

UPDATE ON 2025



BELGIUM



COUNTRY REPORT

JULY 2026

Acknowledgements & Methodology

This report was written by Vluchtelingenwerk Vlaanderen (Flemish Refugee Action) and was edited by ECRE.

This report draws on information obtained from the competent administrative agencies and attained through the monthly contact meetings between the asylum authorities and civil society, analysis of legislation, practices and case law. Vluchtelingenwerk Vlaanderen also gathers crucial information from its own activities. Vluchtelingenwerk has a legal helpdesk through which it receives numerous questions on the rights and position of asylum applicants and beneficiaries of international protection. It is also present daily at the entrance of the asylum authorities' office (the registration centre), where it provides newly arrived asylum applicants with crucial information about the asylum procedure and their rights in Belgium. This allows for the swift monitoring of any changes in asylum applicants' profiles and the registration practice. The information concerning the detention of migrants in Belgium is updated by the Move Coalition, a formal coalition of NGOs accredited to visit administrative detention centres.

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The 2025 update to the AIDA country report on Belgium was shared with the Office des étrangers (OE) / Dienst Vreemdelingenzaken (DVZ), the CGRS and Fedasil to provide an opportunity for comments.

Unless otherwise stated, the information in this report is up-to-date as 31 December 2025.

The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is coordinated by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. It covers 26 countries, including 21 EU Member States (AT, BE, BG, CY, CZ, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, SI and SK) and 6 non-EU countries (Egypt, Serbia, Switzerland, Türkiye, Ukraine and the United Kingdom). The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.



This report is part of the Asylum Information Database (AIDA), funded by the European Union's Asylum, Migration and Integration Fund (AMIF) and ECRE. The contents of this report are the sole responsibility of ECRE and can in no way be taken to reflect the views of the European Commission.



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Glossary & List of abbreviations

127-bis Repatriation Centre	Administrative detention centre (repatriation) near Brussels National Airport
Caricole	Administrative detention centre (transit) near Brussels National Airport
Pro Deo	Second-line free legal assistance by lawyers
Refusal of entry	Decision of the Immigration Office that can accompany an order to leave the territory, and that prohibits the person access to the territory of Belgium or of the entire Schengen zone for a certain amount of time
CALL	Council for Alien Law Litigation Conseil du contentieux des étrangers Raad voor vreemdelingenbetwistingen
Carda	Centre d'accueil rapproché pour demandeurs d'asile en souffrance mentale – Specialised reception centre by Red Cross for traumatised asylum applicants
Cedoca	Research service of the CGRS
CGRS	Office of the Commissioner General for Refugees and Stateless Persons Commissariat général aux réfugiés et aux apatrides Commissariaat-generaal voor de vluchtelingen en de staatlozen
CIB	Centre for Illegals of Bruges Centre pour les illégaux de Bruges Centrum voor illegalen van Brugge - Administrative detention centre for undocumented migrants
CIM	Centre for Illegals of Merksplas Centre pour les illégaux de Merksplas Centrum voor illegalen van Merksplas - Administrative detention centre for undocumented migrants
CIV	Centre for Illegals of Vottem Centre pour les illégaux de Vottem Centrum voor illegalen van Vottem - Administrative detention centre for undocumented migrants
CJEU	Court of Justice of the European Union
EASO	European Asylum Support Office (former EUAA)
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ECSR	European Committee for Social Rights
EMN	European Migration Network
EUAA	European Union Agency for Asylum (formerly: EASO)
Evibel	Registration database of the Immigration Office
Fedasil	Federal Agency for the Reception of Asylum Seekers
FGM	Female genital mutilation
INAD	Former Centre for Inadmissible Passengers in Brussels National Airport, now replaced by Caricole transit centre.
KCE	Federal Knowledge Centre for Health Care
LGBTQI+	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual and other identities
LRI	Local reception initiative initiative locale d'accueil (ILA) lokaal opvang initiatief (LOI): housing of asylum applicants or beneficiaries of international protection managed by the Public Social Welfare Centres of local municipalities

