

Asylum in Belgium

EN

*Information brochure for asylumseekers regarding
the asylum procedure and reception provided in Belgium.*

COLOPHON

PUBLISHER

Jean-Pierre Luxen, Fedasil

THIS BROCHURE IS PUBLISHED BY

The Commissioner General for Refugees and Stateless Persons (CGRS) and the Federal Agency for the Reception of Asylum Seekers (Fedasil). This brochure was realised with the support of the European Fund for Refugees.

Legal deposit D/2014/10.053/3

This brochure is also available in Dutch, French, Lingala, Peul, Arabic, Albanian, Russian, Pashtou and Farsi.

Asylum in Belgium

Introduction

Asylum in Belgium provides a chronological overview of the route an asylum seeker will take. The brochure explains your rights and obligations and sets out the various steps in the asylum procedure and reception.

By submitting an application for asylum, you are asking for international protection from Belgium. From that moment onwards, your application will be investigated by the Belgian authorities. This application will be individually and thoroughly examined according to the definitions set out in the Geneva Refugee Convention and Belgian legislation. You will receive a residence permit if Belgium assigns you international protection. If this is not the case, you will have to return to your country of origin. During the investigation, i.e. the asylum procedure, you are entitled to material assistance (housing, food, clothing and social, legal, medical and administrative guidance) and this is provided at the reception location to which you are assigned. This is usually a reception centre.

Asylum in Belgium is also the title of a DVD that is shown to asylum seekers upon arrival at the reception centre. This brochure provides additional information to the DVD.

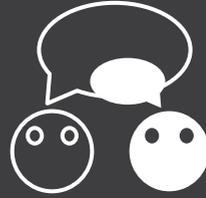
The brochure and the DVD were realised by two asylum organisations: the Commissioner General for Refugees and Stateless Persons (CGRS), who investigates the content of your asylum application, and the Federal Agency for the Reception of Asylum Seekers (Fedasil), that provides material assistance at the reception centre. These two bodies aim to provide you with accurate information via this DVD and brochure so that you are properly prepared for your time in our country while your asylum application is being processed.

If you need further information, please contact your social worker or the CGRS.

_ Contents



The allocation - p 8



The guidance - p 16



The hearing - p 22



The asylum application - p 4



The reception centre - p 13



The summons - p 19



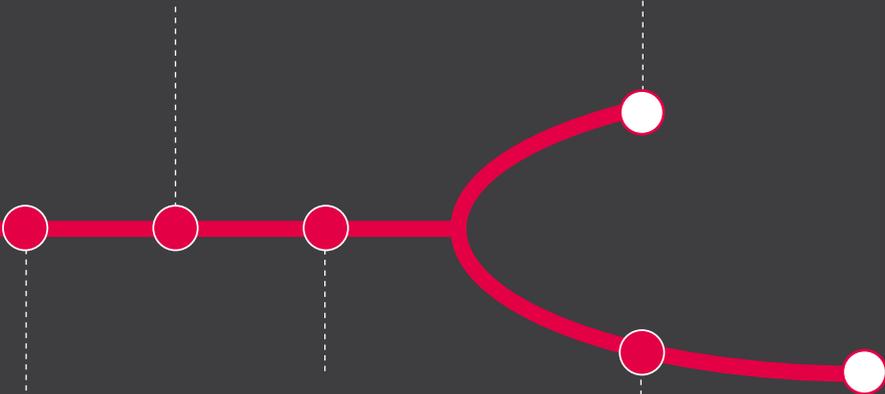
Dail



An individual accommodation - p 30



The positive decision - p 33



My life - p 26



The post office - p 32



The return - p 45



The negative decision - p 37



_ Step 1: The asylum application

You register your application for asylum. Your photograph and fingerprints are taken. An x-ray of your lungs will also be made. The Immigration Department determines the language in which your application for asylum will proceed. You will make statements about your identity and travel route and will show the documents that you have with you. You will complete a questionnaire. You will state where you are staying in Belgium. You may call upon the services of a lawyer during the asylum procedure.

Registering your asylum application

You can register your asylum application at various locations:

- on Belgian territory at the Immigration Department. You must do this within eight working days of arriving in Belgium. You will receive a document that proves that you have requested asylum (annex 26);
- at the border (e.g. at the airport) with the border authorities. You will

receive a document that proves that you have requested asylum (annex 25)

- in a prison or detention centre, with the director of the institution. You will receive a document that proves that you have requested asylum (annex 26)

Upon registration of your application for asylum, an Immigration Department caseworker will take a photograph of you. Your fingerprints will also be taken. This enables the Immigration Department to check whether you have sought asylum and/or have travelled to Belgium via any other European Union country. If this is the case, the Immigration Department can ask this EU country to take over your application for asylum. This is organised according to the so-called Dublin Regulation.

- If this country accepts your application for asylum, you will be provided with a 'laissez passer' by the Immi-

gration Department which will allow you to travel to this country.

- If this country refuses to take over your asylum application, Belgium will process your application for asylum.

Tuberculosis

An x-ray of all asylum seekers over the age of five (except pregnant women) will be made in order to detect tuberculosis. An x-ray of your lungs will be made once you have submitted your application for asylum. It may well be that this examination will need to be repeated during your stay in the reception network. Persons with tuberculosis will be admitted to hospital where measures will be taken to prevent the risk of infection.

Identity and travel route

The Immigration Department registers your identity details and your travel route. You must hand over all documents as these provide evi-

dence of your identity, nationality, travel route, any stay in another country and the reasons for which you wish to request asylum. Do not throw any important, personal documentation away. If you do, it may negatively impact the assessment of your application.

The procedural language

The Immigration Department determines the language in which the asylum procedure will proceed. In Belgium, this is French or Dutch. The procedural language is the language in which the Immigration Department caseworker and the other asylum institutions will speak to you. It is also the language in which letters to you will be written. Any appeal against a negative decision must also be submitted in this language.

- If you speak sufficient Dutch or French, this will immediately become the procedural language.



- If you do not speak Dutch or French, you may request the assistance of an interpreter. In this case, the Immigration Department will choose the procedural language.

The choice of residence

The asylum organisations must be able to contact you at any time during the procedure. You must be able to receive correspondence about your asylum application, such as the summons for a hearing or the asylum decision, promptly and at the right address. It is, therefore, important that you indicate where you are officially residing in Belgium when you register your asylum application with the Immigration Department. This is known as the choice of residence.

- This may be the address of the reception centre, the address of a private dwelling or the address of a lawyer if you have permission to use this.
- If you submitted your application for asylum at the border and are staying in a closed centre, the closed centre is automatically registered as your residential location.
- If you submitted your asylum application in prison, the prison address will be considered to be your chosen place of residence.

The questionnaire

Immediately after registration of your asylum application, the Immigration Department caseworker will ask you to complete a questionnaire. It is important that you complete this properly. The Commissioner General

for Refugees and Stateless Persons (CGRS) bases its preparations for the hearing on the details that you enter in this questionnaire.

- We advise you to complete the questionnaire at the Immigration Department, in the presence of the caseworker and interpreter. You will receive a copy of the completed questionnaire.
- You may also take the questionnaire with you and complete it yourself. Be aware that you will then have to do so without the help of the caseworker and the interpreter.

