

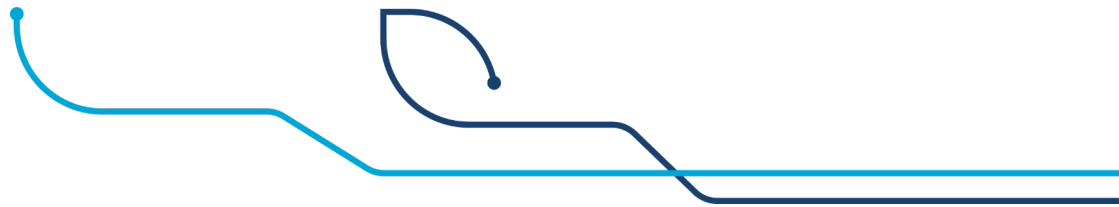
Policy Brief

An Education Pathway to Belgium for Displaced Students:

Looking for the Best Legal Framework

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Pathways International is dedicated to growing pathways to protection for refugees and migrants. We envision a world where every displaced person has a pathway to protection, and every potential host community has an opportunity to welcome. Our world-class team works closely with leaders and innovators from across sectors in over 20 countries. Together we are working to build a bigger, better system of safe and legal routes. For further information, please visit our website: <https://pathways.website>. For any questions regarding this policy brief, please contact the author at: idelorenzocacerescantero@pathways.email.

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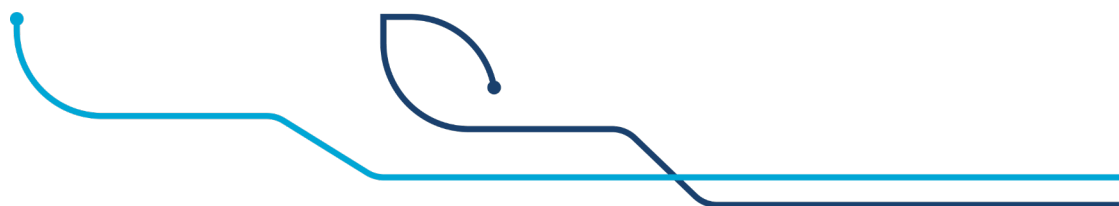
Cover photo © UNHCR / Frederik Bordon. In September 2023, three refugee students from Syria and South Sudan arrived in Belgium to pursue postgraduate studies at KU Leuven. They were welcomed at Brussels airport by community sponsors and staff of Fedasil, Caritas International Belgium and UNHCR.

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This policy brief is part of a series documenting specific aspects of the policy design process of skills-based pathways to Belgium, Ireland and Italy in the context of the EU-Passworld project.

The Government of Belgium is fully committed to complementary pathways for people in need of international protection. Belgium is one of the first Member States of the European Union (EU) developing an education pathway for displaced students and a labour pathway for displaced workers. This is taking place in the context of two projects funded by the EU's Asylum, Migration and Integration Fund (AMIF): EU-Passworld and Displaced Talent for Europe (DT4E).

EU-Passworld is a three-year (2022-2024) project in which a multi-stakeholder consortium led by Caritas Italiana is working to design and pilot innovative education and labour pathways with a link to community sponsorship in Belgium, Ireland and Italy for at least 200 individuals in need of international protection by the end of 2024. In Belgium, EU-Passworld counts with the full commitment of competent national authorities and is led by Fedasil, Caritas International Belgium and KU Leuven.

Despite an initial focus on testing different policy approaches with small numbers of beneficiaries, pilots established in the context of EU-Passworld are being built in a way that will allow pathways to grow into self-sustaining programmes that work at scale. By exploring how community sponsorship can be leveraged to support the welcome and integration of education and labour pathway beneficiaries, EU-Passworld will develop evidence on when and how sponsorship leads to more sustainable, effective and efficient complementary pathway programmes, also benefitting receiving communities and societies at large. For further information, please visit the project website: <https://www.eupassworld.eu>.

DT4E is a three-year project (2022-2024) led by the International Organization for Migration (IOM) and implemented in partnership with Talent Beyond Boundaries (TBB), Fragomen, Fedasil and the Alto Comissariado para as Migrações (ACM). The project aims to facilitate and strengthen labour mobility schemes to match skilled individuals in need of international protection living in Jordan and Lebanon with employers in Ireland, Belgium, Portugal and the United Kingdom. DT4E aims to address global skills shortages while also providing a safe and legal pathway that enables displaced workers, including refugees and their families, to sustainably integrate into the European labour market. This is an employer-led initiative based on international recruitment models with little or no cost to receiving States. DT4E targets a minimum of 250 workers to benefit from the project. For further information, please visit the project website: <https://belgium.iom.int/displaced-talent-europe-dt4e>.

I. Legal Status: A Fundamental Choice in the Design of an Education Pathway

The status on which displaced students legally enter and reside in a given country is a crucial choice when designing an education pathway.

The United Nations Office of the High Commissioner for Refugees (UNHCR) recommends that “opportunities offered through [education] pathways should allow for a long-term solution through a regular migration system or asylum system in the new country, instead of short-term study and scholarship programmes.”¹ This includes not only stay arrangements for the duration of the relevant study or vocational training programme, but also clear post-graduation legal stay options, as well as non-refoulement and other protection safeguards at all stages.²

In addition to protection considerations, legal status typically determines the rights, entitlements and level of socio-economic integration and other State financial support that students arriving through education pathways can access.

Legal status was therefore one of the core issues addressed during the policy design process of an education pathway for displaced students to Belgium. Between July 2022 and May 2023, Pathways International led five policy design sessions co-convened by Fedasil, Caritas International Belgium and KU Leuven. Representatives of Belgium’s Immigration Office (IBZ),³ the Office of the Commissioner General for Refugees and Stateless Persons (CGRS),⁴ UNHCR,⁵ civil society organizations and refugee students also attended these workshops.

Participants in the policy design process conducted a comprehensive comparative analysis of three potential status options for the beneficiaries of the education pathway to Belgium (see Annex I):

- ➔ Student, as defined by article 60 and following of the law of 15 December 1980.⁶
- ➔ Refugee, as defined by article 48 of the 1980 law.
- ➔ Humanitarian visa holder, on the basis of article 9 of the 1980 law, which gives discretionary power to Belgium’s Secretary of State for Asylum and Migration (henceforth Secretary of State) to issue a visa to enter and stay in Belgium for more than 3 months.⁷

¹ See [link](#).

² By definition, refugee students cannot go back to their country of origin once they graduate, and in many cases it is impossible for them to return to their country of first asylum.

³ See [link](#).

⁴ See [link](#).

⁵ See [link](#).

⁶ *Loi sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers*. See [link](#).

⁷ The law makes no explicit mention of the possibility to obtain a 'humanitarian visa' to access Belgian territory, but article 9 is regularly used as legal basis to grant a visa for humanitarian reasons, mainly in the context of resettlement, extended family reunification, and humanitarian or other urgent situations. This three broad categories are highlighted in IBZ's 2022 report (see [link](#), page 18). In 2022, there were 2,184 applications for a visa on humanitarian grounds, 870 positive decisions and 685 rejections. For a 2017 analysis of the use of the visa D for humanitarian reasons, see [link](#).

II. Why Refugee Status? Opportunities and Challenges

Drawing on this analysis, Fedasil, Caritas International Belgium, KU Leuven, Pathways International, IBZ, CGRS and UNHCR recommended to the Secretary of State that education pathway beneficiaries be granted refugee status based on two key arguments. Firstly, from a policy and programme perspective, this option can contribute to pathway growth, despite five potential limitations. Secondly, this is by far the most sustainable option for education pathway beneficiaries, and it will allow students to rebuild their life in Belgium and contribute their skills and talent to Belgian society.

1. Policy and Programme Perspective: A Solid Foundation for Pathway Growth

From a policy and programme perspective, both the legal framework and financing model linked to refugee status seem conducive to pathway growth.

LEGAL FRAMEWORK

Granting education pathway beneficiaries international protection in Belgium on the basis of article 48 of the 1980 law will provide reasonably clear, transparent and predictable procedures, rights, entitlements and responsibilities that are well known to all relevant State authorities, higher education institutions, civil society organizations and other actors. This will make the pathway easy to operate at scale, as an existing framework is always less time-consuming and resource-intensive than processes of discretionary nature involving case-by-case exceptions.⁸

It must be noted, however, that travel to and entry in Belgium will happen on a humanitarian visa that is regulated by article 9 of the above-mentioned law, which leaves ample room for government discretion. Furthermore, there is also the possibility that students decide not to seek (or are not granted) international protection in Belgium. These limitations are discussed below.

FINANCING MODEL

Education pathway beneficiaries, just as any recognized refugee in Belgium, will be eligible for financial support from the Public Centre for Social Welfare (CPAS/OCMW). This financing, in addition to the resources contributed by higher education institutions and local communities across the country, will signal a high level of political commitment by the Belgian government, and could be seen as a sort of start-up capital that will attract new sources of funding and provide an incentive for universities and other actors to engage in the education pathway.