M-status-applicant	Applicant for international protection in Belgium who benefits from international protection in another EU Member State
OOC	Observation and Orientation Centre for unaccompanied minors
PCSW	Public Centre for Social Welfare Centre public d'action sociale (CPAS) Openbaar centrum voor maatschappelijk welzijn (OCMW): public organisation that provides with municipal statutory social services for persons with insufficient means.
RIZIV / INAMI	National Institute for Health and Disability Insurance Institut national d'assurance maladie-invalidité Rijksinstituut voor ziekte- en invaliditeitsverzekering
TP	Temporary Protection
TPD	Temporary Protection Directive
VVSG	Association of Flemish Cities and Municipalities Vereniging voor Vlaamse Steden en Gemeenten

Overview of relevant documents during the asylum procedure

Annex 26	Document that constitutes the proof of the lodging of an asylum application at the Immigration Office. This document in itself does not constitute a valid proof of identity or nationality. The applicant for international protection is required to present themselves with this document within 8 working days at the municipality in which they are staying, upon which a certificate of registration (<i>'attestation d'immatriculation'</i> / <i>'immatriculatie-attest'</i> or 'orange card') is delivered by the communal authorities. An example of the Annex 26 is available here .
Annex 25	Document that constitutes the proof of the lodging of an asylum application at the border while being in detention. This document does not grant access to the Belgian territory. It only serves as a proof of the application for international protection. An example of the Annex 25 is available here .
Annex 26quinquies	Document that constitutes the proof of lodging a subsequent application for international protection. It covers the legal stay in Belgium until the Commissioner General for refugees and stateless persons (CGRS) has taken a decision on the admissibility of the subsequent request. An example of the Annex 26 quinquies is available here .
Annex 13quinquies	Document issued by the Immigration Office that contains an order to leave the territory for people whose application for international protection has been rejected and who have no other form of legal residence (including any form of protection).
Annex 26quater	Decision taken by the Immigration Office containing a return decision in cases where Belgium is considered not responsible for the examination of the asylum claim under the Dublin III regulation. The decision contains both a refusal of residence and an order to leave the territory. An example of the Annex 26 quater is available here .
Attestation of immatriculation (AI or 'orange card')	Temporary residence permit issued by the local municipality that certifies that the applicant is 'in procedure' (asylum or other residence procedure). For asylum applicants, it is valid for four months starting from the asylum application, after which it is extend for additional periods of 8 months.
Electronic A-card	Temporary residence permit that is, amongst others, granted to beneficiaries of international protection. For recognised refugees, it is valid for 5 years. For beneficiaries of subsidiary protection, it is first issued for a period of one year, after which the municipality may renew it each time for a period of two years. After 5 years, the holder can apply for a B-card (permanent residence permit).
Electronic B-card	Permanent residence permit that is, amongst others, provided to beneficiaries of international protection after a temporary residence of 5 years, counting from the day of the application for international protection. The B-card is issued on instruction by the Immigration Office.

Statistics

Overview of statistical practice

The Office of the Commissioner General for Refugees and Stateless persons (CGRS) publishes monthly statistical reports, providing information on asylum applicants and first-instance decisions.¹ In addition, statistical information may be found in the Contact Meetings on International Protection reports, bringing together national authorities, UNHCR and civil society organisations,² and in annual reports of national asylum authorities.³

Applications and granting of protection status at first instance: figures for 2025⁴

	Applicants in 2025 (1)	Pending at end of 2025 (2)	Total decisions in 2025 (3)	Total in merit decisions (4)	Refugee status	Subsidiary protection	Humanitarian protection (5)	In merit rejection (6)	Total rejection (7)
Total	34,439	24,406	31,457	20,296	8,369	618	N/A	11,284	19,006