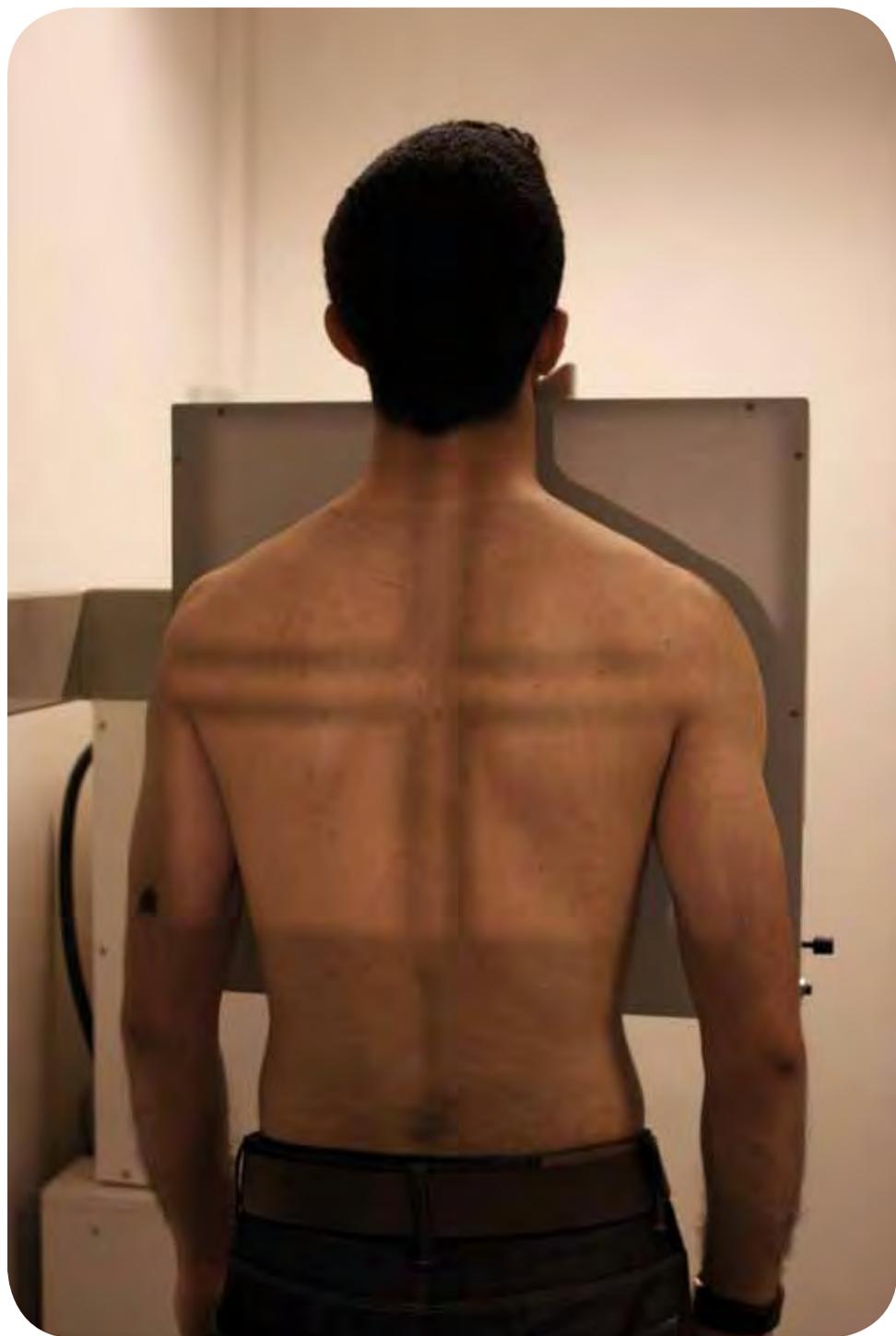
There is an opportunity in the questionnaire to indicate that you would like the hearing at the CGRS to take place with a male or female caseworker and/or with a male or female interpreter. You must explain why you have made this choice. The CGRS takes this into consideration as far as possible.

The interpreter is independent and neutral. He translates only what you say to the asylum caseworker and what the asylum caseworker says to you. He will not intervene in the asylum procedure.

The Immigration Department hands over the asylum file and questionnaire to the CGRS. The CGRS will investigate the content of your asylum application.

Legal support

From the start of the asylum procedure, you can call upon the services of a lawyer free of charge (see Step 4 - The guidance).



Safe countries of origin

Belgium has drawn up a list of safe countries of origin. A country is considered safe when there is generally and consistently no persecution and no risk of serious harm.

To designate a country as safe, the legal situation, the application of the law and the general political circumstances are taken into account. The list of countries of origin currently designated as safe can be found on the CGRS' website using the following link: www.cgra.be/en/Glossaire/S/

The list of safe countries of origin is revised and updated at least once a year, making it possible to take into account the latest developments in the countries on the list.

If you are a citizen from a safe country of origin, your asylum procedure is similar to the procedure described in this brochure. Bear in mind however that as your country is considered safe, the presumption applies that you do not need international protection. Therefore you will have to present at the CGRS evidence that clearly shows that your country cannot be considered safe in your particular case.

Multiple asylum applications

If you have already received a negative decision in Belgium in answer to an application for international protection and if you then lodge a new

application, this new application and any subsequent application is called a multiple application. The procedure for multiple applications is as follows: An official of the Immigration Department will take your statement on all the new evidence you wish to give and on the reason why you could not give this evidence earlier. This new evidence has to increase significantly the probability of you being recognised as a refugee or as a beneficiary of subsidiary protection. Your file will then be sent to the CGRS.

On the basis of your statement, the CGRS will first decide whether or not to take into consideration your multiple application. This decision is based in principle only on your statement at the Immigration Department and does not require another personal interview at the CGRS. An interview may however be organised exceptionally at this admissibility stage. If the CGRS decides to take into consideration your new application, you will as a rule be invited for a personal interview at the CGRS (see step 6 - The personal interview).

When you file a subsequent application (2nd or more), Fedasil may refuse to give you a place in a reception centre and you will only be entitled to medical care. However, if the CGRS decides to take your subsequent application into consideration, you will be entitled to a place in a reception centre.



_ Step 2: The allocation

After your asylum application has been submitted to the Immigration Department, you will proceed to the Dispatching service (in the same building). Dispatching will refer you to the reception location which will provide you with material assistance.

As an asylum seeker, you may stay at a reception location while your application is being dealt with. The management of all reception locations is in the hands of the Belgian government agency Fedasil (the Federal Agency for the Reception of Asylum Seekers).

Just like all other asylum seekers, you are assigned a mandatory registration place (also known as 'code 207'). This is usually a Fedasil or Red Cross reception centre. Material assistance will be provided at this location. This includes accommodation, food, clothing and social, legal, medical and administrative guidance. There are approximately forty reception

centres in Belgium.

The assignment of a mandatory registration place does not mean that you are not permitted to move around freely on Belgian territory. During your stay, you may enter and leave the reception location at your own free will (but you must adhere to the house rules).

Choice of accommodation location

The Dispatching service will seek a reception place for you, taking into account:

- the number of available places on that day
- your situation, so that you can be assigned a suitable place to stay. Dispatching takes account of the composition of your family, the age of your children, your health and your knowledge of one of the country's languages (Dutch, French or German).

You are not obliged to stay at the reception location that you are assigned



to. But, if you live elsewhere, you will not receive any material assistance (with the exception of medical care which is guaranteed for all).

