Everyone is free to leave any country, including their own
A plea from European citizens
Contribution from citizens with or regular and irregular migration status in Belgium.

**Preface: a 'documented' citizen speaks out**

The number of refugees in Europe has increased considerably in recent years, which has led to a number of challenges for both refugees and destination countries. Many refugees face traumatic experiences and have to adapt to a new country with a different language and culture. At the same time, destination countries have a responsibility to welcome and integrate these refugees.

One of the biggest challenges in receiving refugees is providing them with adequate housing, healthcare and education. Many refugees arrive in their new country with little more than the clothes on their backs, and it can be difficult to meet these basic needs. In addition, refugees often face discrimination and racism, which can further complicate their integration. It is therefore important that destination countries strive to welcome and integrate refugees in a dignified manner. This includes providing adequate housing, healthcare and education, as well as combating discrimination and racism. It is also important to take the experiences and needs of refugees seriously, and to make them an integral part of the community.

The refugee issue is complex and not easy to resolve, but it is important that we remain committed to responding to it. By working together and showing solidarity with the most vulnerable in our society, we can create a world where everyone has the opportunity to live and thrive.

In this paper, the first hand experiences of the situation in Calais and the importance of understanding the personal stories of refugees are discussed. The importance of defending the rights of migrants and being aware of the political context in which we operate is also discussed, as is the necessity of sharing personal stories to better understand each other and to learn from the experiences of others. **A strong emphasis is placed on taking an humane approach. Furthermore,** based on an awareness of our own prejudices and seeking to understand the personal stories of others, **there are** calls for a change in policy.

The issue of refugees touches us all deeply. The stories of people forced to flee their countries, leaving behind loved ones and often losing others along the way, are heart-breaking. One story that particularly moved me was that of a young woman who came to Belgium on a student visa in 2014. She had big plans and wanted to pursue a master's degree in Liège. However, fate decided otherwise. After becoming pregnant and being abandoned by her child’s father, she was forced to **give up** her studies. The Belgian immigration authorities ordered her to return to her country of origin, but she decided to stay and fight for her right to remain here. She joined organisations that defend the rights of refugees and undocumented migrants and shared her story, in the hope of gaining the understanding and solidarity of others. She is not alone in her struggle. There are countless people fighting day after day for their rights and their lives, against a system that doesn't want to see or hear them. People who want to share their stories, in the hope that others will understand what they are going through and support them. It's time to hear the stories of refugees and undocumented migrants, to give them a voice and to let them know that we are on their side. It's time to fight for a fair and humane migration policy that puts human rights first.

**Introduction**

The purpose of this text is to amend the "return" directives of the new European Pact on Migration and Asylum, currently under discussion in the European Parliament and the Council of the European Union.

The following text was drafted by visible and invisible citizens of Belgium.

It was drafted by the Team of the European Spokesperson for Undocumented Migrants in Belgium (MPEVH), proposed to citizens with or without residence permits and amended by them.

**Those with or without regular migration status**, regardless of their European or non-European origin, want to exercise their right to propose amendments to European laws via their MEPs.

The reason for this is that the new European Pact on Migration and Asylum is contrary to human rights. **It** includes directives that will give Member States greater powers to expel people who have been living in Europe for years and who are already participating in the economic, social and cultural life of European countries.

This document follows on from a leaflet summarising various arguments and demands. **It was** distributed at the demonstration by undocumented migrants on 5 March 2023 and at the meeting to launch the national campaign for a positive migration policy on 9 March 2023.

The aim is to introduce a standard of non-retroactivity as a basis for amendments in the future directives currently being discussed as part of the new European Pact on Migration.

# Instead of Deportation we propose...

* **A good quality education**
* **Housing and public services specific to migrants**
* **Rights for Migrant Children**
* **Taking the health of migrants into account**
* **Access to professions facing staff shortages**
* **Rights for asylum-seekers**
* **Respect for the established relational ties of those applying for regularisation**

# A Quality Education

### First testimonial/account

**Background**

My mother **was welcomed when she first** arrived in Belgium in 1998, **as were her children**; my brothers and I. We were a large family with five children. When my mother set foot on Belgian soil, she had to go to court to apply for asylum - international protection!
We were leaving Somalia, a country at war, in the grip of endless chaos. Here we were, more than 30 years into a civil war, a failed state without a government. For so many reasons, my mother **was forced** to spend her most precious savings on a one-way plane ticket from Mogadishu to Brussels, ~~a new flight,~~ to avail ourselves of other possibilities far from the desolation caused by weapons and men...

**The Centre**

In 1998, there was a compulsory process that all new migrants had to pass through; that is, staying at a reception centre - or so-called provisional centres - where they remained whilst the Foreign Office dealt with their applications.
My mother remembers the centre very well. It was in Ghent. You had to go all the way through the city centre by bus to get to the countryside, where the centre was nestled in the middle of nature, away from the local Belgian population.
My mother, my brothers and I have fond memories of this period of our personal history. The rooms where we stayed were suitable for families. We went to school and we had extra-curricular activities (swimming pool, museum, amusement park).
We were children so we had no idea what was at stake. It was trickier for the adults who relied on personal exchanges. There were men and women from all over **the globe**. Despite our differences, **our desire to integrate and for a better future brought us together**. My mother often says, with much humour, "In 1998, they loved foreigners".

**Integration and development**

Following the positive response to her asylum application, which was granted in less than seven months, my mother began looking for a flat. She was supported in her search by local services, as well as people she met along the way.
We arrived in Dison, in the province of Liège, a small village where we were the only family of overseas origin. Our schooling went smoothly, and as soon as we arrived we had access to education; a Catholic primary school and a secondary school with a good reputation in the region.