Breakdown by top 10 countries of origin in terms of number of applications

Afghanistan	3,947	N/A	3,331	1,971	1,437	1	N/A	533	1,836
Palestine	3,395	N/A	5,031	1,374	1,270	0	N/A	104	3,338
Eritrea	2,671	N/A	1,694	1,444	1,216	125	N/A	103	309
DRC	2,422	N/A	1,785	1,569	246	24	N/A	1,299	1,442
Turkey	2,370	N/A	1,707	1,429	670	0	N/A	759	863
Burundi	1,501	N/A	950	931	365	0	N/A	566	577
Syria	1,454	N/A	627	101	87	0	N/A	14	394
Cameroon	1,351	N/A	827	661	160	21	N/A	480	594
Guinea	1,334	N/A	877	706	308	0	N/A	398	546
Moldova	818	N/A	371	198	1	0	N/A	197	289
Other	13,176	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Source: Data provided by the CGRS, April 2026.

¹ CGRS, *Figures*, available in English, Dutch and French [here](#).

² The Federal Migration Centre, Myria, organises monthly contact meetings for representatives of government instances, NGO's and international organisations for exchange of information related to international protection. Reports of these meetings are publicly available in French and Dutch [here](#).

³ Immigration Office, *Activity reports*, available in French and Dutch at: <https://dofi.ibz.be/en/figures/activity-reports>; Council of Alien Law Litigation, *Year reports*, available in French and Dutch at: <https://www.rvv-cce.be/fr/cce/rapports-annuels>.

⁴ Data provided by the CGRS in March 2026. Yearly statistics of the CGRS are also publicly available here: CGRS, 'Asylum statistics December 2025', available in English, French and Dutch [here](#). The statistics provided concern the number of persons, not files (that may include several persons). The numbers provided by the CGRS may sometimes slightly differ from the number published online; for this report, mostly the numbers provided directly by the CGRS are used, unless for certain numbers which were only available in the public statistics. This may lead to minor differences in the sum of certain totals.

- (1) In 2025, 27,574 persons applied for international protection in Belgium for the first time, 6.865 persons introduced a subsequent (2nd, 3rd, ...) application.
- (2) Decisions are pending in 24,406 files, concerning 31,085 persons.
- (3) This number includes both final and intermediary decisions (e.g. decision for further assessment at the border or admission for subsequent application). Decisions were taken in 25,920 files, concerning 31,457 persons.
- (4) This number excludes: the number of persons for whom a further assessment at the border was decided or whose subsequent application was declared admissible (1,105), the number of persons whose application was declared inadmissible (7,458), the number of persons whose status was ended or revoked (264), the number of persons whose procedure was ended before a decision was made (e.g. renunciation, technical closure, etc) (2,408).
- (5) Humanitarian protection is not used as a form of international protection in Belgium and are therefore not represented in the asylum statistics.
- (6) This includes both the number of decisions refusing refugee status and subsidiary protection status (10,541), the number of decisions for manifestly unfounded applications (634) and the number of decisions of exclusion of international protection (109).
- (7) This number includes in-merit rejections (see (6)), decisions of inadmissibility (7,458) and decisions by which a protection status was ended or revoked (264). It does not include decisions by which an asylum procedure was ended before a decision was made (e.g. renunciation, technical closure, ...).

Applications and granting of protection status at first instance: in merit rates for year 2025

The rates are calculated based on in merit decisions only, excluding non-in merit decisions, thus excluding the number of persons for whom a further assessment at the border was decided or whose subsequent application was declared admissible, the number of persons whose application was declared inadmissible, the number of persons whose status was ended or revoked and the number of persons whose procedure was ended before a decision was made (e.g. renunciation, technical closure, etc).