Assessing your accommodation

Your social worker (see Step 4 - The guidance) will assess your situation. He or she will make an initial assessment within thirty days following the assignment of your first reception location and then at intervals during

your stay. A check will be made as to whether the reception location meets your requirements. If this is not the case, your accommodation may be modified or you may be transferred to another reception location.

Particular attention is paid to 'vulnerable' persons, for example unaccompanied foreign minors, single parents with their child(ren), disabled persons, the elderly, pregnant women and victims of human trafficking, torture or other forms of (psychological, physical or sexual) violence. These persons will be provided with more specific guidance or will be referred onto a specialised institution where they will be provided with personal guidance and where material assistance will be guaranteed.

If you have spent four months in a collective reception location, you may ask for individual accommodation. Whether that application is honoured or not depends on the number of available places at that particular time (see Step 8 - An individual accommodation).

Your place of registration may also change in order to allow all of the members of your family to be accommodated within the same reception location. Finally, you may also be transferred to another reception centre as a sanction if you, for example, break the house rules at your reception location.

Human trafficking

Victims of human trafficking (both asylum seekers and non-asylum seekers) are entitled to specific guidance.

A victim of human trafficking is someone who has been exploited (because someone has abused his or her weakness or difficult situation). This may involve sexual abuse (prostitution, child pornography) or the abuse of workers (e.g. in the building sector, in the hospitality industry or household personnel).

Belgian law forbids human trafficking. The government actively combats human traffickers and their networks and provides help to the victims thereof. As a victim, you can receive individual support in a specialised reception location. These centres are not part of the traditional reception structures. Your safety as a victim is guaranteed as your residential address remains confidential.

If you have information about human trafficking, it is important that you explain this during your asylum application. Do not hesitate to mention this during your hearing with the asylum institutions.

Are you a victim of human trafficking? Do you know a victim or want to help someone? Speak to your social worker or contact one of the specialised centres: PAG-ASA in Brussels (02 511 64 64), Payoke in Antwerp (03 201 16 90) or Sürya in Liège (04 232 40 30).



_ Step 3: The reception centre

You will be housed in the reception location that is assigned to you. This is generally a collective centre managed by Fedasil or the Red Cross.

The reception centre is an open location; you can move around freely and enter and leave the centre at will.



Living together

You will be living with other residents in the reception centre. There will be many different nationalities, religions and ages all living under the same roof. There will be families with children as well as single men and women. You can take part in the social life as and when you like. You are responsible for cleaning your own room.

As a resident, you are entitled to respect for your private and family life. All reception locations are neutral or, in other words, everybody's ideological and religious opinions are respected. Members of the same families live together; specific reception locations are set aside for families, allowing them to lead a normal family life.

Food and clothing

The reception centres have a restaurant where you can eat a meal three times a day. Specific meals can be provided in certain instances, for example for religious reasons. You will also be

given a wash bag and, if necessary, clothing. The centres have their own stocks of second hand clothing.

House rules

A staff member will explain the internal workings of the reception location when you arrive. You will be given a copy of the house rules; these set out the rights you have as a resident and the rules to which you must adhere. They also provide additional, useful information (e.g. the opening times of the restaurant or the doctor's hours) and the name of the contact person.

Sanctions

If you do not abide by these rules, the reception centre can impose a sanction in order to retain the order, tranquillity and safety of the centre.

There are various sanctions according to the nature and the seriousness of the breach and the circumstances involved. The reception centre's director will notify you in writing if a sanction is to be imposed. Sanctions may involve a warning and temporary ban on certain activities or community services, could extend to the denial of access to some services and having to carry out tasks that are 'of general importance' and may even include transfer to another reception location. You may appeal against any sanction that is imposed. Your social worker can provide you with further explanation of how to do so.

Complaints

You may submit a complaint if you are not satisfied with the living conditions at the reception location (infrastructure, hygiene, lack of privacy, safety...) or with the application of the house rules.

This complaint must be addressed to the reception centre's director. You may submit your complaint verbally or in writing and must follow the reception centre's procedure. You can also ask your lawyer to do it for you.

You will receive a response from the centre's director within seven calendar days after the date that the complaint is received (e.g. a complaint submitted on Monday must be answered by the following Monday). Your complaint will either be sustained or dismissed. A solution will be proposed if it is (partially) sustained.

If you do not receive a response within the permitted time, you may submit your complaint centrally. Your social worker can also explain how this is done.





_ Step 4: The guidance

In the reception centre, you are entitled to individual social guidance and to legal, medical and, if necessary, psychological assistance.

Social guidance

Upon arrival at the reception centre, you will be assigned a social worker as your point of contact. This person will provide guidance throughout your stay in the centre.

The social worker will provide practical explanations, explain the asylum procedure and will elaborate on the consequences of the decisions you make during the procedure. He will also help you with the administrative aspects of your file. He can also refer you onto a specialised service (e.g. a psychologist) if you find yourself in a difficult situation.

A social dossier will be opened when you arrive. This contains all of the documents that may prove useful

when providing guidance. The social worker will update the dossier. If you move to another reception location, your social dossier will be sent to the new location too. You can ask for a copy of this dossier.

Linguistic support

If you do not speak the country's languages (French, Dutch or German), you may call upon the services of an interpreter so that you can communicate with your social worker more easily.

Legal assistance

As an asylum seeker, you are entitled to legal assistance. The asylum procedure is extremely complex and it is very important that you obtain specialist help as soon as you can. It is important that your lawyer has a good command of the asylum procedure's language (Dutch or French).

You are at will to choose your lawyer but it is very important that you

make agreements about costs in advance. This will help to avoid discussions at a later stage.

You may also ask for free support from a lawyer. In this regard, you have three options:

- you can either contact a lawyer yourself and ask if he is prepared to submit a request to provide free support for your application
- or you can ask the social worker at the reception centre to organise the appointment of a lawyer
- or you can go to the Bureau for Legal Assistance in your neighbourhood and ask to have a lawyer appointed

Your lawyer is not permitted to be present during the interview at the Immigration Department. He may, however, attend the hearing at the CGRS.

At the beginning of the asylum procedure, you are advised to write down your story. Describe what you have been through and what motivated you to leave your country. Do not forget to note any details that could substantiate your story. You can then have your story translated, if necessary, and share it with your lawyer. This will allow your file to be prepared more effectively.

You may receive visits from your lawyer, associations that support refugees or representatives from the United Nations High Commissioner for Refu-

gees (UNHCR) in the reception location in accordance with and under the conditions imposed by the reception location.

Voluntary return

During your stay at the reception centre, you always have the option to return voluntarily to your country of origin. People who return voluntarily will receive specific support (See Step 12 - The return).

Medical assistance

The reception centre has its own medical team (a doctor and nurses). If necessary, the doctor can refer you to a hospital or a specialised service. If you do not agree with a doctor's decision, you can appeal against it. Your social worker will explain exactly what you need to do.

- Your medical dossier will be updated and retained at the reception location itself. You may consult your dossier or request a copy thereof. If you move to another reception location, your dossier will be sent onto the new location to which you have been assigned.
- You may always consult another doctor who is not employed by (or assigned to) the reception location. In this case, you must bear any corresponding costs yourself.

Medical assistance for people who do not live at the assigned location

If you do not wish to reside at the reception location, you retain the right to medical help as long as the asylum application is under examination. In such a situation, you may consult a doctor (or hospital) of your choice. You must always show the doctor the original 'annex' (the document that you were given by the Immigration Department within the context of your asylum application) to prove that you are entitled to medical help. If you go to a hospital, you must speak to the social service at the hospital involved (and take the 'annex' with you).