Multi-stakeholder engagement should in turn allow for a gradual but steady growth path for the programme over the coming decade,⁹ assuming that there is sustained political support. Furthermore, CPAS/OCMW resources are available to every municipality in Belgium and local actors know how to manage them, which may lead to an equitable and reliable public-private financing approach, at least in the short and medium term.

⁸ See [link](#) (pages 2 and 21); [link](#) (pages 15-16); and [link](#) (pages 28-29).

⁹ Experiences in other countries show that the multi-stakeholder nature of education and other complementary pathways is a key driver of their growth, see [link](#); [link](#) (pages 35-37); and [link](#).

However, from a policy and programme perspective, the choice of refugee status presents five potential challenges:

- A first obstacle is that eligibility for the pathway will be limited to students with nationalities that have a high asylum recognition rate in Belgium, or who are already recognized refugees in their country of first asylum. In practice, this can lead to the exclusion of large numbers of candidates with the academic qualifications to be admitted by a Belgian higher education institution and compromise equitable access to the pathway. For instance, the call for applications for the 2023 pilot was targeted at DAFI scholars residing in Egypt from five nationalities with a high recognition rate in Belgium (Eritrea, Ethiopia, South Sudan, Syria and Yemen). Candidates from these nationalities did not need to provide proof that they had undergone a Refugee Status Determination process (RSD).¹⁰ However, DAFI scholars from any other nationality did require an RSD to be eligible for the education pathway.
- Secondly, according to some government stakeholders, the fact that education pathway beneficiaries are not required to prove their commitment to pursue and successfully complete a higher education programme in order to continue to legally reside in Belgium might represent a liability for the integrity of the education pathway, as beneficiaries would in principle be able to discontinue their studies once they have been granted refugee status without any further consequence. A high rate of drop-outs might then lead higher education institutions to disengage from the programme.
- Thirdly, every education pathway beneficiary must apply for asylum once they are in Belgium, which may result in some students deciding not to seek international protection for a variety of reasons. This will inevitably lead to differences in rights and entitlements among education pathway beneficiaries – and expose students to the discretionary interpretation by different authorities of the specific requirements and benefits that are linked to a humanitarian visa (see Annex I). This could not only make programme implementation complex, but also lead to inequities among beneficiaries.
- The fact that applying for asylum can only happen on Belgian territory and education pathway beneficiaries need a humanitarian visa to access Belgium in order to do so that could also compromise the long-term sustainability of the pathway. The decision to grant each student a humanitarian visa is discretionary, and must be made and communicated by the Secretary of State on a case-by-case basis. Furthermore, the growth in numbers and continuity in time of the programme will always depend on the level of political support for the education pathway by the incumbent government.
- Finally, the experience of the 2023 pilot in Belgium shows that it can be difficult to frame the education pathway as truly complementary, additional and based on skills when the programme resorts to a legal basis that is regularly used in the context of humanitarian or other heightened vulnerability situations. That said, additionality is not per se compromised by the use of a humanitarian entry channel or by the granting of refugee status, and the largest education pathway in the world is built around a community sponsorship policy framework.¹¹

¹⁰ See [link](#).

¹¹ Canada's Student Refugee Program (SRP) has been in place since 1978 and has empowered over 2,000 young refugees from 39 countries of origin to continue their education in safe and supportive environments in Canada since the program began. See [link](#).

2. Student Perspective: A Sustainable Future in Belgium on the Same Terms as Belgian Citizens

From the perspective of the individual students who will benefit from the education pathway to Belgium, international protection will ensure a sustainable long-term solution through clear post-graduation legal stay options and a high level of protection safeguards. This will allow education pathway beneficiaries to fully focus on their studies from the outset, and set them up for success by enabling them to easily join the national labour market upon graduation, contribute to Belgian society, and build a sustainable future in the country.

Refugee status grants access to long-term residence that is not contingent upon renewal conditions such as academic performance or financial resources;¹² a right to family reunification without having to prove stable, regular and adequate means of subsistence, access to healthcare or adequate housing;¹³ access to the labour market on the same terms as Belgian citizens without the need for a work permit (both during studies and after graduation); entitlement to State financial support provided by the Public Centre for Social Welfare (CPAS/OCMW)¹⁴ and to other public benefits and programmes such as scholarships on the same conditions as Belgian nationals;¹⁵ and the possibility to obtain a renewable travel document issued by Belgium to travel abroad.¹⁶

The only potential limitation of refugee status will be the inability of students to return to their country of origin. Furthermore, education pathway beneficiaries will have to feel comfortable with the idea of staying in Belgium for the foreseeable future and eventually becoming Belgian citizens. This is a rather different starting point than the short-term or open-ended nature of other opportunities in third countries for displaced individuals.

¹² Recognized refugees in Belgium have the right to reside temporarily in the country and are initially granted a residence permit for a period of 5 years, starting from the day they applied for asylum. After this period, they are given permanent residence and have a pathway to Belgian citizenship.

¹³ This exemption applies if “the sponsor enjoys international protection granted by Belgium, provided that the blood or affinity link already existed before their arrival in Belgium and that family reunification is applied for within the year (12 months) after the decision of the CGRS to grant international protection” (see [link](#)). Although at present only single candidates without dependents are eligible for the education pathway, if selected students are granted refugee status, they will have a right to family reunification in the above terms, and will be informed about it accordingly.

¹⁴ See [link](#).

¹⁵ The exact amount of this support will depend on individual family and residence circumstances, as well as other factors. For instance, since 1 July 2023, a single person living on his own in Belgium would receive 1.238,41 Euros per month, without taking into account other possible benefits that might be deducted from this sum. See [link](#).

¹⁶ See [link](#) for further rights and obligations of recognized refugees in Belgium.

III. Why Not Student Status? Opportunities and Challenges

Bearing in mind the above considerations, in February 2023 the Secretary of State agreed to pilot the new education pathway to Belgium using refugee status, also asking EU-Passworld project partners to assess the feasibility of using Belgium's existing legal framework for international students from 2024 onwards.

Following the Secretary of State's decision, Fedasil, Caritas International Belgium, KU Leuven, IBZ, CGRS, UNHCR and Pathways International developed a selection procedure to pilot the education pathway to Belgium with three students during the 2023-2024 academic year using refugee status (see Annex II for a step-by-step overview of this procedure)¹⁷.

At the same time, between July and October 2023 Pathways International conducted an in-depth analysis of the feasibility of using article 60 of the 1980 law – Belgium's existing legal framework for third-country students – as legal basis for the education pathway to Belgium. The assessment, which draws on a desk review and interviews with IBZ, CGRS, KU Leuven and Caritas International Belgium representatives, identifies each of the obstacles that displaced students would likely face to enter and reside in Belgium through this channel, also proposing practical solutions to overcome these roadblocks (see Annex III).

Drawing on this analysis, in December 2023 EU-Passworld partners advised the Secretary of State against the use of article 60 as legal basis for the education pathway to Belgium based on two key arguments. Firstly, from a policy and programme perspective, student status is less likely to drive programme growth, despite advantages in terms of eligibility and communication. Secondly, this option is highly unlikely to ensure sustainability for education pathway beneficiaries.

1. Policy and Programme Perspective: No Easy Path to Programme Growth

Similarly to refugee status, the law, policy and practice regulating the arrival and stay in Belgium of third-country students is a well-established legal framework where there are reasonably clear, transparent and predictable procedures, rights, entitlements and responsibilities that are well known to all relevant State authorities and other actors.¹⁸ This should in principle ensure that the education pathway can grow and work at scale.

Furthermore, under this framework eligibility for the education pathway would be very broad and access very equitable, as displaced students from any nationality who are admitted to a Belgian university would be eligible. They would just have to be in a situation of displacement, but the likelihood that they would be granted international protection in Belgium would not have to be assessed as part of the selection process.

In principle, working with student status would allow for the pathway to work at scale and in the long term autonomously from government support. Unlike the humanitarian visa, the student visa is not issued at the discretion of the Government of Belgium. There would be no difference in rights and entitlements among education pathway beneficiaries, nor discretionary interpretations by different authorities of the specific requirements and benefits linked to third-country student status. This high level of predictability and homogeneity should make the pathway easier to grow and manage at scale.

¹⁷ See [link](#) for a profile of one of these students.

¹⁸ There are, however, well-documented and recurrent issues with the practical implementation of this framework that deserve monitoring, including unpredictability (long delays for visa issuance and residence permit renewal that prevent timely enrollment of third-country students); uncertain criteria to receive State financial support; and border detention of students due to entry criteria presumably not being met. For concerns raised by Belgium's Federal Ombudsman, see [link](#); [link](#); and [link](#).

An additional consideration that may support the scalability and sustainability of the education pathway under this framework is that the choice of a regular migration channel would make it easier to convey that this is a complementary pathway additional to the annual resettlement quotas set by Belgian government and to its humanitarian admission initiatives. Communication around the fact that beneficiaries access the pathway based on their skills just as any other third-country student should be straightforward.