**A direct correlation: a quality welcome for a quality integration!**

We were in the midst of a very close-knit and caring village community, and we experienced very few racist incidents.
The **opportunity** to flourish and access to education and culture enabled me and every member of my family to go on to do well in school. My older brother is an accountant/geo-politician/essayist. The second works in a bank in Africa after studying political science/public administration. I have a degree in information and communication sciences, having worked for a time in politics and then in the voluntary sector. I’m followed by my younger brother who is a public accountant, and finally the last of the siblings who will soon be finishing a master's degree in European law!

**Commentary: The condition of migrants in 2022**

Facilities that are a shadow of their former selves, not enough reception centres, precarious camps, lack of access to education - no child can thrive in such precarious conditions!

The report by Zimeko Mel Jones, *The Calais Jungle,* gives a detailed account of the daily lives of today's migrants. The figures are alarming, and we can rely on those of Amir, one of the members of the team of the European Spokesperson for Undocumented Migrants in Belgium. In 2021 there were 5030 pending applications for humanitarian regularisation (9bis), an increase of 38% on the applications submitted the previous year.

The interminable waiting time for processing migrants' applications at the Foreign Office worsened during the Covid period.

**We demand:**

* Emancipation through education, which is only possible if migrants are welcomed in the correct conditions to enable quality integration
* Access to education is facilitated by regularisation: it's easier to enrol at university if you have the right residence permit, for example.

**Housing and public services for migrant women**

Second testimony

**Women without residence permits and housing**

Is it still necessary to point out that existing and surviving as an 'undocumented' migrant in Belgium comes with its own limitations and uncertainties?

It goes without saying that free access to fundamental rights and subsistence for oneself and one's household are essential to **human** well-being and development.

However, the issue of people living in an irregular situation - known as 'undocumented migrants' - is continually relegated to the background, even though it is intrinsically linked to the right of residence.

The absence of a valid residence permit represents a major obstacle to accessing the most fundamental rights **to which** every human being is entitled.

Among the many rights **to which** PESIs are **denied are** access to housing and access to work - **to name but a few**.

Between uncertain administrative status, insecure employment and substandard housing, the common thread is obvious. **Being an** undocumented migrant means **having** insecure employment, difficult access to decent housing and the impossibility of concluding a legal tenancy agreement that properly guarantees the rights and security of the tenant. Many landlords and slum landlords, taking advantage of their tenants' administrative **difficulties**, see this as an opportunity to impose the worst kind of humiliation. And they do so in inhumane conditions: **prevented from having an official address**, **living in** cellars; unlit, unventilated, unhealthy **and/or** damp accommodation, renovation work that is necessary but ignored, facilities that are not brought up to standard **and** untimely rent increases with no legal reference whatsoever.

It should be emphasised that undocumented women are the mostprecarious link in this already fragile chain in Belgium. They are daily victims of gender-based, financial, physical and sexual violence, resulting from their invisibility; an invisibility that is the **rotten** fruit of a **wilful** overlooking by the political and media machines.

Indeed, the **representation** of the migrant that political parties (particularly the far right) usually convey is systematically **portrayed as male**. To put it simply, in the collective imagination, the migrant is **a man**: a loner, generally violent and idle, motivated exclusively by the desire to monopolise the meagre social benefits enjoyed by the local population.

This baseless discourse is massively supported and relayed by photojournalistic images which depict strings of lone men carrying nothing but bundles – This transforms migrants into pure tools of political manipulation and fuels the fears of local populations.

These **reductive** portrayals have a negative impact on migrant women, who represent almost 54% of all migrants in the European Union. These women are stigmatised and dehumanised, and find themselves the unwilling victims of a culture of fear that clouds the realities of their migratory journeys, which are punctuated by violence. Unfortunately, this does not disappear when they arrive in Belgium, where they fall prey to the dreaded evils of exploitation and institutional violence.

So it's hardly surprising that, when it comes to housing, undocumented women once again pay a high price - often with their bodies - as victims of gender-based violence; ranging from blackmail, moral and sexual harassment, humiliation of all kinds, verbal and/or physical abuse, illegal and humiliating expulsions, etc. **In turn**, these unequal relationships keep undocumented women captive to their **abusers**, as there is an ever-present fear of being reported to the authorities, staying in a detention centre and **eventual** deportation to their country of origin, often leading them to hide in silence and a forced passivity.

During the pandemic, the restrictions that led to the loss of work meant that a number of undocumented migrants found themselves "on the scrapheap". And, of course, this forced unemployment and impoverishment also led to the loss of homes for some.

As far as they are able, activists and collectives have sheltered some of these people within existing politicised ‘squats’. Nevertheless, their living and sanitary conditions are well below the minimum required.

As the number of cases of contamination and deaths increased, and in response to the mobilisation of activists and groups, the authorities temporarily made "hotels" available to the PESIs, providing them with board and lodging during the lockdowns.

When lockdowns were lifted, PESI’s were "expelled" from these hotels and rehoused in the precarious conditions of the politicised ‘squats’.

In the absence of concrete solutions that respect their dignity, faced with the inaction of successive governments and not allowing their lives/survival to be put on hold, the people concerned have for many years been organising themselves around the injustices, discrimination and systems of oppression that mark their daily lives, using collective organisational strategies that are considered radical.

Methods​/(**tactics?**) that have increased with the Covid-19 pandemic.

