

SUMMARY

Report to the federal Parliament:

Asylum applications – Quality of information required for monitoring purposes by the Immigration Department and Fedasil



In its report to the federal Parliament, the Court of Audit examined if the Immigration Department and the Federal Agency for the reception of asylum seekers (Fedasil) have access to the information required so as to fulfil their duties towards asylum seekers. The Court called for a better information exchange between the bodies involved. The Secretary of State for Asylum and Immigration has committed herself to taking the Court's recommendations into account.

During the investigation procedure, asylum seekers are allowed to remain on Belgian territory and shall get material assistance. In 2011, the number of asylum applications lodged in Belgium amounted to 25.479.

The Immigration Department determines whether and under what conditions foreigners may enter, stay or settle in Belgium. It records the asylum application. The Federal Agency for the reception of asylum seekers (Fedasil) offers material assistance (housing, food and other services). Reception structures are either managed directly by Fedasil or by its partners.

Other actors are involved in the asylum application handling process: the Commissioner General for Refugees and Stateless Persons and, in appeal procedures, the Council for alien law litigation and the Council of State.

The Court of Audit examined if the Immigration Department and Fedasil can rely on the waiting register data to perform their tasks. This register was specifically established to record asylum seekers and track their status.

In general, the Immigration Department timely receives the required data and has organized its work so as to alleviate any bottlenecks that might occur in the waiting register.

Fedasil, on the other hand, cannot find in this register all the information it needs to determine when entitlement to material assistance comes to an end. There are clear indications that the recording of some appeals or some decisions taken by the Immigration Department, the Council for alien law litigation and the Council of State are lacking, even though such data are essential to best manage the reception network and enable eligible persons on the waiting list to benefit from material assistance as soon as possible. The Court of Audit therefore makes a series of recommendations aimed at tailoring the waiting register more to Fedasil's needs.

The Court of Audit also noted that the access to information as it is afforded to reception structures does not comply with the purpose of monitoring entitlement to material assistance and varies substantially from structure to structure. Yet, each reception structure, irrespective of whether it is managed by Fedasil, is de facto responsible for monitoring this right and determining when it ends.

According to the Court of Audit, a better information flow would help improve the conditions in which Fedasil and its partners carry out their tasks and is likely to reduce the administrative burdens placed on them.

This objective can be achieved in two different ways:

- either the current organisation remains unchanged and Fedasil has to ensure, in cooperation with the National Register Unit, that all reception structures have access to and make use of the waiting register data;
- or preference is given to a centralized monitoring approach of the right to material assistance, in which Fedasil would inform each reception structure of any changes in the administrative status of asylum seekers. This kind of procedure would enable Fedasil to track the capacity and occupancy of the reception network infrastructure more closely.

The Court of Audit considers that a centralized monitoring approach offers the best guarantees of compliance with legal provisions and equal treatment of material assistance recipients. It is also the most efficient solution.

In her reply, the Secretary of State for Asylum and Immigration points out that, since the completion of the Court's audit, matters like asylum, immigration and reception policy have been clustered under her responsibility. She commits herself to improving synergies between the bodies concerned and also announces the setting-up of a working group.