	In merit protection rate	Refugee rate	Subsidiary protection rate	Rejection rate
Total	44%	41%	3%	56%
Breakdown by countries of origin of the total numbers				
Afghanistan	73%	72.9%	0.1%	27%
Palestine	92%	92%	0%	8%
Eritrea	85%	84%	1%	15%
DRC	17%	15.7%	1.3%	83%
Turkey	47%	47%	0%	53%
Burundi	39%	39%	0%	61%
Syria	86%	86%	0%	14%
Cameroon	27%	24%	3%	73%
Guinea	44%	44%	56%	44%
Moldova	0.5%	0.5%	0%	99.5%
Other	N/A	N/A	N/A	N/A

Source: Calculations made by the author of the report, based on the data (raw numbers) provided by the CGRS in March 2026.

Gender/age breakdown of the total number of applicants: 2025

	Men	Women
Number	21,962	12,477
Percentage	63.8%	36.2%

Source: Information provided by the Immigration Office, March 2026

First instance and appeal decision rates: 2025⁵

It should be noted that, during the same year, the first instance and appeal authorities handle different caseloads. Thus, the decisions below do not concern the same applicants.

	First instance		Appeal	
	Number	Percentage	Number	Percentage
Total number of decisions	31,457	100%	7,710	100%
Positive decisions	8,987	28.57%	1,529	19.83%
• <i>Refugee status</i>	8,369	26.6%	522	6.77%
• <i>Subsidiary protection</i>	618	1.96%	29	0.38%
• <i>Other</i> ⁶	N/A	N/A	978	12.68%
Negative decisions	22,470	71.43%	6,211	80.56%

Source: Statistics CGRS and data published on the website of the CALL⁷

⁵ The rates are calculated based on all decisions, including non in merit decisions. The data represent the number of persons for whom a decision was taken.

⁶ The CALL can cancel decisions and send the file back to the CGRS, if it believes that it does not have sufficient information to make an informed decision on an appeal. In this case, the CGRS is required to provide addition information and arguments after which it can give a new decision to the applicant. This is listed as 'other' in this table

⁷ CGRS, 'Asylum statistics December 2025', available in English, French and Dutch [here](#); Data on the in- and output of the CALL, available [here](#).

Overview of the legal framework

Main legislative acts relevant to asylum procedures, reception conditions, detention and content of protection

Title (EN)	Original Title (FR/NL)	Abbreviation	Web Link
Law of 15 December 1980 regarding the entry, residence, settlement and removal of aliens	Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers Wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen	Aliens Act	https://bit.ly/4cBHlyv (FR) https://bit.ly/43DV0Xs (NL)
Law of 12 January 2007 regarding the reception of asylum applicants and other categories of aliens	Loi du 12 janvier 2007 sur l'accueil des demandeurs d'asile et de certaines autres catégories d'étrangers Wet van 12 januari 2007 betreffende de opvang van asielzoekers en van bepaalde andere categorieën van vreemdelingen	Reception Act	http://bit.ly/1MA7uD0 (FR) http://bit.ly/1MKITbo (NL)
Law of 30 April 1999 concerning employment of foreign workers	Loi du 30 avril 1999 relative à l'occupation des travailleurs étrangers Wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemers	Law on Foreign Workers	http://bit.ly/1MHzmTK (FR) http://bit.ly/1FQUuRV (NL)
Law of 26 May 2002 on the right to social integration	Loi du 26 mai 2002 concernant le droit à l'intégration sociale Wet van 26 mei 2002 betreffende het recht op maatschappelijke integratie	Law on Social Integration	http://bit.ly/1GwdpYC (FR) http://bit.ly/1GnKfsF (NL)
Code of 28 June 1984 on the Belgian Nationality	Code du 28 Juin 1984 sur la nationalité Belge Wetboek van 28 juni met betrekking tot de Belgische nationaliteit	Nationality Code	Nationality Code (FR) Nationality Code (NL)
Titel XIII – Chapter VI of the Program Law of 24 December 2002 concerning the guardianship over unaccompanied minors	Loi-programme (I) du 24 décembre 2024 - Titre XIII - Chapitre VI : Tutelle des mineurs étrangers non accompagnés Programmawet van 24 december 2024 - Titel XIII - Hoofdstuk VI : Voogdij over niet-begeleide minderjarige vreemdelingen	Guardianship Act	Guardianship Act (NL) Guardianship Act (FR)
Decree of 7 June 2013 on the Flemish integration and civic integration policy	Decreet van 7 juni 2013 betreffende het Vlaamse integratie- en inburgeringsbeleid	Flemish Integration Decree	Flemish Integration Decree (NL)