However, in practice, the large number of adaptations, exemptions and practical arrangements that would be needed for education pathway beneficiaries to access a student visa on the terms foreseen by article 60 (see Annex III) would mean that political support and active government engagement would be needed on an ongoing basis to operate, grow and sustain the education pathway.

Finally, the need for pathway beneficiaries to prove sufficient means of subsistence before arrival in Belgium would be a major obstacle to continue testing the programme with small numbers in the short term, and also to scale it up in the medium term. This means that, as detailed below, a new multi-stakeholder financing model would need to be developed – one where, for example, public and private resources are pooled in the form of a scholarship or a Revolving Loan Fund.

The lack of State financial support for individual students once in Belgium would also make it more difficult to get universities across the country on board and to seek additional resources from civil society, local communities, philanthropies, the private sector and other stakeholders to grow the pathway beyond the pilot stage.

2. Student Perspective: A Future in Belgium Subject to Multiple Conditions and with Many Unknowns

From the perspective of individual education pathway beneficiaries, while most of the requirements to obtain a student visa to travel to and enter Belgium could be met through adaptations, exemptions or practical arrangements, once in the country international student status would clearly offer less sustainability to students than refugee status, particularly in terms of duration and renewal conditions of the residence permit; access to family reunification; entitlement to State financial support; and travel outside of Belgium.

The residence permit which third-country students are issued once they arrive in Belgium is limited to a maximum of 12 months and has to be renewed annually (see Annex III 2.8). This would make security of status of education pathway beneficiaries contingent on both financial resources and academic performance, and is likely to negatively impact¹⁹ their wellbeing and ability to fully focus on their studies and build a sustainable future in Belgium, for instance discouraging them from learning the local languages and building strong ties to the local community.²⁰

Furthermore, student status does not offer clear post-graduation legal stay options, as it is inherently a temporary status that can never amount to a sustainable solution. The only possibility for a third-country student to become a permanent resident in Belgium is by switching to another type of status, typically a work-related one such as the Single Permit. It would thus be necessary to maximize the chances of employability of

¹⁹ To the extent possible, this assumption should be carefully monitored and evaluated.

²⁰ In addition to the link between secure residence status and young people's wellbeing (see [link](#)), the discouraging effect of temporary residence permits to invest in language and training is well documented in Sweden (see [link](#), page 30), where evidence shows that Syrians who were granted temporary residence are less likely to spend time and financial resources in education than those with permanent residence, even if the former perform significantly better than permanent residents with respect to unemployment and declared income (see [link](#)).

education pathway beneficiaries once they graduate. This could be done by prioritizing higher education programmes in areas with longstanding skills shortages in the domestic labour market such as nursing or IT, as well as investing in internship, mentorship, skills development and networking opportunities during their studies.

Access to family reunification in practice would also be extremely difficult for education pathway beneficiaries as long as they are third-country students (see Annex III 2.10). This would make the pathway less sustainable, as experiences from different country contexts suggest that displaced students who must leave family members behind and have no realistic prospect of reuniting with them are at a disadvantage in terms of academic performance and mental health, finding it harder to integrate and being more likely to apply for asylum.

Furthermore, this limitation would discourage otherwise qualified candidates from applying, especially female students, who are generally more likely to have dependents under their care than their male counterparts.²¹ Even when education pathway programmes include being single and having no dependents as an eligibility criteria, as it has been the case of the 2023 pilot in Belgium, it is not uncommon for candidates to share only partial information about their family situation. This creates a lot of anxiety, especially as students are likely to be under pressure to continue supporting their families back home, even at the price of eating poorly, being too stressed to study and missing classes.²²

As third-country students, education pathway beneficiaries would also not be allowed to seek State financial support provided by the Public Centre for Social Welfare (CPAS/OCMW) (see Annex III 2.12). Proof to the contrary could lead to a refusal to renew their residence permit. In addition to the implications of this limitation from a policy and programme perspective (see above), this means that the living expenses of education pathway beneficiaries would need to be covered from other sources (see below).

Finally, education pathway beneficiaries would only be able to leave Belgium on the passport or travel document that they provided at the time of application, either from their country of origin or from their country of first asylum. A Belgian travel document might be granted only under very exceptional circumstances (see Annex III 2.13). Since a lot of displaced students do not have a passport, or are unlikely to be able to renew the travel document on which they entered Belgium, this would severely limit the ability of education pathway beneficiaries to attend study-related events, seize career advancement opportunities or visit family and friends abroad.

²¹ See: [link](#); [link](#); [link](#); [link](#); and [link](#).

²² This statement is based on testimonies shared by practitioners and other stakeholders implementing Canada's Student Refugee Program (see [link](#)); Italy's UNICORE (see [link](#)); and France's UNIV'R (see [link](#)).

IV. Recommendations and Next Steps

After consultation with IBZ, CGRS and UNHCR, Fedasil, Caritas International Belgium, KU Leuven and Pathways International recommended to the Secretary of State that the choice of legal framework and selection procedure of the 2023 pilot should be maintained until at least December 2026 – when the students starting a two-year Master’s degree in September 2024 are due to graduate. By that date, up to 50 students could have arrived in Belgium through the education pathway, assuming a growing number of universities gets on board each year. The Secretary of State agreed to this proposed way forward.

As argued above, the current choice of refugee status seems to be the most sustainable and scalable option, both from the point of view of policy design and programme implementation and from the perspective of individual education pathway beneficiaries.

Over the next 3 years, national stakeholders will gather empirical evidence of the advantages and disadvantages of the current approach, including through ongoing monitoring and evaluation activities. Based on this assessment, changes to the current design of the education pathway to Belgium may be proposed by December 2026.

It will be particularly relevant to track whether granting refugee status to education pathway beneficiaries has an impact on how the education pathway to Belgium is framed. In other words, do beneficiaries see themselves as third-country students or as refugees? How do higher education institutions, local actors and peers perceive them? Is the education pathway understood as a programme that is accessed on the basis of academic merit and skills and that is additional and complementary to resettlement, or rather as an initiative that is purely humanitarian in nature?

Finally, from a policy and programme perspective, the five potential limitations linked to the choice of refugee status that are identified above will be addressed as follows:

- Firstly, eligibility for the education pathway will continue to be limited to students with nationalities that have a high asylum recognition rate in Belgium or who are already recognized refugees. However, an effort should be made to work with multiple source countries in different regions, and to proactively target certain nationalities to increase the geographic diversity and equity of access of the pathway.
- Secondly, programme integrity is unlikely to be jeopardized by the choice of refugee status. A robust selection process that guarantees the academic excellence, strong personal commitment and high level of motivation of successful candidates, along with ongoing post-arrival support and targeted accompaniment provided by university stakeholders, specialized municipal services and local community sponsors, should make the risk that students drop out from the education pathway extremely low. Furthermore, as noted above, available evidence indicates that security of status supports – not hinders – academic performance, as a newcomer’s decision to invest in human capital is closely linked to their long-term prospects in a given country. On the contrary, stress linked to the constant uncertainty resulting from the need to renew their residence permit every year would likely negatively impact student performance and programme outcomes.
- Thirdly, the possibility that students decide not to seek international protection once in Belgium will remain. This may lead to differences in certain rights, benefits and entitlements among education pathway beneficiaries. However, information provision and personalized advice before departure and after arrival in Belgium can minimize this possibility. The expectation that candidates apply for asylum once they land in Belgium and the advantages

thereof will be clearly communicated during selection and pre-departure orientation activities. Candidates will receive case-by-case counseling about their personal and professional prospects that addresses specific needs and concerns, including the long-term implications of living with refugee status in Belgium.

- If, despite all of this, beneficiaries decide not to seek international protection in Belgium,²³ the flexibility of article 9 will be used to ensure the automatic renewal of the annual residence permit of humanitarian visa holders for the duration of the relevant higher education programme plus an additional year, and also to guarantee that humanitarian visa holders receive a level of State financial support equivalent to the sum granted to refugees. The conditions for annual renewal of the visa from year two after graduation until the beneficiary applies for permanent residence that were agreed by the Secretary of State in February 2023 should also be upheld (see Annex II).²⁴
- Fourthly, with regard to long-term programme sustainability being compromised by the discretionary nature of the humanitarian visa and the need for political support by the incumbent government for the education pathway to grow, a way to make the pathway less susceptible to changing policy priorities and volatile political cycles would be to establish a multi-year programme with clear targets specifying how many students will be admitted every year based on an ambitious but realistic growth forecast. The agreement by the Secretary of State to welcome 50 displaced students by 2026 is a promising step in this direction. Such a planned multi-year approach will also help mobilize resources from a diversity of public and private actors. This multi-stakeholder pooled funding model could include, but not be limited to, the Belgian government, private philanthropies, corporate actors, community-based organizations, and potentially also students and sponsors.
- Lastly, an advocacy and communication strategy should be developed in order to highlight the skills-based, additional and complementary nature of the education pathway. This would include targeted messages addressed at key audiences that will be continuously adapted as the framing of the programme and perceptions of its beneficiaries evolve.