- The doctor may only treat you if Fedasil agrees to this. This allows him to be sure that Fedasil will bear

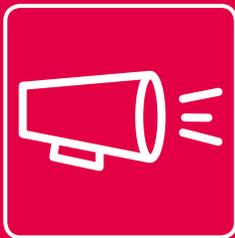
the costs of your consultation. Your doctor can reach Fedasil ('Medical Costs' cell) on 02 213 43 00, by fax on 02 213 44 12 or via e-mail on medic@fedasil.be.

- Such an agreement is not required if you are treated by an emergency doctor. The doctor then completes an attestation as a statement of the treatment having been emergency treatment and sends this onto Fedasil.

Psychological assistance

You can receive psychological guidance (particularly for working through trauma, stress or problems). The doctor in your centre or your social worker can refer you to an expert or a specialised institution. Talk about this if you feel it is necessary.





*_ Step 5: **The summons***

The CGRS will invite you to a hearing. Your lawyer can be present at this. If you cannot attend the hearing, you must inform the CGRS and provide answers to the relevant questions in the information request.

The summons letter

The CGRS is the central authority for the Belgian asylum procedure. It is the only body that is authorised to conduct the investigation into your application for asylum. The CGRS evaluates the application for asylum in an independent and impartial manner.

The CGRS will invite you to attend a hearing at its offices in Brussels at least once during the procedure. A hearing takes place either in the morning or afternoon. You will receive the summons to this hearing at the address you have provided as your chosen residential location.

- If you are staying in a reception centre, the CGRS will send the invitation to the hearing by fax to the centre's

director. He or she will pass this invitation onto you.

- If you are staying at a private address, you will receive the summons as a registered letter.

If you have a lawyer, he must inform the CGRS that he is involved with the asylum procedure. He will receive a copy of all correspondence that the CGRS sends to you, including the summons letter for the hearing.

The CGRS will usually send the invitation about three weeks before the hearing.

If you cannot attend the hearing

It may well be that you cannot attend the hearing at the CGRS because, for example, you've been admitted to hospital.

In this case, you must send a document proving that you are indisposed (e.g. a signed medical attestation) to the CGRS. You must also enclose a docu-

ment that provides all of the information about your asylum application (e.g. the reasons for your departure). It is also possible that the CGRS may investigate your asylum application on the basis of this written information and not invite you a second time.

You must try to send this registered letter before the day of the hearing at the CGRS. This will avoid the CGRS making all the preparations for the hearing (inviting an interpreter etc) when you are not able to attend.

You may receive a negative decision

- if, within two weeks after the planned day of the hearing, you have not provided a valid reason for your absence to the CGRS, or
- if you have not complied with the request for information within one month after the planned date of the hearing.





_ Step 6: The hearing

The CGRS will invite you to a hearing. You can explain why you left your country during the hearing. The interpreter will translate the questions asked by the asylum caseworker and your explanations. Your lawyer or a trusted person may attend the hearing too. The asylum caseworker will investigate your application for asylum on the basis of information that you provide during the hearing. He will check your application according to the criteria of the Geneva Refugee Convention and will make sure you meet the conditions for receiving subsidiary protection. If you wish to stop the asylum procedure before a decision has been made, you may withdraw your application.

The hearing will take place at the offices of the CGRS in Brussels. If you are residing in a closed centre or in prison, a CGRS caseworker will interview you at that location.

The hearing is a key moment in the asylum procedure. During the inter-

view, you can explain why you left your country of origin. A CGRS caseworker will ask supplementary questions. In this way, he will investigate precisely what concerns you about returning to your country of origin. It is important that you cooperate fully during the hearing and that you provide clear answers to the questions that the asylum caseworker asks.

At the start of the interview the CGRS caseworker will point out your obligations. You must tell the truth; false or incorrect statements can result in the refusal of the application for asylum. You must do all you can to prove your identity, your travel route and the facts you have provided with documentation.

The CGRS will treat all statements that you provide during the hearing in the utmost confidence. The documents that you provide will also be examined with the necessary prudence and with respect for your privacy.

Your lawyer may attend the hearing at the CGRS. He may not, however, intervene during the hearing. At the end of the hearing, he may explain why you are eligible for refugee or subsidiary protection status. A trusted person may also attend the hearing. You must obtain permission from the CGRS for this in advance.

The hearing will take place in the language that was determined at the beginning of the asylum procedure. The CGRS will provide an interpreter if you have indicated to the Immigration Department that you need one.

- The interpreter is neutral and bound to professional confidentiality.
- The interpreter's task is to only translate what you say and what the CGRS caseworker says, without supplementing, curtailing or amending this.

- The interpreter cannot intervene in the assessment of your asylum file and, therefore, has no influence on the ultimate decision.

The CGRS caseworker will draw up a hearing report on the basis of his questions and your explanations. You and your lawyer may ask the CGRS for copies of documents from your asylum file, e.g. the hearing report.

You must be aware of the fact that a hearing can take up to three or four hours. If necessary, you will be invited back for a second hearing.

If you are in Belgium with your spouse or partner, the CGRS will invite them for a hearing on the same day. The asylum caseworker, however, will conduct a separate interview for each spouse/partner.



In order for the hearing to progress effectively, it is preferable that no young children attend the interview.

- If you have young children, we advise you not to bring them to the CGRS on the day of your hearing.
- If you cannot find childcare for your children on the day of the hearing, however, you can take them to the CGRS crèche where children aged between one and twelve can be cared for during the hearing.

Investigating your asylum application

After the hearing, the CGRS will investigate your asylum application.

The asylum caseworker will check the following:

1. Are your statements truthful/credible?
2. Does your application meet the criteria of the Geneva Refugee Convention or are you eligible for subsidiary protection status?

If your explanations are credible, the asylum caseworker will investigate whether you left your country of origin due to a well-founded fear of persecution as a result of:

- your nationality;
- your race;
- your political or religious convictions;



- or because you belong to a particular social group.

If your application does not fulfil these criteria, the asylum caseworker will examine whether you are eligible for subsidiary protection status. This is the case if returning to your country of origin would involve a legitimate threat of serious harm. This serious harm could be:

- the death penalty or execution
- torture or brutal or demeaning treatment
- a serious threat to life as a result of random violence in case of an international or national armed conflict

The CGRS caseworker who assesses your asylum application is highly educated and specialised in asylum affairs. He or she has thorough knowledge of the situation in the countries from which asylum seekers originate. The asylum caseworker will check the documents and evidence provided to ensure that it is relevant and authentic. On the basis of very comprehensive information, he will check your statements to the general context in your country of origin.

A team of researchers that closely follows the political situation and human rights situation in your country of origin will support the asylum caseworker.

The CGRS caseworkers will endeavour to make a decision on your file

as quickly as possible. They will thoroughly investigate your application for asylum. Sometimes a rapid decision is not possible due to the fact that further investigation must be undertaken. In this case, it may take several months before you receive a decision from the CGRS.

The CGRS caseworker that held the hearing will present the decision to a supervisor. They will then check the content and motivation for the decision. If this is approved by the supervisor, the decision is signed and presented to the commissioner general or one of his deputies. They will take the ultimate decision.