Decree of 14 March 2024 on the Walloon integration policy	Décret du 14 mars 2024 modifiant la Partie 2 du Livre II du Code wallon de l'Action sociale et de la Santé relatif à l'intégration des personnes étrangères	Walloon Integration Decree	Walloon Integration Decree (FR)
Ordinance of 20 July 2023 on the integration- and accompaniment-trajectory for newcomers and foreign persons (Brussels)	Ordonnance du 20 juillet 2023 concernant le parcours d'accueil et d'accompagnement des primo-arrivants et des personnes étrangères Ordonnantie van 20 juli 2023 betreffende het inburgerings- en begeleidingstraject voor nieuwkomers en buitenlandse personen	Brussels Integration Ordinance	Brussels Integration Ordinance (NL) Brussels Integration Ordinance (fr)

Main implementing decrees and administrative guidelines and regulations relevant to asylum procedures, reception conditions, detention and content of protection

Title (EN)	Original Title (FR/NL)	Abbreviation	Web Link
Royal Decree of 8 October 1981 regarding the entry on the territory, residence, settlement and removal of aliens	Arrêté royal du 8 octobre 1981 concernant l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers Koninklijk Besluit van 8 oktober 1981 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en verwijdering van vreemdelingen	Aliens Decree	https://bit.ly/3PDrlrj (FR) https://bit.ly/3TQs8rA (NL)
Royal Decree of 11 July 2003 determining certain elements of the procedure to be followed by the Immigration Office charged with the examination of asylum applications on the basis of the Law of 15 December 1980	Arrêté royal du 11 juillet 2003 fixant certains éléments de la procédure à suivre par le service de l'Office des étrangers chargé de l'examen des demandes d'asile sur la base de la loi du 15 décembre 1980 Koninklijk besluit van 11 juli 2003 houdende vaststelling van bepaalde elementen van de procedure die dienen gevolgd te worden door de dienst van de Dienst Vreemdelingen zaken die belast is met het onderzoek van de asielaanvragen op basis van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen	Royal Decree on Immigration Office Asylum Procedure	https://bit.ly/49f071o (FR)
Royal Decree of 11 July 2003 determining the procedure and functioning of the Office of the Commissioner General for Refugees and Stateless persons	Arrêté royal du 11 juillet 2003 fixant la procédure devant le Commissariat général aux Réfugiés et aux Apatrides ainsi que son fonctionnement Koninklijk besluit van 11 juli 2003 tot regeling van de werking van en de rechtspleging voor het Commissariaat-generaal voor de Vluchtelingen en de Staatlozen	Royal Decree on CGRS Procedure	https://bit.ly/3xnc7jS (FR) http://bit.ly/1Jo26lJ (NL)