**Occupations are not squats**

 - Occupations imply a political choice on the part of the people concerned; a conscious choice that is part of the process of reclaiming their rights.
The clichés surrounding squats in public opinion are hardly representative of the struggles being waged by “irregular” migrants in their fight for recognition of their rights.
 - Political occupations are places of struggle, tools for politicising the people concerned and a means of making visible and **putting a spotlight on** the PESI issue.

In the absence of existing mechanisms adapted to their struggle, in emergency situations collectives such as Voix des Sans-Papiers, which have been occupying unoccupied/abandoned buildings for several years, have been obligated to **step into the** State’s role and that of other competent authorities by rehousing hundreds of people left to fend for themselves.
What other option is there than to re-invest in unoccupied buildings, given that between 17,000 and 26,400 homes in Brussels are unoccupied (estimated by a team of ULB/VUB researchers in 2021)? Most of the time, these properties are deliberately abandoned by their owners for periods of between three to five years, on the advice of property speculators.

A small percentage of these occupations result in temporary occupancy agreements allowing the inhabitants to live there. The reasons for this low percentage are the lack of sufficient subsidies, the fact that the administrative situation of the occupants is considered illegal, the lack of cooperation from the owners, and the absence of existing written and established case law for this type of occupation. Those who sign temporary occupancy contracts live in unsuitable conditions, with minimal facilities that **are not adapted to the needs of the women concerned**.

Overcrowded with men, lack of privacy, lack of adequate sanitary facilities, insalubriousness, unstable water and electrical installations and gender-based violence... These are just some of the pitfalls with which undocumented women may have to contend within the occupations.

Add to this the impossibility of having an official address in a settlement. It is still forbidden to mention the address of such a place as the main (or reference) address, as this shared space does not meet the "official" criteria of decent accommodation. For example, this is the case for the VSP Defacqz occupation under a precarious lease agreement since July 2021.

This again points to negative alternatives such as taking up residence with a third party: a paid and unregulated practice that also leads to **relations that are unequal to the point of being abusive, owing to the administrative instability of those seeking settled status**.

**An ‘undocumented’ life: an unending cycle?**

It is clear from the **aforementioned** that the lack of a valid residence permit traps undocumented migrants in a vicious circle, with every aspect of their lives exposed to a series of **irregularities** supported by the institutions.

In effect, the public authorities - covertly - maintain the pernicious spiral of exploitation that consigns these people to hellish cycles of violence and modern slavery. **Should it not be unthinkable that, in all (‘good’ would sound better here in English) conscience, an individual without a valid residence permit can be asked by an institution for proof of stability when their situation does not allow for that?**

**Firstly, we advocate the philosophy of ‘For Us By Us’**:

**To clearly illustrate this point, imagine** a window stretching far and wide. Behind it is a table abounding with food.
The hungry are standing in front of this window. At first, they timidly **show up** with plates and cutlery in hand and plead: "Would you be so kind as to serve us a small plate? We're hungry".

Days **go** by but the situation **does** not change.

By dint of constant refusals, the initial passivity of these people, which consisted of submitting to the status quo, gradually gives way to an attitude of reflection, organisation and action. They are consumed by hunger that transforms into a rage that grows stronger with each passing day. After a few weeks, these people obtain tools, break the glass, cross to the other side, occupy the table by force and obligate the guests to make room for them to eat.

History fits this image perfectly. Struggles of all kinds take a significant turn when the people concerned "rise up", take on their **own** issues and actively campaign for change.
We need to get out there and organise at our own level, drawing on our experience which, with each action, evolves into expertise. We also need to initiate a process of reflection that can one day be transformed into solutions.

In that regard, Brussels-based collectives/associations are currently engaged in establishing independent entities with the aim of creating a social security system for the undocumented, with a particular focus on women.

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**We demand:**

* The creation of an agreement, a standard convention written in collaboration with the relevant and specialist entities, facilitating the investment in unoccupied housing adapted to women and families and offering privacy to the occupants.
* A waiver - in favour of occupancy - of the requirement for PESI’s to have an official address within shared homes, highlighting the violence inherent in the **black market** alternatives to which PESI’s are bound.
* The training and establishment of services specialising in receiving undocumented women; listening to them and registering their complaints without their risking arrest.

# Rights for Migrant Children

Third account/testimonial

Children born or who arrived as children in Belgium

  **i.**  The issue

The children of parents without a residence permit are also regarded as Belgian or residents of Belgium. In the Wallonia-Brussels Federation, it is compulsory for all children to enrol in school from the age of five. However, children whose parents have no residence permit have no financial means of complying with this compulsory schooling requirement, which complicates the matter.

1. What is unjust is that neither these children nor their parents are entitled to any social rights
2. **To this end, we demand:**
* The right to **child** benefit for these children without a residence permit, in order to have financial means to survive.
* The right to a residence permit that would give these children other rights, such as the freedom to leave any country, including their own. Children born in Belgium do not know their parents' country of origin. Therefore, they have the right to know the country that takes them in. However, this restriction on the right to free movement of persons prevents children from fully exercising their right to cultural, intellectual and social integration, etc.... Automatic regularisation for children attending school would therefore be the solution that would open up access to other rights. Children legally resident in Belgium, for example, are entitled to other forms of social assistance that exclude their schoolmates without residence permits.

Another testimonial from a different member of the MPEVH team, - founder of the École Laïque du Chemin des Dunes and director of the film *"Forum La jungle de Calais"* – depicts a transitory space used by migrants crossing the border.

It's a horrible, deplorable, horrific place; surrounded by barbed wire and a former dumping ground for waste products from the chemical factories that surround it.

