

GUIDE FOR UNACCOMPANIED MINORS WHO APPLY FOR ASYLUM IN BELGIUM

This brochure
belongs to:



Responsible publisher:
Dirk Van den Bulck,
Commissioner General for Refugees
and Stateless Persons

This brochure was published with the support of AMIF,
the European Asylum, Migration and Integration Fund.

It is available in English, French, Dutch, Arabic, Pashto,
Dari, Fula, Somali, Tigrinya and Albanian.

These different language versions can be found on:

www.cgrs.be/en/publications

Version : January 2019

CONTENTS

HELLO	4
ASYLUM PROCEDURE	6
1 WHAT KIND OF INTERNATIONAL PROTECTION CAN YOU GET IN BELGIUM?	8
TWO TYPES OF ASYLUM	9
WHO IS A REFUGEE?	10
WHAT DOES SUBSIDIARY PROTECTION MEAN?	11
2 YOUR IDENTIFICATION AND REGISTRATION AS A FOREIGN UNACCOMPANIED MINOR	12
YOU ARE A FOREIGN UNACCOMPANIED MINOR	13
YOUR AGE IS ASSESSED	14
A GUARDIAN IS ASSIGNED TO YOU	15
YOU ARE HOUSED IN A RECEPTION CENTRE	16
THE IMMIGRATION OFFICE TAKES YOUR STATEMENT AND YOU FILL IN A QUESTIONNAIRE	17
3 YOUR ASYLUM PROCEDURE AT THE OFFICE OF THE COMMISSIONER GENERAL FOR REFUGEES AND STATELESS PERSONS	18
AN EXPERT EXAMINES YOUR APPLICATION	19
A PROTECTION OFFICER CONDUCTS AN ELABORATE INTERVIEW WITH YOU	20
THE EXAMINATION OF YOUR ASYLUM APPLICATION	24
THE DECISION ON YOUR ASYLUM APPLICATION	25
NEGATIVE: THE CGRS REJECTS YOUR ASYLUM APPLICATION. WHAT HAPPENS NEXT?	26
Appeal against a negative decision	26
POSITIVE: YOU ARE RECOGNISED AS A REFUGEE	27
What does a refugee status entail?	27
POSITIVE: YOU HAVE BEEN GRANTED SUBSIDIARY PROTECTION STATUS	28
What does a subsidiary protection status entail?	28
CONTACT	30

HELLO

Every child is vulnerable. Foreign unaccompanied minors even more so. Many of them arrive in an unknown country with a different culture after a traumatic journey, to ask for asylum. This makes it even harder for them to tell their asylum story in a clear and understandable way.

For this reason the CGRS has put in place a special procedure for the examination of asylum applications from unaccompanied minors.

You are an unaccompanied minor asking for asylum in Belgium. This guide explains to you the different steps of your asylum procedure. All unaccompanied minors receive this guide on the day they make their asylum application at the Immigration Office.

Find out
more


You can find a summary of the main points in this guide on: www.cgrs.be/en/asylum/children-asylum-procedure

On the CGRS website, you will also find much more information on the asylum procedure in Belgium.





