self reflection and empowerment we encourage them to reflect upon their own migration project. The key questions are: Why did you come to Belgium? What have you experienced until now? What is your situation now? What do you want to realize in the future?

Our aim is that the undocumented migrant discovers what is really important to them and how they can achieve this in respect of the legal framework. This is case work. The counselor facilitates this process. He also provides objective and accurate information so that the migrant can make effective and informed decisions. This encourages the undocumented immigrant to take the future in his own hands. In this approach a return home or migration to another country can be a way to achieve this alternative future, but it is not an end in itself.

We want the Belgian authorities:

- to recognize that social assistance should not be used as a tool for migration policy
- to recognize migration orientation as an official task for social services who deal with undocumented migrants. And that they provide the necessary resources for this work.

- to examine how they can make migration orientation more successful. For example by authorizing these migrants to professional courses and training programs in Belgium, as part of a return plan.
- to examine what they can do to stop people from thinking that one day they will get residence papers. This phenomenon makes migration orientation impossible. We advocate in this regard for clear criteria for regularization and for a fast procedure (in terms of months and not years).

We are hopeful that the UN Migrant Workers' Committee would recognize the right to migration orientation of undocumented migrants as an integral tool to the full implementation of the convention.

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