²³ It will be important to monitor whether all students arriving between 2023 and 2026 apply for international protection, or whether some decide to stay on the humanitarian visa that they were issued to enter Belgium. If students do stay on the humanitarian visa, documenting the reasons why they do so, as well as what kind of common instructions IBZ provides with regard to the length of their residence permit (A Card) and its renewal conditions should be a priority, as this guidance will be based on IBZ's interpretation of the project-related agreement with the Secretary of State.

²⁴ The authorization of education pathway beneficiaries to reside in Belgium should continue to be renewed annually, provided that certain conditions are met. These should not be limited to evidence of successful completion of the higher education programme, but also include evidence of commitment by the student to pursue and successfully complete such programme (for instance through proof of enrolment in a Belgian higher education institution), as well as evidence of commitment to participate in Belgium's civic life. This renewal should not be made contingent upon the student not receiving State financial support from the Public Centre for Social Welfare (CPAS/OCMW). If it appears that, at the time of the application for extension, a student is unable to pursue higher education for reasons beyond their own control (e.g. because of poor physical or mental health), they should still be given the opportunity to extend their residence. The advice of community actors providing wrap-around integration support will be crucial in this case, in addition to evidence that the person knows one of Belgium's official languages; is attending vocational training; is working; or is engaged in a community organization. If the student makes no attempt to build a sustainable life in Belgium, they should not be allowed to extend their residence.

Annex I: Comparison of Three Potential Status Options for the Education Pathway to Belgium

1. Getting to Belgium

Legal Status	Eligibility	Documentation	Proof of Admission at a Higher Education Institution	Application Process, Timeline to Obtain the Visa and Consular Discretion	Medical Certificate	Certificate Stating Absence of Convictions	Payment of Fees	Proof of Sufficient Means of Subsistence
Humanitarian Visa	<p>Students in countries of first asylum of nationalities that have a high asylum recognition rate in Belgium.</p> <p>Students who are already recognized refugees (RSD).</p>	<p>More flexibility if lack of document to prove personal identity.</p> <p>LP issued by Belgian authorities.</p>	<p>Required. In the case of education pathway beneficiaries, the visa is issued 'for study reason.'</p>	<p>The visa is issued by the relevant Belgian diplomatic post at the request of the Secretary of State, although education pathway beneficiaries still have to apply online and schedule an appointment for fingerprints and biodata gathering.</p> <p>There is no specifics in the 1980 law about the timeline for issuing a humanitarian visa. This is at the discretion of IBZ. Beneficiaries of the 2023 pilot obtained theirs within a few weeks.</p>	Not required.	Security check conducted by IBZ.	<p>1) 220 Euro fee that covers the administrative costs of processing the visa application.</p> <p>2) 180 Euro handling fee.</p> <p>3) 25 Euro service fee.</p> <p>The above amounts may vary from country to country.</p>	Not required.
<p>Student</p> <p>NOTE: See Annex III for suggested solutions that would help education pathway beneficiaries meet the requirements listed here.</p>	<p>Displaced students in countries of first asylum of any nationality.</p> <p>No need to be a recognized refugee (RSD).</p>	<p>Passport or equivalent travel document with at least 12 months of validity remaining at the moment of the visa application.</p>	<p>Required.</p>	<p>As a general rule, applicants must submit their visa application in person.</p> <p>Typically, they will be asked to provide fingerprints and answer a questionnaire designed to assess the coherence of their academic background and study prospects in Belgium, as well as their motivation and career outlook after graduation.</p> <p>Belgian authorities must make a decision about the visa application within 90 days. There are, however, exemptions to this rule on national security and other grounds.</p>	<p>Applicants need a medical certificate that must not be older than 6 months and be issued by a doctor recognized by the Belgian diplomatic post which is competent for handling the visa application.</p>	<p>A certificate must generally be presented confirming that the applicant has not been convicted of any crimes or malpractices under common law.</p>	<p>1) 228 Euro fee that covers the administrative costs of processing the application. Some applicants are exempted from this fee.</p> <p>2) 180 Euro handling fee must be paid in local currency to the Belgian diplomatic post processing the application.</p> <p>3) External service provider (where applicable) charges a service fee.</p>	<p>Applicants must prove that they have sufficient means of subsistence to live for at least 12 months in Belgium without becoming a burden on the Belgian social assistance system. Financial solvency is then carefully assessed on a case-by-case basis.</p> <p>The income amount that constitutes sufficient means of subsistence is set by Royal Decree and indexed every year. For the 2023-2024 academic year, this amount was 789 Euros net/month.</p> <p>Prospective third-country students have several ways to prove sufficient means of subsistence: A certificate that they are receiving or will receive a scholarship or a loan. A 'commitment to a formal obligation' from an individual sponsor or guarantor. A certificate specifying that the student has deposited a sum covering the costs of their stay in Belgium for a year in a frozen account.</p>

2.1. Life in Belgium: Refugee

Legal Status	Length of Stay and Renewal Conditions	Access to Healthcare	Family Reunification	Right to Work	State Financial Support	Possibility to Travel Outside of Belgium	What Happens after Graduation?
Refugee	<p>Recognized refugees in Belgium are initially granted a temporary residence permit for a period of 5 years (A Card), starting from the day they applied for asylum.</p> <p>After this period of 5 years, they are given permanent residence in Belgium (B Card) and have a pathway to Belgian citizenship, provided that they meet certain language, economic and social requirements.</p>	Same as Belgian citizens.	Right to reunify with nuclear family without having to prove stable, regular and adequate means of subsistence, healthcare or adequate housing, as long as the application is lodged within the first year after being granted international protection.	Access to the domestic labour market without a work permit on the same terms as Belgian citizens. ²⁴	Entitlement to State financial support provided by CPAS/OCMW, and to other public benefits and programmes such as scholarships, on the same conditions as Belgian citizens.	Possibility to obtain a renewable travel document issued by Belgium, with the exception of the student's country of origin.	Same opportunities as Belgian citizens.

²⁴ All students in Belgium are allowed to work for 600 hours a year at reduced social contributions. These can be combined with 190 hours of association work. Students who work more than 600 hours must pay regular social security contributions. Working as a student can in principle also be a pre-condition to be eligible for State financial support provided by the Public Centre for Social Welfare (CPAS/OCMW). If certain conditions are met, this income is not taken into account to decide on the amount of the allowance.

2.2. Life in Belgium: Humanitarian Visa Holder

Legal Status	Length of Stay and Renewal Conditions	Access to Healthcare	Family Reunification	Right to Work	State Financial Support	Possibility to Travel Outside of Belgium	What Happens after Graduation?
Humanitarian Visa	<p>Humanitarian visa holders are typically granted a temporary residence permit (A Card) for a period of 12 months that must be renewed annually, provided that certain conditions are met.</p> <p>The Secretary of State agreed to adaptations to common practice in the context of the education pathway. Beneficiaries who decide not to seek international protection in Belgium should have their A Card automatically renewed for the duration of the higher education programme for which they have been selected, plus an additional year upon graduation to allow them to find employment in Belgium.</p> <p>After that period, students' initial authorization to reside in Belgium should continue to be renewed annually, provided that certain conditions are met.²⁵ After 5 years in Belgium, students will be able to access permanent residence, subject to certain conditions.²⁶ They will also have a pathway to Belgian citizenship, provided that they meet certain language, economic and social requirements.</p>	Same as Belgian citizens.	<p>Humanitarian visa holders wishing to reunify with nuclear family members in Belgium have the right to do so. However, they are not exempted from general requirements.</p> <p>In order to sponsor eligible family members, humanitarian visa holders must prove that they have stable, regular and adequate means of subsistence; that they have health insurance that covers all risks in Belgium for themselves and their family members; and that they have adequate housing for the family member(s) applying to join them.</p> <p>These requirements are difficult to meet in practice, so unless family members are also granted a humanitarian visa and enter Belgium at the same time as the student, it is unlikely that education pathway beneficiaries would be able to reunify with family while studying in Belgium.</p>	Access to the domestic labour market without a work permit on the same terms as Belgian citizens. ²⁷	<p>Humanitarian visa holders should be entitled to State financial support provided by CPAS/OCMW under the form of an 'equivalent allowance,' but each local representation of CPAS/OCMW has discretionary power to interpret on a case-by-case basis what the need for this equivalent allowance means in practice and which eligibility criteria must be met to receive it.</p> <p>Humanitarian visa holders don't have access to public benefits and programmes such as scholarships on the same conditions as Belgian citizens.</p>	<p>As third-country students, education pathway beneficiaries would only be able to leave Belgium on the passport or travel document that they provided at the time of application, either from their country of origin or their county of first asylum.</p> <p>Third-country nationals who do not have refugee status granted by Belgium are only eligible for a Belgian travel document in very exceptional circumstances.</p>	<p>Upon graduation, third-country students can extend their stay in Belgium for a maximum of 12 months in order to look for work or set up a business, with the aim of obtaining an employment permit.</p> <p>During this additional year, graduates can legally work and have unrestricted access to the labour market, but cannot become a burden on Belgian public authorities, so in principle they do not have access to State financial support provided by the Public Centre for Social Welfare (CPAS/OCMW), and they are also not entitled to university accommodation. They must actively seek employment or take the necessary measures to comply with all legal obligations to exercise self-employment. Otherwise their legal stay may be terminated.</p> <p>The only possibility for a student to become a permanent resident in Belgium is by switching to another type of status, typically a work-related one such as the Single Permit, which is difficult to access unless the worker has a high salary or a job in a so-called bottleneck profession.</p> <p>If the 12-month residence permit for job search ends and this status transition has not happened, legal stay in Belgium ends.</p>