Withdrawing the asylum application

You may voluntarily halt your application for asylum at any point during the asylum procedure. You must then sign a form to say that you withdraw your asylum application.

This form can be found on the CGRS website: www.cgrs.be.

If you voluntarily return to your country of origin before having received a decision from the CGRS or if you are regularised over the course of your asylum procedure, the CGRS will confirm the withdrawal of your asylum application, assuming that you are in agreement with this.



Step 7: Daily life

You are permitted to work under certain conditions. You do not have immediate access to the labour market but you may carry out a variety of tasks at the reception centre. You will receive payment for this. A 'daily allowance' is also provided. Your children must go to school, just like all other minors in Belgium.

Work and training

As an asylum seeker, you may only work under certain conditions. All persons who have not received a decision after

six months of having submitted their application may apply for a work permit. If, at the time, you are residing at a reception location, you may be asked (according to your income) to pay part of the reception costs yourself. If your income exceeds a specific amount, your reception location may decide that you no longer need material assistance.

Your social worker can tell you more about the law and your rights in this regard.





In the intervening period, you are permitted to take training courses (language or computer lessons, sewing or cooking, technical training...). This training may be provided within or outside the reception location.

Daily allowance

This is a payment that is determined by law and to which everybody is entitled. In principle, the daily allowance (or 'pocket money') is paid out once a week by a staff member at the reception location. Children are also entitled to a daily allowance (the amount depends on their age and the extent to which they are fulfilling their schooling obligation).

'Community services'

You can carry out every day tasks in the community in which you reside; these are referred to as 'community services'. You will then receive payment over and above the pocket money amount. In reality, this means that you can clean the communal areas (halls, dining room...), serve the meals or help with various other services (laundry, site store...).

You are not obliged to carry out community services but you may volunteer to do so. Members of staff from the reception location organise the services. They also ensure that all residents are given the opportunity to carry out community services.

There is a maximum amount that you may receive in exchange for community services. This monthly amount is set in advance.

Schooling obligation for children

All children between the ages of six and eighteen must go to school. The choice of school will be made in consultation with the parents. The lessons are in Dutch, in French or in German, depending on where the school is located. Children are not obliged to go to nursery school (from age three to five) even though most Belgian children do so.

Your child can be enrolled in a 'reception class', according to his or her language ability and educational level, if the school has one. The children follow modified lessons in this class. Once they reach a particular level, they can transfer to an ordinary class.

The reception location pays schooling costs for your children. This encompasses the purchase of school items such as books, paper and sports clothes and the costs incurred as a result of obligatory activities that are organised by the school (meals, transport).

As a parent, you must ensure that your child attends school. The reception location at which you are staying can provide suitable support. There are reception centres where the staff organise 'homework classes' to help your child with his school tasks.

Recreation

The reception centre staff organise various activities (e.g. sporting events or cultural excursions) throughout the year.







_ Step 8: An individual accomodation

After a stay of four months at a collective reception location, you may ask for an individual residence.

There is a two-step reception model for asylum seekers in Belgium. Normally, you are initially placed in a collective facility (a reception centre). After a period of four months, you are then able to request a transfer to individual housing.

You are more independent in individual housing. This often involves one or more furnished private dwellings. Individual accommodation is usually provided by non-governmental organisations or by the social services in the city or municipality (OCMW in Dutch, CPAS in French).

You will only be assigned individual housing if there are sufficient places available. If there is no room, you will be placed on a waiting list. You cannot choose the municipality within which you wish to be housed but you can always refuse the place that is offered. For more information, please consult your social worker.

You will still receive material assistance while in individual accommodation. You will be provided with the same guidance as in the reception centre although the practical organisation of this differs slightly. If, for example, there is no restaurant, you will be issued with luncheon vouchers or groceries with which to cook yourself. The reception centre will transfer your social dossier to your new social worker.

Changing addresses

When you move, you must inform the municipality in which you will be living. The asylum organisations (such as the Immigration Department and the CGRS) must also be informed.

In order to do this, you must complete a form that can be found on the CGRS website ('Changing address', www.cgrs.be):

- complete this form and sign and then send by registered post to the Immigration Department and the CGRS, or
- hand it in at the Immigration Department and CGRS reception in Brussels.

If you do not provide a residential address, the CGRS will assume that you have chosen the CGRS address as your residential location. All correspondence about your asylum appli-

cation will then be sent to the CGRS. This means that you must regularly check whether any post has arrived for you at the CGRS. You must personally collect this in this event.





Step 9: The post office

The CGRS will inform you of the decision about your application for asylum via a registered letter. The reasons as to whether your asylum application has been approved or denied will be outlined therein. Your social worker can explain the details of the decision.

CGRS decisions via registered letter

The CGRS sends the decision about your asylum application via registered letter to the address that you have provided as your residential address. It is important that you receive your decisions promptly and at the correct address. If you receive a refusal from the CGRS, you are able to lodge an appeal within thirty days.

- If you are staying at a reception centre, the decision will be sent to the reception centre's address. Depending on the centre's procedures, you will either receive the decision from a member of staff or will need to collect your post personally so that you can obtain the letter informing you of the decision.

- If you are staying in a private residence, the postman will ring the doorbell and hand over the registered letter in person. You must sign for receipt. If you are not home at that particular moment, the postman will leave a note in your letterbox which informs you that the registered letter must be collected from the post office within two weeks. If you do not collect the registered letter promptly, the post office will return it to the CGRS.





_ Step 10: The positive decision

A positive decision means that you will be recognised as a refugee or will receive subsidiary protection.

A positive decision has consequences in terms of the opportunity to work, family reunification, material assistance and your stay in Belgium.

Recognition of refugee status

The CGRS will inform you of their decision to recognise you as a refugee via registered letter delivered to your chosen residence. The CGRS will send a second letter about two weeks later. This will ask for your exact identity details. It is vital that you answer this. It offers you the opportunity to correct any erroneous details (e.g. errors in the spelling of your name, a mistake in your date of birth or place of birth).

About a month after your status as a refugee has been recognised, the CGRS will invite you to collect your refugee attestation. The local authority where you are living will provide you with a residence permit if you show them this attestation. This entitles you

to stay in Belgium for an unlimited length of time. The municipality will register you in the 'foreigners' register'. You will then receive an identity document comprising an electronic foreigner's card. This card is valid for five years. After five years you must apply to extend or renew your card.

As a recognised refugee, you can seek employment or work for yourself in Belgium. You do not need a work permit or professional card to do so. You have access to the labour market under the same conditions as Belgians.

If some members of your immediate family would like to join you, they can request family reunification. The Immigration Department processes this request.

Once you have received the status of refugee, you can no longer request registry office documents, e.g. birth certificate, from your embassy. You must request these via CGRS' Document Service.

More information about recognition as a refugee can be found on CGRS' website: www.cgrs.be

The granting of subsidiary protection status

If you do not fulfil the conditions for being recognised as a refugee, the CGRS can grant subsidiary protection to you. You will then receive a decision which provides an explanation of why your request for recognition as a refugee was denied. Furthermore, the decision will also explain that you will receive subsidiary protection.

If you have been granted subsidiary protection you may stay in Belgium for a limited period of time. The municipality, on behalf of the Immigration Department, will take responsibility for you and will provide you with a one-year residence permit if you show them the CGRS' decision. In practice, you are then registered in the foreigners' register (you will be provided with written evidence of this) or will receive an electronic identity card. This residence permit can be extended after a year.