**[Il faudrait une meilleure facon d’introduire le teimoignage sur l’école laique. Autrement, cela manque quelques details]**

Associations, individuals and activist groups all thought that their dream of creating a secular school would come to nothing. However, thanks to the associations, the project went on to demonstrate that education is one of the most important gateways for all migrants.

Classes began under its roof, well before the start of the new school year, with a number of Pakistani and Sudanese children and adults.

The inauguration was both a great and special day.
Sudanese, Pakistanis, Syrians, Afghans, Iranians, Moroccans - almost every community on the site – zealously attended the celebration on the 11th July 2015, accompanied by music, singing and light refreshments.

Back to school day was fruitful. There were more than 60 pupils in the school hall and around ten outside, although it was raining and the school was very small (3m 90 by 6m 90). Afghan and Sudanese children found themselves on the same bench, despite the fact that these two communities had been in conflict for years. It was the first time that this took place in over fifteen years of clashes between the two communities.

The children's birthday celebrations gave many of the parents a chance to say hello, rub shoulders and talk to each other. And, of course, through the French language - which is what brought them together – the sharing and distribution of meals and basic necessities now took place cordially and with respect.

It was during the summer when families started to arrive in significant numbers. Taking care of these children is a necessity.

With the expansion of the first school, which was three times bigger than the first, a class was started that brought together children from all the communities. The new school includes a playground for the children and a kitchen for the little ones, with a canteen - as in all schools in Europe - an infirmary to provide first aid, and a meeting room equipped with a screen and a projector connected to a satellite channel for the entertainment of all the communities. In addition, there are four rooms to accommodate the truly international group of volunteers.

The class contributed significantly to the communal life of the different communities living on the site. Afghan children, Sudanese children, Ethiopian children, Iranian children, Kurdish children, etc., were the first to bond with each other, which then had an influence on their parents.

Seeing these children side by side makes these communities smile - whatever their origin or religion – all the more so thanks to birthday celebrations, film screenings or folklore events that show aspects of the authentic traditions of all the communities.

Sometimes, children from the Chemin des Dunes secular school are present during conferences in the Nord-Pas-de-Calais area, such as in Boulogne-sur-Mer or Wissant. At break time, these little children play football or have fun with the children from the local school. Afterwards, these same local children come back to the ‘Jungle’ to visit the children at the Chemin des Dunes secular school and share a cup of coffee or tea with them.
The undocumented children who live in our countries are a human resource for the development of social cohesion between different communities.

# Taking migrants’ health into account

Fourth testimonial/account

1. **An issue of injustice:**

Undocumented migrants are entitled to urgent medical assistance (Aide Médicale Urgente - AMU), which requires an emergency certificate issued by a general practitioner for consultations and the receipt of medication. In the event of chronic illness or accident, there is no time to obtain this certificate. What's more, this assistance does not cover all medical care. It means that we, people in the process of regularising our residence status, have to pay a large proportion of these costs, even though we have no right to an income.

1. **Nous revendiquons :**
* il serait juste de revoir ce qu’est une Aide Médicale Urgente (AMU), de lui donner une validité de six mois et d’ajouter un accès informatisé au système d’octroi de l’aide à tous les demandeurs bénéficiaires.
* Créer une mutualité des personnes sans titre de séjour pour subvenir aux besoins non assurés par l’AMU.

**We demand:**

* It appears reasonable to review what Aide Médicale Urgente (AMU) is, to give it a six-month validity and **to ensure all beneficiary applicants have computerised access to the system for granting aid**.
* Create a mutual fund for undocumented migrants to cover needs not met by the AMU.

 Another testimonial concerns the Zika virus that has spread in the Calais refugee camp.

The spread of the Zika virus in the camp was a cause for concern. The lack of sanitary facilities and inadequate protection against mosquitoes made the camp an ideal breeding ground for the virus.
The authorities and humanitarian organisations worked together in taking measures to prevent the spread of the virus.
Unfortunately, it is not uncommon for reports of health problems in refugee camps, or amongst migrants, to be accompanied by racist reactions in the social media. These reactions are often the result of prejudice and xenophobia, and can stem from fear of the unknown and the assumption that migrants or refugees are carriers of disease and infection.

Such reactions are not only unfounded and unethical, but also harmful and counter-productive. Disseminating xenophobic messages can undermine efforts to tackle health problems and further stigmatise vulnerable groups. It is important to remember that diseases and infections are not limited to specific groups of people, and that all communities are at risk. Instead of spreading prejudice and fear, it is vital we work towards an inclusive and open society, where everyone has access to healthcare and other basic needs. This includes providing adequate health facilities and medical care for refugees and migrants, and combatting all forms of discrimination and racism.

### Access to occupations in short supply

### Fifth testimonial

Contrary to popular belief, the PESI population is full of rich and diverse profiles and academic backgrounds. It is important to note that **many PESIs scale down their expectations on the labour market because of the myriad causes of migration**. In addition, the xenophobic procedures for accreditation and recognition of foreign diplomas for many ethnic minorities in Belgium, combined with the failure to take into account the skills and experience they have acquired, mean that they are forced to make career choices based on circumstance.

**We demand:**

* An (anonymous) census of the skills, acquired knowledge, professional experience and diplomas of migrants would enable the gathering together and incorporation into a database of the skills and occupations in short supply on the labour market.

At present, Belgium has a shortfall in the workforce across several sectors of the labour market. And yet, people without residence permits have a wide range of skills that are not officially recognised. These skilled persons are ready to work and contribute to the development of the community. Denied their rights, this is currently out of bounds to them.