²⁵ These should not be limited to evidence of successful completion of the higher education programme, but also include evidence of commitment by the student to pursue and successfully complete such programme (for instance through proof of enrolment in a Belgian higher education institution), as well as evidence of commitment to participate in Belgium's civic life. This renewal should not be made contingent upon the student not receiving State financial support from the Public Centre for Social Welfare (CPAS/OCMW). If it appears that, at the time of the application for extension, a student is unable to pursue higher education for reasons beyond their own control (e.g. because of poor physical or mental health), they should still be given the opportunity to extend their residence. The advice of community actors providing wrap-around integration support will be crucial in this case, in addition to evidence that the person knows one of Belgium's official languages; is attending vocational training; is working; or is engaged in a community organization. If the student makes no attempt to build a sustainable life in Belgium, they should not be allowed to extend their residence.

²⁶ Students will have to demonstrate their effective participation in civic life in Belgium, proving that they are working or have worked, or that they have pursued additional studies or professional training. If this condition is not met, the residence authorization will continue to be extended by 12 months at a time, with the same conditions applying to obtain a permanent right of residence. Any decision with regard to residence will take into account the individual situation of the education pathway beneficiary concerned, including the duration of their stay on Belgian territory; the existence of family, cultural or social ties with Belgium and with their country of origin; the humanitarian situation in the country of origin and the possibilities of returning and settling there permanently; as well as the specific needs and vulnerabilities of the person concerned.

²⁷ See footnote 24.

2.3. Life in Belgium: Student

Legal Status	Length of Stay and Renewal Conditions	Access to Healthcare	Family Reunification	Right to Work	State Financial Support	Possibility to Travel Outside of Belgium	What Happens after Graduation?
<p>Student</p> <p>NOTE: See Annex III for suggested solutions that would help education pathway beneficiaries meet the requirements listed here.</p>	<p>Third-country students are issued an A Card marked student that is generally valid for a period of 12 months.</p> <p>Applications for renewal must be submitted no later than 15 days before the expiry date of the A Card. In addition to a valid passport or travel document and proof of enrolment, means of subsistence and health insurance, students need an attestation issued by the Belgian higher education institution where they are enrolled demonstrating academic progress.</p>	<p>Once in Belgium, third-country students must submit proof of healthcare coverage before they obtain their residence permit.</p> <p>Healthcare rates for non-residents are slightly higher than for residents, but once students are issued an A Card, rates are typically very affordable.</p>	<p>Third-country students wishing to reunify with nuclear family members in Belgium have the right to do so. However, they are not exempted from general requirements.</p> <p>In order to sponsor eligible family members, students must prove that they have stable, regular and adequate means of subsistence; that they have health insurance that covers all risks in Belgium for themselves and their family members; and that they have adequate housing for the family member(s) applying to join them.</p> <p>These requirements are difficult to meet in practice, so it is unlikely that education pathway beneficiaries would be able to reunify with family while studying in Belgium.</p>	<p>Third-country students are allowed to work during weekends and school holidays. Outside of this, they can work for a maximum of twenty hours per week, provided that this is compatible with their studies.</p> <p>This would represent an additional source of financing while studying in Belgium.</p> <p>However, the residence permit of any third-country student can be terminated (or its renewal refused) if they work more than permitted or if their stay serves purposes other than study.</p>	<p>Third-country students are not allowed to seek State financial support provided by the Public Centre for Social Welfare (CPAS/OCMW).</p> <p>Proof to the contrary could lead to a refusal to renew their residence permit, as it could be seen as evidence that the applicant does not have sufficient means of subsistence.</p> <p>However, there are no clear criteria or a set amount of State financial support that trigger this, as every decision of termination needs to take into account the specific circumstances and needs of the individual student in order to be proportionate.</p> <p>In practice, this means that there is not an automatic termination of the residence permit if a third-country student receives State financial support.</p>	<p>As third-country students, education pathway beneficiaries would only be able to leave Belgium on the passport or travel document that they provided at the time of application, either from their country of origin or their county of first asylum.</p> <p>Third-country nationals who do not have refugee status granted by Belgium are only eligible for a Belgian travel document in very exceptional circumstances.</p>	<p>Upon graduation, third-country students can extend their stay in Belgium for a maximum of 12 months in order to look for work or set up a business, with the aim of obtaining an employment permit.</p> <p>During this additional year, graduates can legally work and have unrestricted access to the labour market, but cannot become a burden on Belgian public authorities, so in principle they do not have access to State financial support provided by the Public Centre for Social Welfare (CPAS/OCMW), and they are also not entitled to university accommodation. They must actively seek employment or take the necessary measures to comply with all legal obligations to exercise self-employment. Otherwise their legal stay may be terminated.</p> <p>The only possibility for a student to become a permanent resident in Belgium is by switching to another type of status, typically a work-related one such as the Single Permit, which is difficult to access unless the worker has a high salary or a job in a so-called bottleneck profession.</p> <p>If the 12-month residence permit for job search ends and this status transition has not happened, legal stay in Belgium ends.</p>

Annex II: Selection Procedure for the 2023 Pilot of the Education Pathway to Belgium Step by Step

Below is a detailed overview of the procedure agreed by Fedasil, Caritas International Belgium, KU Leuven, IBZ, CGRS, UNHCR, Pathways International and the Secretary of State to pilot an education pathway to Belgium with three students during the 2023-2024 academic year.

- 1.** CGRS briefed UNHCR in the country of first asylum (Egypt) on Belgian protection policy for certain nationalities and other key issues that UNHCR should be aware of.
- 2.** EU-Password partners drafted the call for applications for the education pathway, with inputs from UNHCR Egypt. Eight Master's programmes taught in English were selected by KU Leuven for inclusion in the call.
- 3.** Fedasil informed the competent Belgian diplomatic post in the country of first asylum (Egypt) and other relevant Belgian government entities about the education pathway procedure.
- 4.** UNHCR Egypt and partners invited eligible candidates to apply for the education pathway programme. For the 2023 pilot, there was no open call for applications. The call was targeted at DAFI scholars from five nationalities with a high asylum recognition rate in Belgium (Eritrea, Ethiopia, South Sudan, Syria and Yemen) without need to provide proof of an RSD, and to DAFI scholars from any other nationality with proof of an RSD. Only single candidates without dependents were eligible.
- 5.** EU-Password partners organised one online information session while the call for applications was open to present the programme to potential candidates and answer any questions they may have about eligibility and how to apply. The rights and entitlements of recognized refugees in Belgium were explained in detail to interested students.
- 6.** Nine candidates applied to KU Leuven through the online admissions platform, with logistical support from UNHCR and from an implementing partner. KU Leuven waived the application fee.
- 7.** KU Leuven informed all applicants via email about the outcome of the admission process, asking UNHCR Egypt to check that the four admitted candidates were ready to move on to the next phase of the selection process.
- 8.** UNHCR and its implementing partner shared a form developed by CGRS with admitted candidates to conduct a preliminary assessment of their international protection claim. Candidates completed the form and returned it to CGRS through a secure platform, along with supporting documents.
- 9.** CGRS made an initial assessment of the need for international protection of admitted candidates based on the information received in each form and on supporting documents, making a recommendation to the Secretary of State.
- 10.** In parallel, IBZ coordinated a State security check for all admitted candidates.