After five years, counting from the date on which you submitted your application for asylum, you will be provided with an unlimited Belgian residence permit.

You must apply for a work permit (work permit C) if you wish to work in Belgium during this five year period.

This work permit is for a limited period. It applies to all professional activities for which you are paid. The permit will be provided by the local authority administration where you reside.

Once you are permitted to stay in Belgium for an unlimited period, you no longer need this work permit.

If you wish to work for yourself in this limited period, you will need a professional card that is provided by the Federal Public Service Economy's Economic Permit Service. This professional card can be requested from the local authority where you reside.

Once you are able to stay for an unlimited period in Belgium, your immediate family members may join you. The Immigration Department processes this request for family reunification.

More information about the assignment of subsidiary protection status can be found on CGRS' website: www.cgrs.be

The end of material assistance

When your asylum procedure has come to a definitive end, you must leave the reception location where you have been staying. Once you are recognised as a refugee or have been granted subsidiary protection status, the local authority where you reside will provide you with a residence permit. From that day onwards, you may choose where you wish to live in Bel-

gium. If necessary, you may apply for financial assistance. In order to receive this assistance, you must submit the application to the OCMW/CPAS in the municipality in which you live.

You are given a set period to leave the reception facilities so that you can find a new residence and can move your personal property. Your social worker will help you find a new home.

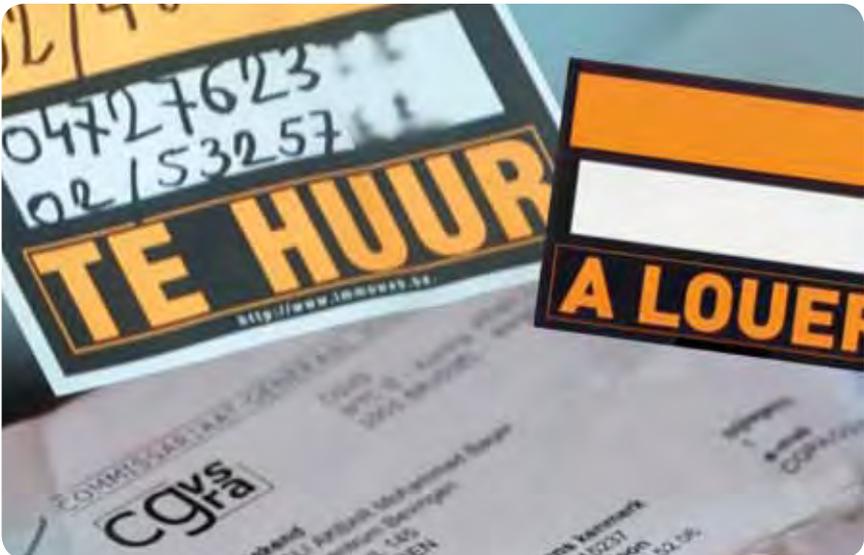
Refugee status and/or subsidiary protection is withdrawn or cancelled

The commissioner general can withdraw your status if the CGRS discovers that you were unjustly recognised as a refugee or granted subsidiary protection erroneously. This may be the case if you have obtained the status on the basis of fraudulent statements or falsified documents.

The commissioner general can also decide to cancel your refugee status or subsidiary protection. This may occur if the circumstances in your country of origin change substantially and permanently and you no longer need protection from the Belgian authorities.

You have thirty days to appeal to the Council for alien law litigation (ALC) against a decision to withdraw or cancel your status, unless you live in a closed centre or are in prison and then you have just fifteen calendar days to appeal.

You are advised to consult a lawyer.







_ Step 11: The negative decision

A negative decision means that you are denied the refugee status and the subsidiary protection. This has consequences for your stay in Belgium. You may appeal against a negative decision.

If you receive a negative decision from the CGRS and you do not wish to appeal against it, you must leave Belgium and return to your country of origin. The Immigration Department will order you to leave the territory within a specified period.

- You are responsible for your return.
- You can ask for financial assistance or other forms of assistance if you return to your country of origin (see Step 12 - The return).
- If you do not voluntarily leave in the specified period, you may be forcibly removed.

Refusal of refugee status and of subsidiary protection

If you do not fulfil the conditions required to be recognised as a refugee

or to be granted subsidiary protection, the CGRS will provide you with a decision and reasons for the refusal.

You then have thirty calendar days to appeal against this decision with the Council for alien law litigation, unless you are in a closed centre or in prison in which case you have just fifteen calendar days to do so. You are advised to consult a lawyer in this regard (see Step 4 - The guidance).

The end of material assistance

If you do not appeal against the decision (or if all appeals have been exhausted), your asylum procedure will be closed and you will receive an order to leave Belgium from the Immigration Department. You will then have to leave the reception centre (or your lodgings).

If you do not appeal and, after a negative decision, receive an order to leave the territory from the Immigration Department, you must leave the recep-

tion location at which you have been staying. You have no further right to welfare services but do retain the right to emergency care (urgent medical assistance). In order to obtain this, you must register at the OCMW/CPAS welfare service where you are staying before going to see a doctor.

You may, however, end up in an 'exceptional situation' which warrants an extension of material assistance even though you have been denied the status of refugee and subsidiary protection. If the request for an extension is accepted, you may stay at the reception location.

Exceptional cases include:

- retaining the family unit;
- circumstances beyond one's control, pregnancy, a school year that is already underway, not being able to return to your country of origin for reasons beyond your control, you are the parent of a Belgian child;
- medical reasons (to be supported by a medical attestation).

Your social worker can provide you with further information about this.

The appeal process

The Council for alien law litigation

Appeal against a decision denying refugee status and subsidiary protection (ordinary procedure).

During the appeal process, you cannot be expelled or forcibly removed from the territory. You will still receive material assistance.

In order for an appeal to be processed by the Council for alien law litigation, you must submit a request in which you explain why you do not agree with the CGRS' decision. The letter of appeal must meet certain formal and content-related conditions. It is, therefore, important that your appeal letter is drawn up properly. You are advised to call upon the services of a lawyer.

You and your lawyer will then be invited to a Council for alien law litigation public hearing. You or your lawyer must be present at the meeting. During this meeting, you or your lawyer can provide further verbal explanation regarding your arguments.

- The judge may confirm the decision already made. This means that the judge is of the opinion that the CGRS made a correct decision.
- He can also reform the CGRS decision:
 - > If refugee status and subsidiary protection were denied by the CGRS, both can be reinstated by the Council for alien law litigation.
 - > If subsidiary protection is granted, you can appeal to the Council for alien law litigation if you wish to obtain the status of refugee. The Council for alien law litigation can reform the CGRS' decision and assign refugee status, allow you to retain subsidiary protection or refuse both statuses.
- If the Council for alien law litigation judge is of the opinion that the CGRS decision cannot be confirmed or overturned because of the fact that

the investigation was not carried out thoroughly enough or because substantial errors were made, he will annul the decision. The Council for alien law litigation will then send the file back to the CGRS so that the CGRS can conduct the investigation again and make a new decision.

If the decision of the Council for aliens law litigation is negative, your social worker will advise you to go to a Fedasil reception centre. This is an 'open centre', meaning that you are allowed to enter and leave the centre at will. Staying in such a centre is not compulsory but you will have to leave your current centre or lodgings. After receiving a negative decision from the Council for aliens law litigation, the Fedasil reception centre is the only place providing you with accommodation.