* It is advised that this situation be re-examined, in particular by working on facilitating the recognition and equivalence of diplomas, in an attempt to take this neglected migrant population into account. A skills survey would provide an immediate solution.

Amongst the many rights denied to PESIs are access to education and vocational training.

To recap, with the pandemic came lockdowns, compelling the Belgian population to isolate themselves within four walls, imposing physical distance and closing down the hotel and catering industry, the entertainment sector and many so-called non-essential establishments.
The sudden emergence of this pandemic on Belgian territory has prompted an unprecedented mobilisation, which has been seen, amongst other things, in the expansion of social support for individuals and families from all walks of life. You might say that "desperate times call for desperate measures".

The severe health restrictions imposed by Covid-19 was certainly an ordeal for the millions of people locked down in Belgium in 2020. However, a section of the population known as 'undocumented migrants' have found themselves forgotten by the Belgian state because of the precarious nature of their administrative situation.

As access to work is hermetically sealed off for PESIs, for decades they have relied on undeclared work, most of which takes the form of jobs in the hotel and catering industry and working for private individuals (baby-sitting, personal assistance, domestic work, etc.). These jobs are mostly subject to unfair hourly or daily wage rates and carried out in working conditions that devalue people's human and intellectual worth.

Unsurprisingly, for the PESIs, all the restrictions imposed by the pandemic naturally led to the loss of already precarious jobs. It is important to note that these makeshift jobs, which at first seem to be a godsend, turn out to be insidious yokes of exploitation and unimaginable violence.

For many 'employers', the lack of a valid residence serves as leverage for stripping away migrants’ values, principles and scruples, revealing the most despicable demands and injustices: wages well below the prevailing hourly rates (e.g. €20 for a full day's baby-sitting, including washing up and cleaning), sporadic wages, blackmail, humiliation, gender-based violence and so on. These are just a few examples of what PESI workers have to deal with in the workplace.

Allow us to lay out a few other notable anomalies that are purely Belgian. Firstly, several sectors of activity are suffering from a shortage of active labour; more than 200,000 jobs in "short-staffed occupations" remain unfilled. However, tens of thousands of PESIs living in Belgium have been working there for years without any opportunity to enter the labour market legally. Yet the lives of these workers are at stake every day on public construction sites.

On that same subject, a number of accidents and deaths have made the headlines over the last few years and have been met with an appalling silence and indifference.

Let us be reminded that the reconstruction of the Maelbeek metro station in Brussels, following the terrorist attacks in March 2016, was the result of the hard work of undocumented migrants, who were immediately side-lined once the works were completed.

Furthermore, many undocumented women, nurses, trained care assistants, etc. were invited - at the height of the health crisis - to reinforce the nursing staff in rest and care homes. They worked and handled the pandemic alongside "documented" frontline health workers, but were immediately side-lined as the pandemic subsided.

Despite these shining examples of the activity and contribution of undocumented migrants, as well as the availability of a certain kind of labour, preconceived ideas persist about the alleged laziness and profiteering of migrants.

# The Rights of Asylum Seekers

### Sixth Testimonial/Account

**From the canal to dignity**
Since June 2022, several hundred asylum seekers have been spending the night in tents along the canal in front of the Petit Château in Brussels, the former international protection (asylum) registration office and welcome centre for asylum seekers. This situation is due to the lack of places in welcome centres, in total disregard for the right to housing of these individuals, which is enshrined in international law…

During the weeks spent in the tents, the health situation has deteriorated. Dozens of people are affected by scabies and are developing psychological problems due to the extremely precarious conditions.

In addition, since October 2022, around sixty asylum seekers have been squatting in a building in Schaerbeek that they have named "The Palace of Rights". It's a place where they can be protected from the cold and rain in the middle of winter. Thanks to humanitarian organisations, they were able to stay in the building and have their needs met in terms of food, health and heating. Before being evicted on 14 February 2023, the premises were occupied by around 1,200 people: asylum seekers, the homeless and undocumented migrants.

On 24 February 2023, a symbolic action took place on the outskirts of the Petit Château. A human chain surrounded the building. The demonstrators and humanitarian organisations demanded, and are still demanding, a dignified and humane asylum and reception policy, as well as accommodation for all the asylum seekers living in tents along the canal opposite the Petit Château.

To this day, the fight continues to find the means and to ask the political leaders to come up with a solution worthy of a European State, respecting the rules and rights of asylum seekers.

**Respecting the long-term ties of applicants for regularisation**

In 2006, very similar bills were tabled by three political parties, proposing five clear criteria for regularisation and the creation of a Regularisation Commission. These proposals were the result of close consultation with the UDEP (Union pour la Défense des sans-papiers – Union for the Defence of the Undocumented), the forerunner of the Coordination des sans-papiers (Coordination of the Undocumented).

At the time, there was a fairly broad consensus on these proposals. We suggest putting them back on the agenda ourselves as a basis of discussion by the political parties.

**Cinq critères « clairs et permanents »**

Five "clear and definitive" criteria

What the proposal says:

 - Criterion 1: "Victims" of lengthy asylum procedures

The Coordination would not fall into the trap of demanding procedures that are too short, which would only result in botched examinations and reduce the possibilities for undocumented migrants to defend themselves properly.
The Coordination believes that all procedures (not just those before the State Council) should be taken into account and included in this timeframe, in particular procedures for cohabitation, family reunification, marriage, and the various possible appeals, in particular to the Conseil du Contentieux des Étrangers, (The Counsel of Disputes for Foreigners) etc.

It should be remembered that undocumented migrants are usually (but not always) outside the procedures, as previous processes have not been successful.