- 11.** Based on a positive recommendation by CGRS, the Secretary of State informed Fedasil about the candidates who could proceed to the next step of the selection process (all four admitted candidates in this case).
- 12.** A panel composed of representatives of the three EU-Passworld Belgian partners (Fedasil, Caritas International Belgium and KU Leuven) conducted interviews to assess the motivation, language competence and soft skills of the four admitted candidates. The panel ranked the candidates based on their performance during the interview.
- 13.** Fedasil informed the top three candidates about the positive outcome of the selection process and provided feedback to the fourth candidate in the ranking.
- 14.** The Secretary of State granted a humanitarian visa to the three successful candidates, informing CGRS, Fedasil and IBZ about the decision.
- 15.** IBZ informed the competent Belgian diplomatic post (Cairo, Egypt) about the need to issue a travel document (Laissez Passer) and a humanitarian visa for the three students.
- 16.** The Ministry of Foreign Affairs and IBZ decided to waive all fees related to the issuance of travel documents and visas for the 2023 pilot.
- 17.** Fedasil started to prepare pre-departure activities.
- 18.** Fedasil invited successful candidates to participate in the BELCO training and in an individual social screening. This was an opportunity to gather relevant personal information; provide personalized advice to candidates; manage expectations; prepare students' arrival in Belgium; address any questions from students; and provide informed consent.
- 19.** The Belgian Embassy in Egypt issued travel documents and humanitarian visas to the three beneficiaries of the 2023 pilot.
- 20.** Fedasil informed IBZ and CGRS about the arrival date of beneficiaries, making the necessary arrangements with IBZ to lodge the application for international protection soon after arrival.
- 21.** Fedasil organized travel in cooperation with UNHCR.
- 22.** EU-Passworld partners and local stakeholders welcomed students.
- 23.** Beneficiaries of the 2023 pilot, who are from Syria and South Sudan, started Master's degrees in Cultural Anthropology and Development Studies, Advanced Studies in European Policies and Public Administration, and Social and Cultural Anthropology at KU Leuven taught in English.
- 24.** Two of the three students sought international protection after Fedasil made an appointment with IBZ to register their asylum application. CGRS gave priority treatment to applications submitted in the framework of the education pathway.
- 25.** International protection was granted to the two students who sought it.

- 26.** One of the three students decided not to apply for international protection upon arrival. In this case, or if a student would not have been granted international protection, they will receive a residence permit based on the humanitarian visa on which they entered Belgium for the duration of their studies plus an additional year, and have access to CPAS/OCMW State financial support during that period. Afterwards there are three options:
- **Option 1:** Students will graduate successfully, find a job and renew their residence authorization for 12 months at a time (based on evidence of successful completion of a higher education programme as condition for renewal). After 5 years, they will obtain an authorization for permanent residence.
 - **Option 2:** Students may need longer than an additional year to graduate and renew their authorization for 12 months at a time (based on evidence of commitment to pursue and successfully complete higher education as condition for renewal). After 5 years, they will obtain an authorization for permanent residence.
 - **Option 3:** Students may be unable to continue to pursue higher education for reasons beyond their control. They will renew their authorization for 12 months at a time (based on evidence of commitment to participate in civic life in Belgium as condition for renewal). After 5 years, they will obtain an authorization for permanent residence.

Annex III: Feasibility Assessment of Third-Country Student Status as Legal Framework for Beneficiaries of the Education Pathway to Belgium

A large number of complementary education pathways around the world are built upon existing national legal frameworks for international students. Despite specific adaptations and exemptions to ensure access by displaced students to the regular migration system, beneficiaries often face challenges in terms of documentation; travel; lack of access in law or practice to crucial rights such as family reunification or much-needed services such as psychosocial support; as well as precarious legal status upon graduation that does not amount to a sustainable solution.

The above combination of factors can lead to drop-outs or leave education pathway beneficiaries with no other option than seeking asylum to stay in the country where they are studying or have just graduated.

The following feasibility assessment thus analyzes each of the obstacles that displaced students will likely face to enter and reside in Belgium as third-country students, also identifying solutions to overcome these challenges in practice.

1. Getting to Belgium

Third-country nationals who wish to study full time at a higher education institution in Belgium must apply for a D visa before leaving for Belgium. This is a national long-term visa that allows the holder to enter Belgium for a period longer than 90 days. Prospective students generally apply for this visa at the Belgian diplomatic post competent for their country of residence once they have been admitted to a Belgian higher education institution.²⁸ The visa application process involves the following requirements:

Documentation

Applicants need a passport or equivalent travel document with at least 12 months of validity remaining at the moment of the visa application.²⁹

This will likely represent a challenge for a lot of displaced students. Even if they had a passport and took it with them with fleeing, contacting the authorities of their country of origin to renew it can put them in danger. They are also unlikely to have a travel document from their country of first asylum.

This obstacle could be addressed by accepting an expired national identity card or passport; a document issued by UNHCR; a birth certificate; or a family or military booklet as valid proof of identity. A travel document from the country of first asylum may also be admissible.

Belgian authorities could also consider issuing a travel document for the purposes of obtaining a student visa (a Laissez Passer, as in the case of the 2023 pilot) or a renewable travel document.

²⁸ See [link](#).

²⁹ Both Belgian law (art. 60) and the EU Students Directive (art. 7) explicitly state this requirement, and Belgian law provides no exceptions (contrary to other documents, as analyzed below).

Proof of admission at a Belgian higher education institution

International students can only apply for a visa once they have been admitted by a recognized Belgian university or higher education institution.

This specific requirement should not represent a major obstacle for displaced students. The experience of the 2023 pilot is encouraging in this regard, as 4 out of 9 candidates were admitted by KU Leuven without any adaptation to the standard admission process, a success rate very similar to that of other international students.

Eligible candidates had been previously identified by UNHCR Egypt, attended an online information session, and received support to fill in the KU Leuven online application form. The only adaptation to the admission process was waiving the application fee.

There is therefore enough evidence to assume that displaced students can apply and be admitted by Belgian higher education institutions, either completely on their own or with minimal adaptations to existing admission processes and criteria.

Visa application process, timeline to obtain the visa and consular discretion

As a general rule, prospective international students must submit their visa application in person. Typically, they will be asked to provide fingerprints and answer a questionnaire designed to assess the coherence of their academic background and study prospects in Belgium, as well as their motivation and career outlook after graduation. Although there is a set of requirements that is common to all Belgian diplomatic posts, these are entitled to ask individual applicants for additional documents, and the application procedure may vary from country to country, also including an additional screening (usually an interview) for international students from certain nationalities that are often overrepresented.³⁰

Belgian diplomatic posts make positive decisions about student visa applications, but the decision to deny a visa is always taken by IBZ in Brussels. Belgian authorities must make a decision within 90 days of the date on which a Belgian diplomatic post receives a complete visa application file. There are, however, exemptions to this rule on national security and other grounds, including for applications involving certain nationalities.

The degree of discretion that diplomatic posts enjoy to process student visa applications and exemptions based on national security and other grounds could lead to long processes and visa denials in the case of education pathway beneficiaries, as they are likely to lack certain documents and have gaps in their resume. Displaced students might also be refused entry at the border despite having been issued a visa,³¹ something that should at all costs be avoided in the case of education pathway beneficiaries.

To prevent these potential hurdles, a common procedure could be established for visa applications submitted in the context of the education pathway to Belgium. This would mainstream visa processing and prevent individual cases from getting stuck due to administrative reasons. Since a limited number of source countries would be involved and candidates would be selected through an extremely competitive and robust process, Belgium's Ministry of Foreign Affairs could share guidelines with relevant diplomatic posts asking for specific exemptions for education pathway beneficiaries. UNHCR, IOM or another trusted partner in the relevant source

³⁰ In 2021, 24.23% of applications to pursue higher education in Belgium were by Cameroonians, a figure that was only slightly lower (21.27%) in 2022. See IBZ's 2022 report ([link](#), page 15).

³¹ See [link](#).

country could ensure that education pathway beneficiaries appear in person at the Belgian Embassy or Consulate to launch the visa application.

Alternatively, as the education pathway will likely remain a discrete project with a manageable number of beneficiaries whose identity is known to Belgian authorities, applications by displaced students could be handled from Brussels by the IBZ in a centralized manner, in close coordination and collaboration with the Ministry of Foreign Affairs and with other Federal Government entities. Launching the visa procedure from Brussels would avoid back-and-forth correspondence with relevant diplomatic posts, prevent excessive delays and ensure that education pathway beneficiaries obtain their visa on time, are not held at the border and don't miss the start of the academic year or have to apply again to the higher education institution of their choice the following year.

In both cases, higher education institutions involved in the education pathway could provide detailed practical guidance to admitted students in order to prepare them for the visa application process, as it is common practice with all third-country students at universities such as KU Leuven.

Medical certificate

Applicants for a student visa need a medical certificate attesting that they are not carrying any disease which might endanger public health in Belgium.

This certificate must not be older than 6 months from the date of issuance, and it must be issued by a doctor recognized by the Belgian diplomatic post competent for handling the visa application.

It is unlikely that displaced students will be able to travel to the locality where a recognized doctor is based and afford the costs of the medical examination.

Education pathway beneficiaries could obtain the required medical certificate from IOM or from any other trusted partner of the government of Belgium.

Certificate stating absence of convictions for crimes or misdemeanours under common law

As a rule, anyone aged 18 or over who wishes to stay in Belgium for more than 90 days must present a certificate (an extract from the criminal record or an equivalent document) confirming that they have not been convicted of any crimes or malpractices under common law. This certificate must be issued by the competent authority of the country of origin or last residence in the 6 months preceding the submission of the visa application.

