



To the attention of
Ms von der Leyen, President of the European Commission,
Ms Johansson, European Commissioner for Home Affairs,
Mr Reynders, European Commissioner for Justice.

Brussels, 1 September 2023

Letter concerning reception conditions for asylum seekers in Belgium and recent decision by Belgian Secretary of State for Asylum and Migration not to house single male asylum seekers.

Since October 2021¹, the situation for asylum seekers has been extremely problematic in Belgium in violation of the Reception Conditions Directive², which provides that asylum seekers have the right to housing. In June 2023, 2100 asylum³ seekers had no accommodation, seriously affecting their health and well-being.

In January 2023, the Commission opened infringement proceedings against Belgium for not transposing the Reception Conditions Directive correctly⁴. In February 2023, a Dutch court suspended a Dublin transfer to Belgium because of the reception crisis⁵. By May 2023, Belgian courts had handed down 6 761 decisions condemning Belgium's failure to provide shelter to asylum seekers, while the European Court of Human Rights (ECtHR) had ordered 1 656 interim measures in this regard⁶. On 18 July 2023, Belgium was condemned by the ECtHR⁷ for violating the right to a fair trial for failing to comply with court rulings requiring the reception of asylum seekers.

On 29 August 2023, Belgian Secretary of State for asylum and migration, Nicole de Moor announced⁸ that Fedasil, Belgian reception network for asylum seekers, will not host single men anymore. Not only this goes against the many decisions by the ECtHR and Belgian justice, but it also is a direct violation of the reception conditions directive. While the Belgian Secretary of State argues that this decision is to reserve places for children and families, we would like to recall that exceptions to its application are strictly framed in the directive and that "*such different conditions shall in any event cover basic needs*" which includes housing.

This position has been reaffirmed in the revision of the reception condition's text agreed between co-legislators in trilogue on 15 December 2022. Article 17 paragraph 9, recalls that even in the case of exceptions, that would have to be justified "*Such different material reception conditions shall in any*

¹ BELRefugees, Caritas International, Ciré, Médecins du Monde, MSF, Vluchtelingenwerk Vlaanderen, *Crise de l'accueil: État des lieux*, 25 May 2023, available here: <https://www.cire.be/communiqué-de-presse/rapport-crise-accueil/>.

² Directive 2013/33/EU

³ Figures as of 6 June 2023.

⁴ https://ec.europa.eu/commission/presscorner/detail/en/inf_23_142

⁵ District Court of The Hague, *Case NL23.382*, 20 February 2023.

⁶ BELRefugees, Caritas International, Ciré, Médecins du Monde, MSF, Vluchtelingenwerk Vlaanderen, *op cit.*.

⁷ ECHR, *Camara v. Belgium case* (no. 49255/22), 18 July 2023.

⁸ RTBF, *La secrétaire d'État Nicole de Moor suspend temporairement l'accueil des hommes seuls*, 29 August 2023. Available here: <https://www.rtbf.be/article/la-secretaire-d-etat-nicole-de-moor-suspend-temporairement-l-accueil-des-hommes-seuls-11247676>.



circumstances ensure [...] a standard of living for all applicants in accordance with Union law, including the Charter of Fundamental Rights of the European Union, and international obligations.”

Considering its blatant violation, we ask the European Commission to recall Belgian authorities to their reception obligation under directive 2013/33/EU. Taking into account the numerous violations taking place for several years now, we also ask the European Commission to start as soon as possible an infringement procedure against Belgium. We would also like to draw the attention of the European Commission regarding the lack of enforcement of judicial decisions creating a severe damage to rule of law.

We look forward to hearing from you.

Please accept the assurances of our highest consideration.

Saskia Bricmont, Greens/EFA Member of the European Parliament,
Rasmus Andresen, Greens/EFA Member of the European Parliament,
Konstantínos Arvanítis, The Left Member of the European Parliament,
Malin Björk, The Left Member of the European Parliament,
Damian Boeselager, Greens/EFA Member of the European Parliament,
Damien Carême, Greens/EFA Member of the European Parliament,
Clare Daly, The Left Member of the European Parliament,
Gwendoline Delbos-Corfield, Greens/EFA Member of the European Parliament,
Cornelia Ernst, The Left Member of the European Parliament,
Alexandra Geese, Greens/EFA Member of the European Parliament,
José Gusmão, The Left Member of the European Parliament,
Pierrette Herzberger-Fofana, Greens/EFA Member of the European Parliament,
Sophie In't Veld, Renew Member of the European Parliament,
Petros Kokkalis, The Left Member of the European Parliament,
Alice Kuhnke, Greens/EFA Member of the European Parliament,
Philippe Lamberts, Greens/EFA Member of the European Parliament,
Katrin Langensiepen, Greens/EFA Member of the European Parliament,
Pierre Larrouturou, S&D Member of the European Parliament,
Erik Marquardt, Greens/EFA Member of the European Parliament,
Marisa Matias, The Left Member of the European Parliament,
Karen Melchior, Renew Member of the European Parliament,
Tilly Metz, Greens/EFA Member of the European Parliament,
Hannah Neumann, Greens/EFA Member of the European Parliament,
Janina Ochojska, EPP Member of the European Parliament,
Jan-Christoph Oetjen, Renew Member of the European Parliament,
Anne-Sophie Pelletier, The Left Member of the European Parliament,
Diana Riba i Giner, Greens/EFA Member of the European Parliament,
Eugenia Rodríguez Palop, The Left Member of the European Parliament,
Isabel Santos, S&D Member of the European Parliament,
Mounir Satouri, Greens/EFA Member of the European Parliament,
Birgit Sippel, S&D Member of the European Parliament,
Jordi Solé, Greens/EFA Member of the European Parliament,



Sylwia Spurek, Greens/EFA Member of the European Parliament,
Tineke Strik, Greens/EFA Member of the European Parliament,
Miguel Urban Crespo, The Left Member of the European Parliament,
Ernest Urtasun, Greens/EFA Member of the European Parliament,
Monika Vana, Greens/EFA Member of the European Parliament,
Kim van Sparrentak, Greens/EFA Member of the European Parliament,
Nikolaj Villumsen, The Left Member of the European Parliament,
Mick Wallace, The Left Member of the European Parliament.