- Criterion 2: People who are unable to return

The Coordination believes that the concept of the inability to return should be broadened.
In addition to countries at war, the Coordination proposes the inclusion of countries where fundamental freedoms are not guaranteed (for example, if freedom of expression is seriously violated, and exercising it would expose the individual to the risk of repression), if there is a risk of persecution, notably because of religion, skin colour, gender (countries where excision and forced marriage are practised on a regular basis), sexual orientation (countries where homosexuality is condemned)…

The aim is to give those whose asylum applications have been rejected a second opportunity to plead their case.

It also means allowing multiple asylum applications depending on developments in the country of origin (for example, developments in Afghanistan, Ethiopia, Iraq, Syria, etc.).

Finally, it means regularising the status of all those who cannot be deported.

- Criterion 3: The seriously ill or persons living with disabilities

The opinions of doctors carrying out treatment are often challenged by the medical advisers of the Immigration Office, whose opinion takes precedence. The Coordination is calling for the possibility of appealing to an independent Board of Doctors.
The Coordination stresses that there are frequently situations where there is no financial access to care in the country of origin, or the treatment of multiple and high-risk conditions.

- Criterion 4: Social ties and/or humanitarian circumstances

The Coordination emphatically draws attention to the difficulty of proving lasting ties: many undocumented migrants do not dare declare themselves in Belgium for fear of deportation. Registering with a Commune, for example, is problematic. As one of the proofs of residence, the Coordination would encourage registration with a CPAS (which would provide the reference address) in order to benefit from the AMU, the only recognised right. Many undocumented migrants are left to their own devices when it comes to healthcare and therefore do not apply for it.

The Coordination proposes the alignment of the situation of people who remain outside of the procedure with those who are in the process (criterion 1), i.e. a three-year presence in Belgium. It’s inevitable that lasting ties would form during this period.

- Criterion 5: The socio-economic contribution plan in Belgium

This is a case of "regularisation through work", as desired by employers to meet the needs of the labour market (see, as a reminder, the opinion of the Economic and Social Council of the Brussels-Capital Region and the ACTIRIS initiative).

The Coordination welcomes this, but wishes to draw attention to the following points:
1. What will happen to undocumented workers hired on the basis of the single permit when their employment contract comes to an end - loss of residence?
2. Taking into account only the employer's request creates a completely arbitrary situation: how can we give an equal chance of access to employment to all undocumented migrants who are volunteers?
3. What procedure should be put in place to regularise the employment of undeclared workers in companies? Shouldn't the logic be reversed?
4. Enable all undocumented workers to register as jobseekers with ACTIRIS and benefit from a skills assessment.

5. Arrange a period allowing employers and workers to switch from undeclared to declared work (a sort of "social amnesty" period).
6. Provide for aid such as a progressive reduction in social security contributions to support this transition to employment.
Once they have paid contributions for six months, either through previous work or under this scheme, undocumented migrants should benefit from automatic and definitive regularisation.

Employers who continue to exploit undocumented workers will be subject to the "sanctions directive".

Undocumented workers who continue to work illegally at the end of this social amnesty period (those whose employers have not regularised them) should be considered as victims of human trafficking, and regularised on this basis.

* The creation of an independent commission that examines each application individually to ensure transparency and fairness. The application must be free of charge.

OQTs (orders to leave the country) cannot hinder the procedure: the person who has submitted an application for regularisation under the new procedure is protected for its duration. This process must be able to take place with the applicant in Belgium, without returning to the country of origin. This is contrary to the case law of the State Council (see Čonka case).

The concept of home and/or reference address must be made more flexible. In addition to that of the CPAS where the undocumented migrant receives AMU, there should be allowances for it to be that of the lawyer managing his or her procedure, an occupation, a legal aid association, or a trade union, for example...

This Commission must support the requisite fairness of the Foreign Office and enable the Minister's discretionary power to be removed. Recent abuses confirm the need to create such an independent Commission.

# Conclusion & Manifesto

Let us stop turning away and open our eyes to the issue of migrants and undocumented citizens and let’s work towards a better world for us all.

Despite the government's attempts to deport undocumented migrants, they have been organising and occupying the land for many years now.

Here are a few key moments from those years of struggle:

- Spring 2006: under the impetus of the UDEP (Union pour la Défense des Sans-Papiers, founded in 2004 on the occasion of a European march for the regularisation of undocumented migrants), the organisation of forty-two occupations of churches and other public buildings, and hunger strikes led by several hundred undocumented migrants; alliance with large sections of civil society: trade unions, constituent associations of the Forum Asile Migrations (FAM), citizens' collectives, universities, etc.
 ◦ June 2007: federal elections, followed by a major demonstration in Brussels in favour of the regularisation of undocumented migrants according to clear criteria.
 ◦ January, February 2008: another building occupation in Brussels and renewed hunger strike by undocumented migrants.
 ◦ March, April 2008: the government’s deal mentions the possibility of clarifying certain regularisation criteria; the general policy note from the Minister for Asylum and Migration Policy promises a memorandum along these lines.
 ◦ April to July 2008: a succession of actions by undocumented migrants - demonstrations, occupations of churches and other buildings, hunger strikes.

◦ 19 July 2009: the promised memorandum finally arrives; its adoption is followed by a regularisation campaign whose criteria are so restrictive, however, that many undocumented migrants are ultimately unable to benefit from it, particularly amongst those who were hoping for regularisation through work.