On your arrival in the centre, a social worker will explain to you the working of the centre and the possibilities to go back to your country. He will also explain to you the advantages of returning voluntarily. The choice to return is up to you. The social worker does not force you to return but he/she will explain to you that voluntary return is a better option than a forced return (organised by the Immigration Department) or than staying illegally in Belgium. Your stay in the Fedasil reception centre will usually last from 3 to 4 weeks (until the date on which

you have to leave Belgium) and you will not be deported during your stay. There is also a representative of the Immigration Department to verify your compliance with the order to leave the territory.

If you choose to return to your country, you may ask for assistance (see Step 12 - The return).

Specific procedure against a decision not to consider a multiple application

If you apply for asylum in Belgium for a second or third time etc., the CGRS can decide not to take into consideration your new application. The reasons for not considering your application will be explained in the decision.

You have 15 calendar days to lodge an appeal with the Council for aliens law litigation against a decision not to take your application into consideration. If you are staying in prison or in a closed centre, the delay is 10 calendar days. This delay is reduced to 5 calendar days in case of a second or subsequent decision not to consider your application. You are advised to consult a lawyer if you want to lodge an appeal.

The appeals procedure described earlier also applies when the CGRS has decided not to take into consideration your multiple application. The Council for aliens law litigation will however have to examine your appeal in a shorter time. During the examination of your appeal, you will in principle not be deported forcibly or escorted to the border.

In some particular cases, a removal order may be carried out during your appeal. For details on these special cases, please refer to the CGRS website (www.cgrs.be).

You (and your lawyer) will receive an invitation to attend a hearing before the Council for aliens law litigation. You or your lawyer must be present at the hearing. At the hearing, you or your lawyer will have the opportunity to explain your arguments orally. The Council will then issue a ruling on your case.

- This ruling may 'confirm' the CGRS' decision, meaning that the judge is of the opinion that the CGRS' decision is correct.
- The ruling may 'annul' the CGRS' decision when it appears that no in-depth examination has been carried out by the CGRS or when its decision contains substantial errors. Your dossier will then be sent back to the CGRS who will have to examine it anew and take a new decision.
- The ruling may also annul the CGRS' decision when there are serious indications that you can be recognised as a refugee or receive subsidiary protection status.
- The Council for aliens law litigation can then decide to grant you refugee status or subsidiary protection status.

Specific procedure when a decision not to consider an asylum application applies to a national from a safe country of origin

If you are a citizen of a country considered as safe (see Step 1 - The asylum application), the CGRS can decide not to take into consideration your application. The reasons for not considering your application will be explained in the decision. Such a decision is taken within 15 working days following the transfer of your application to the CGRS by the Immigration Department.

You have 15 calendar days to lodge an appeal with the Council for aliens law litigation against a decision not to consider your application. You are advised to consult a lawyer if you want to lodge an appeal.

If you are a citizen from a country considered as safe, the appeals procedure described earlier also applies when the CGRS has decided not to consider your application. The Council for aliens law litigation will however have to examine your appeal in a shorter time. You are entitled to benefit from reception facilities during your appeal.

- The ruling of the Council for alien law litigation may 'confirm' the CGRS' decision, meaning that the judge is of the opinion that the CGRS's decision is correct.
- The ruling may 'annul' the CGRS' decision when it appears that no in-depth examination has been carried out by the CGRS or when its decision contains substantial errors. Your dossier will then be sent back to the CGRS who will have to examine it anew and take a new decision.
- The ruling may also annul the CGRS' decision when there are serious indications that you can be recognized as a refugee or receive subsidiary protection status.
- The Council for aliens law litigation can then decide to grant you refugee status or subsidiary protection status.

Specific procedure when a refusal to grant refugee status and subsidiary protection status concerns an EU citizen.

If you are a citizen of a member state of the European Union or of a candidate Member State, the CGRS may decide not to consider your request. The CGRS will do so if your statement does not clearly illustrate a well-founded fear of persecution or a real risk of suffering serious harm. The written information about the decision that you will receive will include the reasons why your application is not being taken into consideration.

If you are an EU citizen, you will also receive an order to leave the territory unless you inform the municipality that you would like to avail yourself of your EU citizenship. Your request for living in Belgium will then be sent to the Immigration Department.

You then have thirty calendar days to appeal against this decision to not consider your application for international protection with the Council for aliens law litigation, unless you are in a closed centre or in prison in which case you have just fifteen calendar days to do so. You are advised to consult a lawyer in this regard.

You can only submit an annulment appeal. For this appeal, the Council for aliens law litigation only conducts a legislative check: the Council for aliens law litigation looks at whether the Commissioner general has applied the procedure correctly and whether the decision has been made in accordance with the law. The Council for aliens law litigation, in this procedure, does not rule on the merits of the case; it does not assess the content of your asylum application.

You can still be expelled or forcibly removed during the annulment appeal period unless you submitted a suspension request simultaneously with your appeal. If you have done so, you may stay in a reception location.

You and your lawyer will then be invited to a Council for aliens law litigation hearing. You or your lawyer must be present at the hearing. During this hearing, you or your lawyer can provide further verbal explanation regarding your arguments. Thereafter, the Council for aliens law litigation will issue a judgment.

The Council for aliens law litigation can confirm or annul the CGRS' decision. If the Council for aliens law litigation annuls the CGRS' decision, the asylum file will be returned to the CGRS and a new decision must be made. If the Council for aliens law litigation confirms the CGRS' decision, the CGRS' decision remains in force.

The Council for alien law litigation's ruling definitively concludes the asylum procedure. This means that you will receive a residence permit if the decision is positive. If a negative decision is made, you must leave the country (see above).

The Council of State

As with every council process, there is the opportunity to submit a cassation appeal with the Council of State. The Council of State is not an asylum body. The appeal in cassation is a non-suspensive appeal and must be submitted within thirty days of the decision by the Council for aliens law litigation. This means that you may be expelled or forcibly removed during the appeal in cassation.

A filter procedure is followed. The Council of State checks, within a very short period, whether you have valid reasons for submitting an appeal. Your appeal will be accepted if this is the case and only then you are again entitled to reception.

During the cassation procedure, the Council of State will only check whether the Council for aliens law litigation's ruling was made in accordance with the law. The Council of State does not make a judgment on the content of your file and cannot, therefore, grant refugee or subsidiary protection status.

If the Council of State is of the opinion that the decision was unlawful, it will annul this and return the case to the Council for aliens law litigation who must then make a new judgment.

If the Council of State rejects the appeal, the negative ruling will be confirmed. There is no opportunity to appeal against this and your asylum application is thus definitively concluded.





_ Step 12: **The return**

If the CGRS gives you a negative answer and you do not appeal against this decision (or if you have used up the appeal options open to you), you must leave Belgium and return to your country of origin.

Voluntary return

You always have the possibility to return to your country of origin during the asylum procedure or after receiving a negative decision. If you choose to return voluntarily to your country, you may ask for assistance. Undocumented migrants in Belgium, even if they have never applied for international protection, can also ask for assistance if they wish to return voluntarily.

If you wish to return to your country, you can ask your social worker for advice. If you are no longer entitled to reception, you can still contact Fedasil. For more information or in order to make an appointment, you can call the following free telephone number:

0800 32 745. You can also go to Fedasil's Return Counter during working hours (Monday to Friday from 9.30



a.m. till 4.00 p.m.) at the following address: 57 chaussée d'Anvers, 1000 Brussels (near the Gare du Nord). Staff from Fedasil will answer your questions and help you organize your return. Please take all the necessary documents with you.