Royal Decree of 21 December 2006 on the legal procedure before the Council for Alien Law Litigation	Arrêté royal du 21 décembre 2006 fixant la procédure devant le Conseil du Contentieux des Étrangers Koninklijk besluit van 21 december 2006 houdende de rechtspleging voor de Raad voor Vreemdelingenbetwistingen	Royal Decree on CALL Procedure	http://bit.ly/1VtXdcg (FR) http://bit.ly/1VtXhJ3 (NL)
Royal Decree of 9 June 1999 implementing the law of 30 April 1999 regarding the employment of foreign workers	Arrêté royal du 9 juin 1999 portant exécution de la loi du 30 avril 1999 relative à l'occupation des travailleurs étrangers Koninklijk besluit van 9 juni 1999 houdende de uitvoering van de wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemers	Royal Decree on Foreign Workers	https://bit.ly/4acTbDa (NL)
Royal Decree of 16 April 2024 on the granting of material assistance to asylum applicants receiving income from employment related activity	Arrêté royal de 16 avril 2024 relatif à l'octroi de l'aide matérielle aux demandeurs d'asile bénéficiant de revenus professionnels liés à une activité de travailleur salarié Koninklijk besluit van 16 april 2024 betreffende de toekenning van materiële hulp aan asielzoekers die beroepsinkomsten hebben uit een activiteit als werknemer	Royal Decree Cumul	Royal Decree Cumul (NL) Royal Decree Cumul (FR)
Royal Decree of 9 April 2007 determining the medical aid and care that is not assured to the beneficiary of the reception because it is manifestly not indispensable and determining the medical aid and care that are part of daily life and shall be guaranteed to the beneficiary of the reception conditions	Arrêté royal du 9 avril 2007 déterminant l'aide et les soins médicaux manifestement non nécessaires qui ne sont pas assurés au bénéficiaire de l'accueil et l'aide et les soins médicaux relevant de la vie quotidienne qui sont assurés au bénéficiaire de l'accueil Koninklijk besluit van 9 april 2007 tot bepaling van de medische hulp en de medische zorgen die niet verzekerd worden aan de begunstigde van de opvang omdat zij manifest niet noodzakelijk blijken te zijn en tot bepaling van de medische hulp en de medische zorgen die tot het dagelijks leven behoren en verzekerd worden aan de begunstigde van de opvang	Royal Decree on Medical Assistance	http://bit.ly/1KoGIMv (FR) http://bit.ly/1Tarbni (NL)
Royal Decree of 25 April 2007 on the modalities of the assessment of the individual situation of the reception beneficiary	Arrêté royal du 25 avril 2007 déterminant les modalités de l'évaluation de la situation individuelle du bénéficiaire de l'accueil Koninklijk besluit van 25 april 2007 tot bepaling van de nadere regels van de evaluatie van de individuele situatie van de begunstigde van de opvang	Royal Decree on the Assessment of Reception Needs	http://bit.ly/1MHwUMS (FR) http://bit.ly/1TatQ0r (NL)
Royal Decree of 2 August 2002 determining the regime and regulations to be applied in the places on the Belgian territory managed by the Immigration Office where an alien is detained, placed at the disposal of the government or	Arrêté royal de 2 août 2002 fixant le régime et les règles de fonctionnement applicables aux lieux situés sur le territoire belge, gérés par l'OE, où un étranger est détenu, mis à la disposition du Gouvernement ou maintenu, en application des dispositions citées dans l'Article 74/8, § 1er, de la loi du 15 décembre 1980 Koninklijk	Royal Decree on Closed Centres	http://bit.ly/1Fx8sZ0 (FR) https://bit.ly/3xzDGqv (NL)