 ◦ 2011: creation of the "Sans-Papiers Belgique" collective, which aims to recreate a relationship of strength with the authorities following the failure of the 2009 regularisation campaign.
◦ 2013: creation of "Collect'Actif", a group of undocumented migrant activists who are particularly concerned about the issue of food waste. This CSO organises the collection of foodstuffs, offers an evening meal and prepares food parcels for families in precarious situations, whether undocumented or officially citizens.

 ◦ June 2014: major mobilisation due to the stopover in Brussels of the "International Migrant Caravan for Equality, Dignity and Social Justice", which brings together undocumented migrants and asylum seekers from France, Italy, Germany, the Netherlands and Belgium. Shortly afterwards, "La Voix des sans-papiers" and the "Groupe Régularisation 2009" is founded, two groups that take over from "Sans-Papiers Belgique", which has since been dissolved.

◦ August 2014 to the end of 2014: the "Coordination des sans-papiers" is set up as an umbrella for various undocumented migrants' collectives. Their spokespersons draw up a joint list of demands and organise demonstrations every Monday and Thursday in front of the office of the Secretary of State for Asylum and Migration.
◦ Early 2015: demonstrations outside the office of the Secretary of State resume and a march of undocumented migrants is organised in Antwerp.

 ◦ May 2015: organisation of the "March of 10,000 undocumented and documented migrants" to demand the regularisation of all undocumented migrants. Undocumented migrants' representatives speak at the European Parliament.
 ◦ June 2015: march on Wavre (the Prime Minister’s city). Creation of the Undocumented Women's Committee, which brings together women from the various collectives that are part of the Coordination; it organises a weekly demonstration by undocumented women in the centre of Brussels.

◦ Autumn 2015: Many would-be refugees gather and camp at Parc Maximilien. The "Plate-forme citoyenne de soutien aux réfugiés" (The citizen platform for the support of refugees) is created. Throughout this period, the undocumented migrants work alongside **regularised** migrants, all the while reminding them of the need to transform Belgian and European migration policy.
 ◦ In the last quarter of 2015 and the first quarter of 2016, various actions follow one another: organisation of a major demonstration in favour of the regularisation of all undocumented migrants, rallies in front of the Immigration Office, demonstrations by undocumented women.
 ◦ 22 March 2016: the terrorist attacks at the airport and in the Brussels metro prompt the authorities to declare a state of emergency, which inevitably makes demonstrations and other gatherings temporarily impossible.

◦ However, in the final months of 2016, the Caravane des sans-papiers sets off to raise awareness about the cause of undocumented migrants amongst the citizens of Liège, Verviers, Mons and La Louvière.
◦ In 2017, the undocumented migrants continue this work of awareness-raising and winning back public opinion by organising demonstrations (in June and November) to remind people of their situation and demand regularisation, in the process taking the Caravan to meet the public in Louvain-la-Neuve. They oppose the government's migration policy by issuing press releases and joining demonstrations against it. One of the collectives meets members of the cabinet of the Minister for Employment to discuss the issue of work for undocumented migrants. The undocumented migrants are also organising elections to appoint a representative to act as their spokesperson at the European Economic and Social Council (EESC).

◦ June 2018: after the publication of a White Paper, once again the undocumented organise a national demonstration in favour of regularisation. Twice during the same month of June, the Coordination brings undocumented migrants together in a general assembly. Over the course of the year, undocumented migrants tirelessly organise actions or join protests targeting the most dramatic direct or indirect consequences of the government's migration policy: in particular the death of little Mawda and the detention of families with children in closed centres.
 ◦ September 2018: the Coordination presents the press with the results of the survey carried out by undocumented migrants, via BESP, among 235 people without residence permits, which leads to the formulation of a series of recommendations in the run-up to the October 2018 communal elections. In late September and early October, training mornings for the public and political authorities are also being organised with the same aim of presenting the findings of the study, and meetings with the mayors of some of the city's communes are organised.
◦ At the beginning of 2019, a second set of recommendations will be drawn up and distributed with the May federal elections in view. Meetings with the mayors, aldermen or directors of the CPAS’s of the Brussels municipalities continue. Democratic fora on regularisation are being organised at the universities of Louvain, Brussels, Mons, Leuven, Liège and Namur.

◦ A new national demonstration in favour of regularisation is organised.

◦ November 2019: the Women's Committee, whose mobilisation had run out of steam, is re-launched.

 ◦ March 2020: faced with the rapid spread of the Covid-19 epidemic, Belgium, like many other European countries, decides to impose a lockdown on its population. The Coordination des sans-papiers reacts immediately. It publishes a press release stressing the need for measures to extend the prevention of contamination to excluded groups such as undocumented migrants; it launches a solidarity appeal for the spaces being occupied by undocumented migrants, whose inhabitants are now totally deprived of income due to the shutdown of the economy and, in particular, undeclared work; it distributes information to undocumented migrants about the coronavirus and its symptoms, the risks of contamination, preventive measures and the medical centres still accessible to undocumented migrants.

 ◦ Right up to the end of that year, the mobilisation continues unabated, despite all the constraints imposed by the pandemic, but always in compliance with health safety instructions. Not a month goes by without an action organised by the undocumented migrants' collectives or by the coordination, or without an intervention in collaboration with the institutions and organisations that support them. A silent demonstration in front of the office of the Minister for Public Health; a letter from the Coordination to all Belgian politicians asking them to follow the example of Portugal, which regularised undocumented migrants as part of the fight against Covid-19; a campaign on social networks using the hash tag #labelgiqueaussipeutregulariserlesspapiers; and the launch of a petition to the federal government in favour of regularisation; publication by the BESP of various analyses carried out as an observation of the covid-19 pandemic amongst undocumented migrants, as well as a participatory study on the schooling of undocumented migrants' children and, following this publication, a meeting of the undocumented migrants' women's committee with the Minister of Education of the Wallonia-Brussels Federation; rallies and demonstrations to call for regularisation; letters to all party presidents currently negotiating the composition of a new government to ensure that the situation of undocumented migrants is taken into account by the new government; White Papers, press releases, videos to raise awareness of the reality of ‘irregular’ residents, etc.