However, the 1980 law foresees exemptions in case this and other required documents cannot be produced.³² Where appropriate, the applicant must explain why they cannot present a certificate, or why they are presenting a certificate issued more than 6 months before the submission of the visa application.

³² Art. 60, §3, last sentence, states: However, if it is duly proven that the documents referred to in 7° (medical certificate) and 8° (extract of criminal record) cannot be produced, the minister or his/her authorised representative may, taking into account the circumstances, authorise the foreigner to stay in the territory of the Kingdom in order to study there.

It will be difficult for education pathway beneficiaries to obtain a document from authorities in their country of first asylum confirming that they have not been convicted of any crimes or malpractices under common law.

This requirement could be met through a State security check coordinated by IBZ and carried out at a suitable stage of the application process, along the lines of the approach followed in the 2023 pilot of the education pathway to Belgium.³³

Payment of fees and other costs

There are several fees and additional costs involved in the visa application process for third-country students. Firstly, D visa applicants have to pay a 228 Euro fee (known as *redevance* in French or *retributie* in Flemish) that covers the administrative costs of processing the application. Some applicants are exempted from this fee.³⁴ Secondly, a 180 Euro handling fee must be paid in local currency to the Belgian diplomatic post processing the application.³⁵ Furthermore, when the application is processed by an external service provider and not directly by the Belgian diplomatic post, the relevant contractor (either VFS Global or TLS Contact) charges a service fee.

These financial requirements will certainly represent an obstacle for education pathway beneficiaries.

Stakeholders interviewed suggested that the above fees could be waived for education pathway beneficiaries, as there is sufficient precedent for exemptions involving not only people in need of international protection, but also students who are beneficiaries of certain scholarships.

Eventual hidden costs, such as those deriving from the official translation and legalization of key documents, could be covered by the trusted partner of the Belgian government supporting the identification and referral of candidates for the education pathway in source countries (UNHCR Egypt and an implementing partner organization in the case of the 2023 pilot) or by the Belgian government itself, including through EU funding.

Proof of sufficient means of subsistence

At the time of applying for a student visa, third-country nationals must prove that they have sufficient means of subsistence to live for at least 12 months in Belgium without becoming a burden on the Belgian social assistance system during their stay. Financial solvency is then carefully assessed on a case-by-case basis. The income amount that constitutes sufficient means of subsistence is set by Royal Decree and indexed every year. For the 2023-2024 academic year, this amount was 789 Euros net per month.

Prospective third-country students have several ways to prove sufficient means of subsistence: benefitting from a scholarship or loan; having an individual sponsor or guarantor; or depositing a sum covering the costs of their stay in Belgium for a year in a frozen account. They can use a different type of proof each year when applying to renew their residence permit (see below).

³³ See Annex II below for more details on when the State security check took place.

³⁴ See [link](#) for exemptions.

³⁵ See [link](#) for information about this fee on the website of the Embassy of Belgium in Egypt.

Firstly, prospective students can submit a certificate “either by an international organization or a national government, or by a community, region, province or municipality, or by an institution of higher education, to the effect that they are receiving or will soon receive a scholarship or a loan.”³⁶

Secondly, students can prove that they have an individual sponsor or guarantor by submitting a so-called ‘commitment to a formal obligation’ in accordance with annex 32 to the Royal Decree of 8 October 1981.³⁷ The guarantor undertakes to bear the costs of any healthcare, housing, studies and repatriation of the dependent third-country national, and is jointly and severally liable, along with the student, for the payment of such costs. This is a commitment vis-à-vis both the Belgian State and any competent Public Centre for Social Welfare (CPAS/OCMW). It can be limited to one academic year or cover the entire duration of a student’s academic programme.

“The guarantor must be a natural person of at least 18 years of age or be emancipated; must have Belgian nationality, or be a citizen of the European Union who has a right of residence for more than 3 months in Belgium or another Member State of the European Union, or be a third-country national admitted or authorized to reside indefinitely in Belgium or another Member State of the European Union, or be a relative up to the third degree of the third-country national to whom a formal obligation is to be undertaken.”³⁸

Guarantors “must have regular and sufficient means of subsistence for themselves, for each dependent person, and for each dependent third-country national. These means must be at least equal to 120% of the amount of the living wage granted to a person living with a dependent family, i.e. 2.008,32 Euros net per month in 2023. To this amount is added the minimum amount that each dependent third-country national must have, namely 789 Euros net per month for the 2023-2024 academic year.”³⁹ This means that, at the time of writing, a guarantor taking on a formal obligation on behalf of a third-country student must prove that they have at least 2,797,32 Euros net per month. These amounts are subject to regular increases according to the Belgian State’s index calculations.

Guarantors must present themselves for the legalization of their signature to the municipal administration in their place of residence in Belgium or, if they reside abroad, to the Belgian diplomatic or consular post competent for their place of residence, presenting legalized supporting documents that they are performing activity as an employee or as a self-employed person.

According to Belgian law,⁴⁰ “the formal obligation is only proof of sufficient means of subsistence for the third-country national concerned if the obligation is accepted, as the case may be, by the Belgian diplomatic or consular post abroad, the Immigration Office or the municipal administration.”

Thirdly, third-country students can submit proof of their own financial means, usually through a certificate drawn up by the Belgian higher education institution to which they have been admitted specifying that the student has deposited a sum covering the costs of their stay in Belgium for a year in a frozen account managed by the institution, which will then pay back the blocked funds through 12 monthly installments.

³⁶ See [link](#).

³⁷ See [link](#) for the form to be filled by the sponsor or guarantor.

³⁸ This kinship tie must be proven by valid documentation, i.e. one or more birth certificates or other official documents legalized or apostilled where appropriate.

³⁹ See [link](#).

⁴⁰ See [link](#).

Universities in Wallonia only require that students deposit in the frozen account the federal minimum of 789 Euros net per month, although some charge handling fees of up to 250 Euros. By contrast, universities in Flanders requested 950 Euros per month during the 2023-2024 academic year. Some universities, such as KU Leuven, require an additional 100 Euro handling fee, bringing the total amount to be deposited in the frozen account for one academic year up to 11,500 Euros.⁴¹

This third option is the less burdensome and most expedient procedure in the case of self-supporting students or those who are under time pressure to obtain their visa for the first time in order to travel to Belgium, as the individual assessment of a commitment to a formal obligation by a guarantor can take long and follow unpredictable timelines. However, a frozen account can only be used to prove financial solvency for a year at a time.

Furthermore, since Belgian authorities do not have the ability to check that individual guarantors meet their obligation to send students in their charge the federal minimum amount of resources every month, the blocked account offers more guarantees to third-country students. The funds deposited in the account are only accessible to them, unless the student does not enroll, in which case they will be returned to whomever transferred the money.

The requirement to prove sufficient means of subsistence appears as a major obstacle for education pathway beneficiaries, unless a scholarship or a loan-based financing solution⁴² that is sufficiently resourced would be set up.

Another option to ensure that education pathway beneficiaries meet this requirement would be to engage local communities. EU-Passworld aims at developing education and labour pathways that have a link to community sponsorship. One of the working hypotheses of the project is that involving local volunteers in welcoming and supporting the integration of students and workers arriving through these pathways can make programmes more sustainable and scalable. In addition to helping with language learning, practical information about their new neighbourhood, invitations to social activities and referrals to specific services when needed, it would be worth exploring if community groups being formed to support students arriving to Belgium through the new education pathway would be willing and able to raise the necessary funds for the student(s) they are supporting to prove financial solvency through a frozen account.

Fundraising is a common requirement in many community sponsorship programmes, including schemes set up to support education pathways in other EU Member States.⁴³ However, as Belgium's existing community sponsorship pilot does not request that sponsors raise funds,⁴⁴ it is unlikely that a local volunteer group would be willing or able to raise between 10,000 and 13,000 Euros a year to support one single student. On the contrary, such a precondition might demobilize potential sponsors.

⁴¹ See [link](#).

⁴² See [link](#) for different loan-based financing solutions for complementary education pathways.

⁴³ For instance, in Ireland, EU-Passworld partners are adapting the existing community sponsorship programme to support education pathways. Sponsor groups welcoming students are being asked to fundraise a minimum of €10,000 before students' arrival to cover their living expenses for the duration of their studies (see [link](#)). This is the same minimum amount that regular community sponsorship groups must raise, but the latter have a maximum of €2,000 for in-kind contributions (see [link](#)). The group formed to support the first two students who have arrived through Ireland's education pathway to the University of Galway has met its fundraising target.

⁴⁴ See [link](#).

Finally, the option that a member of the community sponsorship group acts as a guarantor is even less viable to design a scalable education pathway programme, given the high ceiling of legal and financial responsibility that the 'commitment to a formal obligation' implies. Additionally, sponsors would be legally responsible to provide financial support to the student, but there is no guarantee that students would receive this support in practice, making this option too high a risk for education pathway beneficiaries.

