

Refugees on the Streets as a Deterrent for Those Yet to Come



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Belgium is systematically denying asylum seekers their legal right to shelter. This article by Daan Walpot outlines how the Belgian Government's refusal to provide reception places, despite repeated court rulings, has become both a humanitarian and constitutional crisis. Beyond logistical failures, the policy appears to be a deliberate deterrence strategy. The consequences are stark: thousands sleeping rough, essential services out of reach, and a growing erosion of the rule of law in Belgian asylum policy.

'Because Belgium respects human rights.' This is the response of many refugees when asked why exactly they chose Belgium as their destination country. In stark contrast is the raw reality facing many refugees once they arrive in Belgium. Instead of honouring this reputation and shaping asylum policy to effectively respect human rights, Belgium is rapidly trying to get rid of it.

Since October 2021, asylum seekers have been systematically denied shelter by the Belgian asylum authorities. Since then, thousands of people in search of international protection have slept on the streets for months before gaining access to the Belgian reception network. The Belgian government claims it is already doing more than its share of the European work, blames other EU member states for not complying with their obligations, causing refugees to travel on, and emphasises that the focus should be on reducing the influx rather than increasing reception capacity. Fedasil, the Belgian Federal Agency for the Reception of Asylum Seekers, has already been condemned thousands of times for its reception policy.¹ The European Court of Human Rights in Strasbourg has also reprimanded Belgium on numerous occasions.² Its claim that there is a situation of force majeure has repeatedly been established as unfounded by national and European courts.

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However, Belgian reception law leaves very little room for interpretation: 'The right to material assistance applies to every asylum seeker from the moment they submit their asylum application and remains in force throughout the entire asylum procedure, including the appeal procedure.'³ This material assistance takes the form of accommodation in a reception centre. The right only applies to first time applicants for international protection. In principle, subsequent applications do not entitle the applicant to accommodation in a reception centre, unless the Belgian asylum services consider that there are significant new elements. The Belgian law implements the EU Reception Conditions Directive of 2013. Among other things, this directive

sets the equal treatment of applicants throughout the European Union as an objective that should contribute to *'limit the secondary movements of applicants influenced by the variety of conditions for their reception'*.⁴

These crystal-clear rights and objectives are fine in theory, but in practice they prove to be very relative. In 2023, Fedasil unlawfully refused to provide shelter to 8,816 applicants for international protection. In 2024, this number rose to more than 10,000. Since 2021, Fedasil has been convicted more than 12,000 times by the Brussels Labour Court for refusing to provide shelter to applicants for international protection who are entitled to it.⁵ In each of these cases, the Labour Court also imposes daily penalties for each day that shelter is not provided. However, the Belgian government systematically refuses to pay these penalties. Attempts to seize government assets have also come to nothing. Even when the European Court of Human Rights orders the Belgian government to provide shelter to applicants who are entitled to it, Belgium simply continues to ignore its obligations.

The Council of State, the highest administrative court, has already twice overturned an instruction from the State Secretary for Asylum and Migration to refuse shelter to single men and only offer shelter to women, children and families. Despite the established illegality, this practice is nevertheless being continued. In this way, the 'reception crisis' is also becoming a constitutional crisis in which the executive power systematically disregards the law and the judiciary.

The numerous convictions reflect the lack of legal arguments to justify the shortage of reception places. The 'crisis' is a politically orchestrated emergency for which the Belgian government bears full responsibility. Since 2021, civil society organisations have been sounding the alarm about the impending shortage of reception places. Despite the well-known fluctuations in the number of refugees arriving, buffer capacity has been systematically reduced. In addition, due to a lack of funding for asylum authorities, applicants sometimes have to wait more than three years for a final decision, which means that it takes a long time before reception places become available again. In the past, however, the Belgian government has shown that it is capable of creating reception places at short notice. Tens of thousands of Ukrainian refugees were rightfully welcomed in 2022.⁶ Even during the large influx of refugees in 2015, the government was able to create 15,000 places within a year.⁷ This stands in stark contrast to the political unwillingness and indifference of today.

Due to the ongoing lawlessness, asylum seekers denied reception are looking for alternatives. They organise their own accommodation in empty buildings where they at least have a roof over their heads. Instead

of supporting such initiatives while waiting for regular accommodation, the police are clearing these sites by evicting people into street homelessness or by making them uninhabitable by drilling holes in the roof so that rainwater can pour in. The law is only enforced when it works against the refugees.

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Meanwhile, Dutch and Danish courts have already ruled that asylum seekers cannot be sent back to Belgium under the so-called "Dublin procedure", which determines which country is responsible for processing an asylum application. The judges ruled that, even though Belgium is in principle the responsible Member State, returning the applicant for international protection to Belgium entails a risk of inhuman treatment.⁸ While the Belgian government blames other EU Member States for failing to fulfil their obligations, it is itself contributing to secondary movements of refugees through a self-established 'reception crisis'.