◦ January, February 2021: the Coordination draws up a new roadmap which it presents to all ministers concerned. Nevertheless, no results are obtained and all refer to their colleague responsible for Asylum and Migration. As the document entitled *Aspects spécifiques de la problématique des femmes sans-papiers TÉMOIGNER - ANALYSER - AGIR* (Aspects specific to the issue of undocumented women - Giving evidence - Analysis– Taking Action) points out, "this causes great despair among undocumented women, and breaks up the movement". Some of the collectives launched a campaign of "solidarity requisitions" of unoccupied buildings to rehouse people who were about to be evicted from their homes, and to create accommodation specifically for women and families. Several hundred other undocumented migrants, belonging in particular to the USPR (Union des Sans-Papiers pour la Régularisation – Union of Undocumented Migrants for Regularisation), initiate new political occupations of various sites, including the Béguinage church, the ULB and the VUB.

◦ During this same period, the Undocumented Women's Committee continues to structure itself and develop its own positions. A group of eight women spokespersons for the Committee is set up, and very quickly becomes very active, meeting with political and administrative leaders, speaking at various gatherings, organising and leading seminars and workshops, etc.
 ◦ 26 February 2021: the Coordination sends a new open letter to all the ministers at the various levels of power, denouncing the migration policy set out in the government agreement from the new Vivaldi coalition, protesting against the absence in this deal of any mention of people without residence permits, and calling once again for regularisation.

◦ May 2021: the undocumented migrants occupying the ULB, the VUB and the Béguinage church go on hunger strike.
◦ June 2021: the Coordination publishes a press release warning that the hunger strikers are in mortal danger and reiterates, for the umpteenth time, the demand for regularisation, the only fair solution for people who have often been living in Belgium for many years.

 ◦ July 2021: the USPR receives the Civic Pride Award from the European Civic Forum. The hunger strikers receive a great deal of support, and a large group of university professors and researchers draw up concrete proposals for regularisation that would not be "mass" regularisation, but rather regularisation on a case-by-case basis. Nevertheless, the authorities turn a deaf ear to these proposals and invite the hunger strikers to suspend their strike, which has already lasted sixty days, in exchange for guarantees of a "more humane" treatment of their case.

March 2021: launch of the *We are Belgium Too* campaign by Sans-papiers TV, with the support of CIRE not-for-profit, and at the request of the Coordination. Short videos are produced and broadcast featuring testimonies from undocumented migrants.

◦ April 2021: participation by several undocumented migrants from the Coordination in the Brussels French-speaking Parliament’s ‘Chamber Thursday’, devoted to the situation of undocumented migrants in Brussels.
◦ October 2021: organisation of a *We are Belgium Too* demonstration, calling for the regularisation that many associations, trade unions, municipalities and various professional groups believe should be implemented.

◦ 25 November 2021: the Undocumented Women's Committee organises a Colloquium on the theme of "Highlighting the invisibility of violence against undocumented women"

◦ November 2021: the first decisions on the hunger strikers' cases are handed down. They are mostly negative.

◦ February 2022: the Coordination, the USPR and the Neutral Zone Collective, supported by several Belgian NGOs, invite citizens to become co-sponsors of a citizens' bill for the regularisation of undocumented migrants. (The law of 2 May 2019 on petitions to the House of Representatives allows citizens to submit a bill to the federal parliament if they gather 25,000 signatures within a given period.) The text has been drafted with the help of specialist legal experts, sets out clear criteria for regularisation and proposes that an ad hoc independent commission be set up.
◦ November 2022: the proposal is tabled in the House. At the time of the demonstration in favour of regularisation held on 5 March 2023, it appears it has not yet been considered.

The history of the struggles led by undocumented migrants in Belgium demonstrates - if it were even needed - that migrants are not just passive victims, targets of economic globalisation or repressive regimes, fleeing misery or the desert, torture or death, individuals deprived of their rights, stripped of their identity...They are fully subjects; political subjects. In other words, actors with whom and through whom it is possible to invent a new democratic project, a more egalitarian and fairer European future based on solidarity and free movement for all.

Political subjects - as were citizens in the eighteenth century and proletariats in the nineteenth - through the prism of which we can glean a whole range of societal issues such as employment, citizenship, housing, growth, demography, the environment, international relations and culture.

Through the prism of these issues, we also see others suffering in cities and rural areas: the homeless, the poor, the unemployed, the disabled, the downtrodden and all those who no longer have a right to the common banquet. This is because European governments treat migrants in the same way as they treat their precarious or destitute populations, excluding both.

The acuteness of the migratory situation is revealing of related - and no less urgent - issues that are part of the same general dysfunction, revealing a crisis with diverse manifestations. Responses must be found, because there is a real and imminent risk of allowing populism, sectarianism and extremism of all kinds to respond by trampling on the principles of freedom and equality for all that underpin the European idea.

Thus, the European states must react with urgency to climate change, which poses a serious threat to all their citizens, and whose effects will become a major cause of future migration. Democracies must do more to protect their citizens and include newcomers in order to repair the social divisions that are undermining national cohesion, and Europe must regain its place on the world stage by defending its defining values of tolerance and hospitality.