2. Life in Belgium

Length of stay and renewal conditions

Successful applicants who had a certificate of admission at a Belgian university at the time of application will receive a D visa to travel to Belgium that is valid for 4 months. Once they arrive, third-country students must present themselves to the municipal administration in their place of residence within 8 days of arrival, where they will typically get a certificate of matriculation that is valid for 4 months. 15 days before the expiration of this certificate at the latest, students have to submit to the municipal administration proof of enrolment in a Belgian higher education institution and proof of health insurance. They will then be issued an A Card marked student that is generally valid for 12 months.⁴⁵

Applications for renewal must be submitted no later than 15 days before the expiry of an A Card. In addition to a valid passport or travel document and proof of enrolment, means of subsistence and health insurance, students need an attestation issued by the Belgian higher education institution in which they are enrolled demonstrating academic progress.⁴⁶ IBZ may terminate a residency authorization or refuse an application for renewal if a student extends their studies excessively. Detailed guidelines with minimum numbers of credits exist to this effect.⁴⁷ A common issue faced by students renewing their residence permit is that, despite requesting the renewal on time, they spend considerable amounts of time with an expired residence card due to delays in the issuance of their new permit.

Upon graduation, third-country students can extend their stay in Belgium for a maximum of 12 months in order to look for work or set up a business, with the aim of obtaining an employment permit. This provision also applies to third-country nationals who obtained their degree in a higher education institution in another EU Member State but followed part of their academic programme in Belgium.

This so-called 'search year' is however not granted automatically. Students must apply for a new A Card well ahead of time. If conditions are met, they will be granted a temporary residence status of up to 12 months that provides unrestricted access to the Belgian labour market. A common challenge are long processing times for 'search year' applications.⁴⁸

⁴⁵ See [link](#). The period of validity of the A Card can be shorter than 12 months (if the study programme is shorter) or longer (for example in the case of a programme including student mobility outside of Belgium).

⁴⁶ See [link](#) for a standard form to this effect (in French).

⁴⁷ See [link](#).

⁴⁸ See [link](#); Residence Act of 15/12/1980, articles 61/1/9 to 61/1/15 (see [link](#)); and Royal Decree 02/09/2018, articles 10 and 11 (see [link](#)).

During this additional year, graduates cannot become a burden on Belgian public authorities, so in principle they do not have access to State financial support provided by the Public Centre for Social Welfare (CPAS/OCMW), and they are also not entitled to university accommodation. Graduates must actively seek employment or take the necessary measures to comply with all legal obligations to exercise self-employment as a natural person, or with a legal person or any other unincorporated organization. Otherwise their legal stay may be terminated.⁴⁹

The impossibility to obtain a residence authorization for more than 12 months poses a substantial obstacle to education pathway beneficiaries that is difficult to overcome. The short-term nature of third-country student status and the multiple conditions to renew this status every year are likely to negatively impact students' wellbeing and ability to fully focus on their studies and build a sustainable future in Belgium. For instance, it could discourage them from learning the local languages and building strong ties to the local community.

While other status options like the humanitarian visa are also linked to 12-month residence permits in Belgium, these not only have conditions for renewal that are easier to meet, but can also provide a pathway towards permanent residence and citizenship. By contrast, the only possibility for a third-country student to become a permanent resident in Belgium is by switching to another type of status, typically a work-related one such as the Single Permit, which is difficult to access unless the worker has a high salary or a job in a so-called 'bottleneck profession.' If the 12-month residence permit for job search ends and this status transition has not happened, legal stay in Belgium will end.

At minimum, education pathway beneficiaries should thus be offered additional reassurance that their residence permit will be renewed annually while they are third-country students, that they will be able to reside and work in Belgium for a year after they graduate, and that they will not be returned to their country of origin or first asylum if they are not able to switch to a work-related status by the end of that year.

Furthermore, the post-graduation prospects of education pathway beneficiaries should be maximized by prioritizing higher education degrees in fields that are in high demand in the Belgian labour market (including vocational education and training programmes) and by investing in mentorship, career advice, networking and internship opportunities during and after their studies.

Access to healthcare

Once in Belgium, third-country students must submit proof of healthcare coverage before they obtain their residence permit. Quarterly healthcare rates for non-residents are slightly higher than for residents, but once students are issued an A Card, rates are typically very affordable.⁵⁰ Students who benefit from a scholarship are sometimes expected to cover these costs from their monthly allowance, while other entities pay the healthcare costs of the students they support directly.

This requirement could be relatively easily met by education pathway beneficiaries. Depending on how the programme is financed by each participating university, healthcare costs could potentially be covered as part of the monthly allowance that beneficiaries receive or be resourced separately by a wide variety of stakeholders.

⁴⁹ See [link](#).

⁵⁰ In 2023, the legal contribution was 74,72 Euros per quarter. The membership contribution, depending on the choice of health insurance fund, ranged between 86,40 and 113,16 Euros per year.

Family reunification

Third-country students wishing to reunify with nuclear family members in Belgium have the right to do so. However, they are not exempted from general requirements.

In order to sponsor eligible family members, students must prove that they have stable, regular and adequate means of subsistence (at least €2,008,32 net per month, including documentary proof covering a suitably long reference period);⁵¹ that they have health insurance that covers all risks in Belgium for themselves and their family members;⁵² and that they have adequate housing for the family members applying to join them.⁵³

These requirements represent a very high ceiling for any third-country student, and are even more unlikely to be met by education pathway beneficiaries. Even if their application were to be successful, due to current administrative delays most displaced students would not be able to reunify with family while being enrolled in higher education in Belgium.

The inability to reunify with family members is likely to make the education pathway to Belgium less sustainable, negatively impacting the academic performance, mental health and integration outcomes of beneficiaries. This limitation will also discourage otherwise qualified candidates from applying, especially female students, who are generally more likely to have dependents under their care than their male counterparts, and might lead some beneficiaries to apply for asylum in Belgium.

Right to work

The above-mentioned 1980 law⁵⁴ limits the right to work of holders of a student residence permit. Students are allowed to work during weekends and school holidays. Outside of this, they can work for a maximum of twenty hours per week, provided that this is compatible with their studies.⁵⁵

Furthermore, all students in Belgium are allowed to work for 600 hours a year at reduced social contributions.⁵⁶ These can be combined with 190 hours of association work. Students who work more than 600 hours must pay regular social security contributions.

Working as a student can in principle also be a pre-condition to be eligible for State financial support provided by Belgium's Public Centre for Social Welfare (CPAS/OCMW). If certain conditions are met, this income is not taken into account to decide on the amount of the allowance.⁵⁷

However, the residence permit of any third-country student can be terminated (or its renewal refused) if they work more than permitted and their stay can thus be considered to serve purposes other than study.

⁵¹ See [link](#).

⁵² See [link](#).

⁵³ See [link](#).

⁵⁴ Art. 61/1/4

⁵⁵ See [link](#).

⁵⁶ See [link](#).

⁵⁷ See [link](#) and [link](#).

The ability to work part-time while they are studying would represent an additional source of financing for education pathway beneficiaries, enhance their autonomy and support their integration.

They will however be able to work less hours and face more limitations as third-country students than with other statuses.

State financial support

Third-country students are not allowed to seek State financial support provided by the Public Centre for Social Welfare (CPAS/OCMW). Proof to the contrary may lead to a refusal to renew their residence permit, as it could be seen as evidence that the applicant does not have sufficient means of subsistence, and therefore the general rule of the 1980 law that the residence permit can be terminated if conditions are no longer met would apply.⁵⁸

However, there are no clear criteria or a set amount of State financial support that would trigger this, as every decision of termination needs to take into account the specific circumstances and needs of the individual student in order to be proportionate.⁵⁹ In practice, this means that there will not be an automatic termination of the residence permit as soon as a student receives any support from the CPAS/OCMW. However, it is uncertain what amount will be considered excessive.

The inability to seek State financial support will certainly limit the sustainability and scalability of the education pathway programme. As stated above, alternative financing sources will have to be sought to cover the living expenses of beneficiaries.

Possibility to travel outside of Belgium

As third-country students in Belgium, education pathway beneficiaries would only be able to leave the country on the passport or travel document that they provided at the time of application, either from their country of origin or their country of first asylum.

Third-country nationals who do not have refugee status granted by Belgium are only eligible for a Belgian travel document under very exceptional circumstances.⁶⁰

The inability to obtain a travel document from Belgium will severely limit the ability of education pathway beneficiaries to attend study-related events, seize career advancement opportunities or visit family and friends abroad, as a lot of displaced students do not have a passport, or are unlikely to be able to renew the travel document on which they entered Belgium.

Belgian authorities could thus agree to exercise flexibility with applications for a Belgian travel document from education pathway beneficiaries.

⁵⁸ Art. 61/1/4, §1.

⁵⁹ Art. 61/1/5.

⁶⁰ See [link](#) for guidelines and [link](#) for more specific conditions.



<https://pathways.website>



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