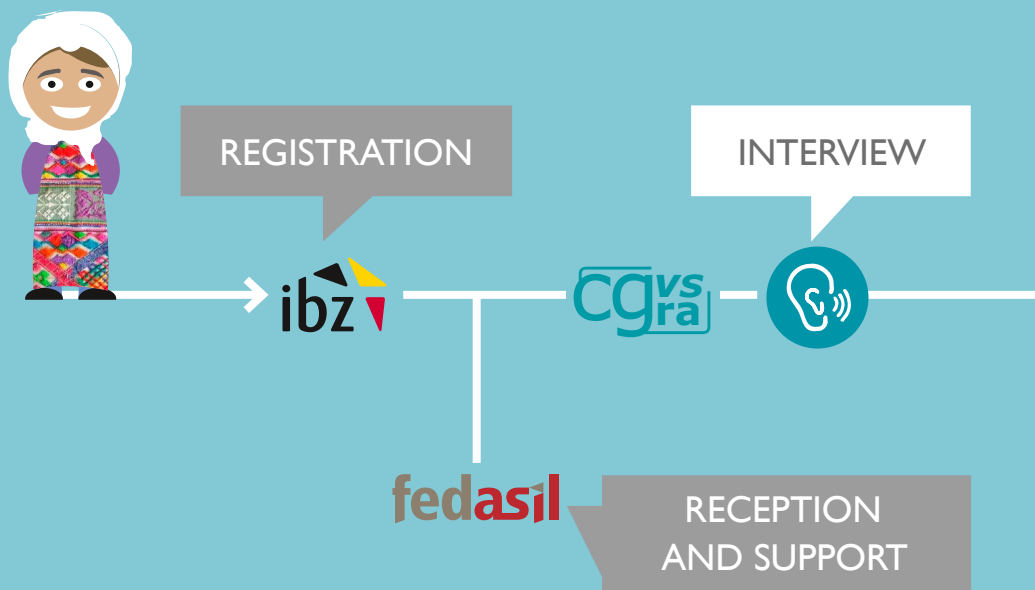
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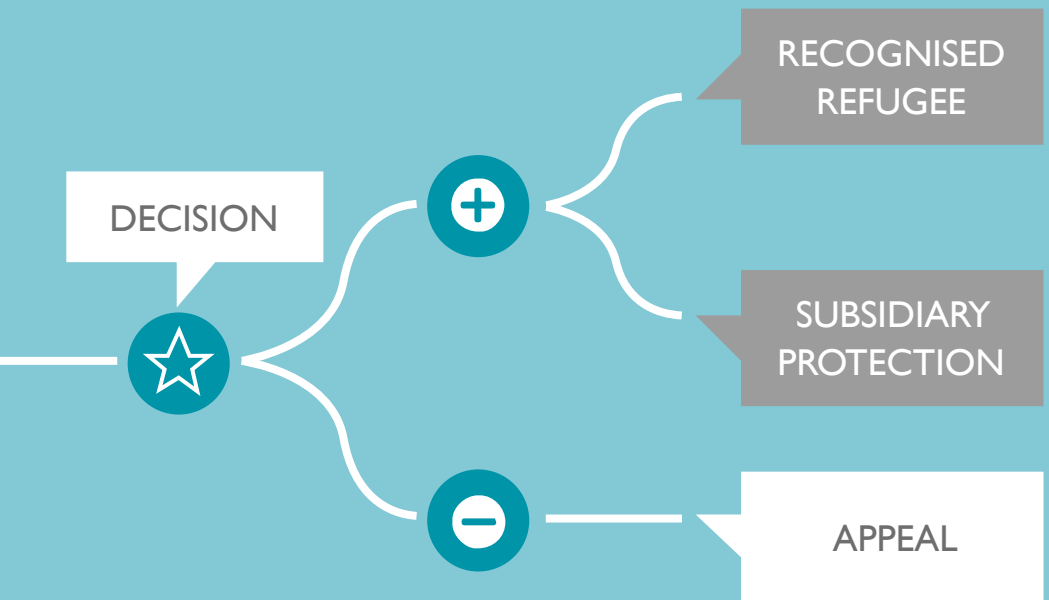


This blue balloon is for links to useful websites.



ASYLUM PROCEDURE





1

WHAT KIND OF INTERNATIONAL PROTECTION CAN YOU GET IN BELGIUM?





TWO TYPES OF ASYLUM

You apply for asylum in Belgium. This means that you ask the Belgian government to protect you because you have or fear to have serious problems in your home country or your country of residence. Because of these problems, you believe that you cannot return to your country. Belgium offers two forms of asylum: refugee status and subsidiary protection status.



What kind of international protection can you get in Belgium ?



WHO IS A REFUGEE?

Belgium has signed the Geneva Convention or Refugee Convention. This international treaty puts Belgium under the obligation to offer protection to people who have been persecuted or fear persecution in their home country or country of residence. Persecution may happen for several reasons:

- your political opinions, or those of your family
- your religion
- your race
- your nationality
- your membership of a 'particular social group'. A 'particular social group' is a group of persons who share a common characteristic they cannot change. Because of this shared characteristic, the majority of the people in your country or the authorities of your country treat you in a hostile way. An example of this may be a person who is persecuted because he is a homosexual.

If you have left your country and/or are unable to return there, for one or several of the above reasons, you may be granted refugee status in Belgium.



WHAT DOES SUBSIDIARY PROTECTION MEAN?

If you are not granted refugee status, because of your situation, the CGRS will examine if you are entitled to subsidiary protection status.

The CGRS will grant you subsidiary protection status if you run a real risk of serious harm in your country. Serious harm may consist of:

- death penalty or execution
- torture or inhuman or degrading treatment
- serious threat to your life in case of an armed conflict.

What kind of international protection can you get in Belgium ?

2

YOUR IDENTIFICATION AND REGISTRATION AS A FOREIGN UNACCOMPANIED MINOR



YOU ARE A FOREIGN UNACCOMPANIED MINOR

- if you are under 18
- if you stay in Belgium without your parent(s) or a (legal) guardian
- if you come from a country outside of the European Union
- if you apply for asylum or if you stay in Belgium without legal residence documents.