The new Belgian government is continuing along the same path and will be even more restrictive where possible. The government plans to reduce the number of reception places from 35,000 to barely 11,000. Although the coalition agreement states that it is *"unacceptable that applicants for international protection are sleeping on the streets"* and that *"we must fulfil our obligation to provide reception,"* the focus is once again on reducing the influx of refugees.⁹

In addition, the government wants to refuse shelter to refugees who have already been recognised in another EU Member State. In practice, this mainly concerns refugees with status in Greece, where they are removed from their reception centres no later than 30 days after they received a protection status and left to fend for themselves. Most of them end up on the streets and therefore decide to travel on.

The government solemnly promises to first reduce the number of refugees and then cut back on reception facilities. In practice, however, the exact opposite is happening. In May, the Minister for Asylum and Migration, Anneleen Van Bossuyt, announced a significant reduction in Fedasil's budget from 826 million euros this year to 138 million by 2029, even though the current budget is already grossly inadequate to meet needs.¹⁰

It becomes even more cynical when the same minister launches a new discouragement campaign on YouTube.¹¹ Messages such as *'Don't come*

to Belgium' and 'The asylum centres in Belgium are full' accompany videos showing photos of asylum seekers sleeping on the streets. 'These videos do not show a dream image, but the facts,' says Van Bossuyt. 'Too many people are travelling to Belgium because our system has been far too generous for far too long. Our message with these campaigns is honest and clear: Belgium is no longer the land of milk and honey.' The victims of the current mismanagement are thus being used to deter refugees from coming to Belgium. Following the same logic, the Belgian government refused to temporarily accommodate asylum seekers in hotels while they await a permanent place of reception.

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The revised Reception Conditions Directive of 2024 further restricts the rights of refugees during their asylum procedure.¹² EU Member States will be obliged to exclude refugees from reception centres as soon as they are notified of the decision to transfer them to the Member State responsible for examining their application for international protection. This arrangement must be transposed into national law by 12 June 2026 at the latest and will partially transpose the deterrence policy into law. The possibility of ending up on the streets should make refugees decide to remain in the EU Member State where they first entered EU territory, even if these are the Member States under the most pressure, such as Greece and Italy. Conversely, asylum seekers for whom Belgium is responsible are at risk of having to choose between homelessness elsewhere in the EU or homelessness in Belgium.

In addition to undermining the rule of law, Belgium's policies also have real consequences for asylum seekers. Traumas suffered in their country of origin or en route are not given time to heal, they are merely compounded by new traumas. In practice, access to a lawyer is often only possible once an asylum seeker has been assigned to a reception centre. Thorough medical assistance is extremely difficult to obtain without an address. Working is impossible. Crucial documents are also at risk of being lost in the harsh life on the streets.

It is high time that the Belgian government stopped participating in a relentless race to the bottom and once again fulfilled its legal obligations. The erosion of the rule of law must stop immediately, first and foremost for the refugees who are its primary victims.

ENDNOTES - Refugees on the Streets as a Deterrent for Those Yet to Come

- 1 Amnesty International, “Belgium: Unhoused and unheard – How Belgium’s persistent failure to provide reception violates asylum seekers’ rights”, 1 April 2025, <https://www.amnesty.org/en/documents/eur14/9161/2025/en/>.
- 2 <https://strasbourgobservers.com/2022/12/02/the-belgian-reception-crisis-before-the-ecthr-the-court-orders-belgium-to-respect-the-rule-of-law/#:~:text=By%20Jean%20Baptiste%20Farcy,which%20have%20remained%20deliberately%20ignored.>
- 3 12 January 2007 – Law on the reception of asylum seekers and certain other categories of foreigners (NOTE: Consultation of earlier versions available from 07-05-2007 and updated as of 10-07-2024), available in French at <https://refli.be/fr/lex/2007002066>
- 4 <https://eur-lex.europa.eu/eli/dir/2013/33/oj/eng>
- 5 Amnesty International, “Belgium: Unhoused and unheard – How Belgium’s persistent failure to provide reception violates asylum seekers’ rights”, 1 April 2025, <https://www.amnesty.org/en/documents/eur14/9161/2025/en/>.
- 6 <https://emnbelgium.be/news/belgium-has-issued-temporary-protection-certificates-over-93000-ukrainians-early-2022>
- 7 Amnesty International, “Belgium: Unhoused and unheard – How Belgium’s persistent failure to provide reception violates asylum seekers’ rights”, 1 April 2025, <https://www.amnesty.org/en/documents/eur14/9161/2025/en/>.
- 8 AIDA, « Country Report – Belgium update on 2024”, June 2025, https://asylumineurope.org/wp-content/uploads/2025/06/AIDA-BE_2024-Update.pdf.
- 9 Coalition agreement federal government 2025, available in French at https://www.belgium.be/sites/default/files/resources/publication/files/Accord_gouvernemental-Bart_De_Wever_fr.pdf.
- 10 De Standaard, “Minister Van Bossuyt snoeit fors in asielopvang, ook al wijst niets op dalende instroom asielzoekers”, 12 mei 2025, <https://www.standaard.be/politiek/minister-van-bossuyt-snoeit-fors-in-asielopvang-ook-al-wijst-niets-op-dalende-instroom-asielzoekers/66426433.html>.
- 11 <https://emnbelgium.be/news/belgium-launches-social-media-campaigns-discourage-asylum-seekers-coming>
- 12 Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection, <https://eur-lex.europa.eu/eli/dir/2024/1346/oj/eng>