The return trip

Depending on your country of destination, the trip will be organised by bus or by airplane. You will travel with ordinary passengers.

At the moment of departure, an IOM worker (International Organization for Migration) will hand you your bus or train ticket and accompany you to customs. Another person will wait for you at your destination. You will be given a plastic bag of the IOM so that you can be easily recognised on arrival.

You will not have to pay travel expenses. The bus or plane ticket will be paid for you. For some countries, a return allowance may be given in addition.

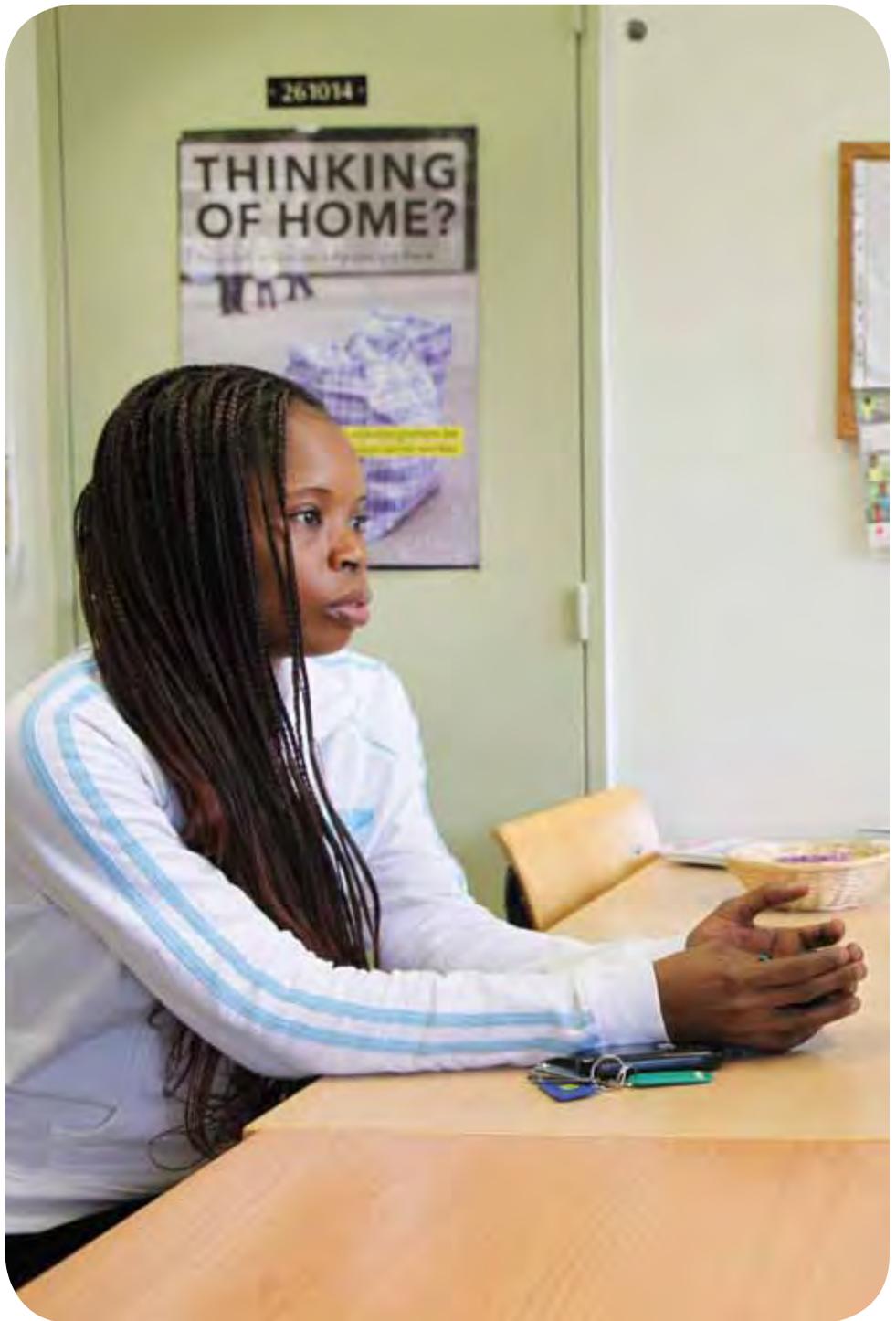
Assistance in the destination country

You can also receive assistance for your reintegration in your country of origin. This will depend on your destination country and on your situation in Belgium before your departure. Fedasil staff will examine with you which kind of aid is available.

This aid is never given in the form of money (cash) and aims at helping you to start a shop, to pay medical fees, to find a job or professional training etc.

Forced return

If you do not return to your country of origin, the government (Immigration Department) can forcibly remove you.



Contact

Office of the Commissioner General for Refugees and Stateless Persons (CGRS)

Rue Ernest Blerot, 39
1000 BRUSSELS
T +32 2 205 51 11
F +32 2 205 50 01
cgrs.info@ibz.fgov.be
www.cgrs.be

Federal agency for the reception of asylum seekers (Fedasil)

Head Office
Rue des Chartreux, 21
1000 BRUSSELS
T +32 2 213 44 11
F +32 2 213 44 22
info@fedasil.be
www.fedasil.be

Dispatching Fedasil

Rue de Passchendaele, 2
1000 BRUSSELS
T +32 2 793 82 40
F +32 2 203 60 04

Open from Monday to Friday

Immigration Department

Boulevard Pacheco, 44
1000 BRUSSELS
T +32 2 793 95 00
Infodesk
T +32 2 793 80 00
F +32 2 274 66 91
infodesk@ibz.fgov.be
helpdesk.dvzoe@dofi.fgov.be
www.dofi.fgov.be
www.ibz.fgov.be

Council for alien law litigation

Laurentide
Rue Gaucheret, 92-94
1030 BRUSSELS
T +32 2 791 60 00
F +32 2 791 62 26
info.rvv-cce@ibz.fgov.be
www.rvv-cce.be

Council of State

Rue de la Science, 33
1040 BRUSSELS
T +32 2 234 96 11
info@raadvst-consetat.be
www.raadvst-consetat.be

IOM (International Organisation for Migration)

Rue Montoyer 40
1000 BRUSSELS
T +32 2 287 70 00
F +32 2 287 70 06
mrfbrussels@iom.int
www.belgium.iom.int

Rode Kruis Vlaanderen

Motstraat 40
2800 MECHELEN
T +32 15 44 35 40
F +32 15 44 33 06
opvangasielzoekers@rodekruis.be
www.rodekruis.be

Croix-Rouge francophone Département Accueil des demandeurs d'asile (ADA)

Rue de Durbuy 140
6990 MELREUX
T +32 84 36 00 82
F +32 84 36 00 88
info-ada@redcross-fr.be
www.croix-rouge.be

Caritas

Rue de la Charité 43
1210 BRUXELLES
Tel: 02 229 36 11
Fax: 02 229 36 25
info@caritas-int.be
www.caritas-int.be

fedasil

FEDERAL AGENCY FOR THE
RECEPTION OF ASYLUM SEEKERS

**CGvS
ra**

OFFICE OF THE COMMISSIONER GENERAL
FOR REFUGEES AND STATELESS PERSONS



This project was realized with the
support of the European Refugee Fund