You can apply for asylum on your own or together with your guardian at the Immigration Office or at the border. If you are alone, the Immigration Office will **inform** the Guardianship Service of your presence.

The Immigration Office fills in an information sheet with you, in order to inform the Guardianship Service that you arrived in Belgium on your own. The Guardianship Service makes sure that your rights are respected, because you need special protection as a child or minor.

Find out more

RETURN TO YOUR COUNTRY

If you want, you can choose to return permanently to your home country, even if you have applied for asylum. You may receive help for the preparation of your return and during the return journey. You can talk about your wish to return with your guardian or with your social worker. You will find more information on the website www.voluntaryreturn.be



YOUR AGE IS ASSESSED



Your identification and registration as a foreign unaccompanied minor

If there is any doubt about your age, the responsible service will conduct an **age assessment**. In a medical examination an X-ray of your wrist, collarbone and teeth is taken. With this X-ray, we can assess your age approximately. If you do not agree with the result of this assessment, you may, with the help of a lawyer, lodge an **appeal** with the Council of State within 60 days. If the Guardianship Service concludes, on the basis of the age assessment, that you are not a minor, you will not receive help from a guardian and will be treated as an adult.



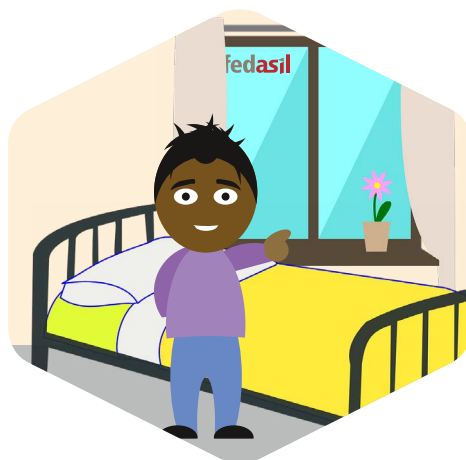
A GUARDIAN IS ASSIGNED TO YOU



In case there is no doubt about your age or the age assessment has shown that you are a minor, the Guardianship Service will immediately assign a **guardian** to you.

The guardian is your legal representative for the duration of your stay in Belgium until you reach the age of 18. The guardianship will end on your 18th birthday or when your parent(s), or the person who is legally in charge of you, arrive in Belgium. The guardian will see to it that you receive a lawyer to assist you during the asylum procedure. He or she will also make sure that your rights are respected in Belgium, that you go to school, that your paperwork is in order, etc. He will help you with the preparation of your asylum application and will explain to you what you may or may not expect. Your guardian will be present during your interviews at the Immigration Office and at the CGRS. He or she will see to it that the interviewer respects your rights. During these interviews, the guardian can also give information, if he so wishes, about your specific situation.

YOU ARE HOUSED IN A RECEPTION CENTRE



Your identification and registration as a foreign unaccompanied minor

Fedasil is responsible for the reception of all asylum seekers in Belgium. This means that Fedasil is also in charge of your reception as an unaccompanied minor. If you have relatives living in Belgium, you can choose to stay with them.

You will receive a place in a reception centre adapted to your needs, and separated from adults. The reception centres of Fedasil and its partner organisations (such as the Red Cross) are all “open centres”. This means that you are free to enter and leave the centre, as long as you observe the centre’s rules.

You will stay in a reception centre throughout the asylum procedure. If you have not received a decision when you turn 18, you will be transferred to a reception centre for adults.

Being a minor means you have to go to school and you will be registered in a school. Even if you live with relatives, you still have to go to school.

THE IMMIGRATION OFFICE TAKES YOUR STATEMENT AND YOU FILL IN A QUESTIONNAIRE

The Immigration Office invites you together with your guardian.

Firstly, the immigration officer writes down your **personal details in a statement**.

Then you have the opportunity to explain in a short **interview** why you fled. Tell the immigration officer **why you have left your country** and why you cannot or do not want to return there. This interview is based on a standard questionnaire. It is very important that you give a clear insight into your situation and background. This means that you must provide complete and correct information on:

- your identity and nationality
- the places where you have lived
- your family members, and the place where they have lived and are currently living
- your journey to Belgium
- all the reasons why you left your country.

If you do not speak Dutch or French, an interpreter will help you during this interview. The interpreter will translate everything you and the interviewer say. The interviewer and the interpreter are bound by professional secrecy. **This means they cannot share any information on your application with third parties or with the authorities of your country.** After this interview, the Immigration Office will transfer your asylum application to the CGRS.

3

YOUR ASYLUM PROCEDURE AT THE OFFICE OF THE COMMISSIONER GENERAL FOR REFUGEES AND STATELESS PERSONS