withheld, in application of Article 74/8 §1 of the Aliens Act	besluit van 2 augustus 2002 houdende vaststelling van het regime en de werkingsmaatregelen, toepasbaar op de plaatsen gelegen op het Belgisch grondgebied, beheerd door de DVZ, waar een vreemdeling wordt opgesloten, ter beschikking gesteld van de regering of vastgehouden, overeenkomstig de bepalingen vermeld in artikel 74/8, § 1 van de Vreemdelingenwet		
Royal Decree of 9 April 2007 determining the regime and functioning rules of the Centres for Observation and Orientation of Unaccompanied Minors	Arrêté royal du 9 avril 2007 déterminant le régime et les règles de fonctionnement applicables aux centres d'observation et d'orientation pour les mineurs étrangers non accompagnés Koninklijk besluit van 9 april 2007 tot vastlegging van het stelsel en de werkingsregels voor de centra voor observatie en oriëntatie voor niet-begeleide minderjarige vreemdelingen	Royal Decree on OOC	https://bit.ly/4at2Pln (FR) https://bit.ly/4cOtGtv (NL)
Royal Decree of 24 June 2013 on the rules for the training on the use of coercion for security personnel	Arrêté royal déterminant les règles relatives à la formation dispensée dans le cadre du recours à la contrainte, prise en exécution de l'Article 74/8, § 6, alinéa 3, de la loi du 15 décembre 1980 Koninklijk besluit tot bepaling van de regels voor de opleiding in het kader van het gebruik van dwang, genomen in uitvoering van artikel 74/8, § 6, derde lid, van de wet van 15 december 1980	Royal Decree on the Use of Coercion by Security Personnel	http://bit.ly/1luWwLuRoy (FR) http://bit.ly/1cLmdvV (NL)
Royal Decree of 18 December 2003 establishing the conditions for second-line legal assistance and legal aid fully or partially free of charge	Arrêté royal de 18 décembre 2003 déterminant les conditions de la gratuité totale ou partielle du bénéfice de l'aide juridique de deuxième ligne et de l'assistance judiciaire Koninklijk besluit van 18 december 2003 tot vaststelling van de voorwaarden van de volledige of gedeeltelijke kosteloosheid van de juridische tweedelijnsbijstand en de rechtsbijstand	Royal Decree on Legal Aid	http://bit.ly/1EZmLoC (FR) http://bit.ly/1Ihe2CS (NL)
Ministerial Decree of 5 June 2008 establishing the list of points for tasks carried out by lawyers charged with providing second-line legal assistance fully or partially free of charge	Arrêté ministériel de 5 juin 2008 fixant la liste des points pour les prestations effectuées par les avocats chargés de l'aide juridique de deuxième ligne partiellement ou complètement gratuite Ministerieel besluit van 5 juni 2008 tot vaststelling van de lijst met punten voor prestaties verricht door advocaten belast met gedeeltelijk of volledig kosteloze juridische tweedelijnsbijstand	Ministerial Decree on Second-line Assistance	http://bit.ly/1AO5l3i (FR) http://bit.ly/1T0jAYm (NL)
Royal Decree of 3 December 2025 establishing the list of safe countries of origin	Arrêté royal du 3 Décembre 2025 portant exécution de l'Article 57/6/1, alinéa 4, de la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers, établissant la liste des pays d'origine sûrs Koninklijk besluit van 3 December 2025 tot uitvoering van het artikel 57/6/1, vierde lid, van	Royal Decree on Safe Countries of Origin	Royal Decree on Safe Countries of Origin (FR) Royal Decree on Safe Countries of Origin (NL)

	de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen, houdende de vastlegging van de lijst van veilige landen van herkomst		
Royal Decree of 2 September 2018 establishing the rules and regime for reception centres and the modalities for control of the rooms	Arrêté royal déterminant le régime et les règles de fonctionnement applicables aux structures d'accueil et les modalités de contrôle des chambres Koninklijk Besluit tot vastlegging van het stelsel en de werkingsregels van toepassing op de opvangstructuren en de modaliteiten betreffende de kamercontroles	Royal Decree Reception Centres	https://bit.ly/2BZbL3F (FR) https://bit.ly/2ENzJAz (NL)

Overview of the main changes since the previous report update

The report was previously updated in **June 2025**.

Political context – New federal government and coalition agreement 2025

After nearly eight months of negotiations, a new federal government led by the Flemish nationalist New Flemish Alliance (N-VA) party was formed on 31 January 2025. The five-party coalition's government agreement includes proposals for a significant reform of the asylum system, aiming towards what the new Prime Minister Bart de Wever (N-VA) has described as Belgium's 'strictest migration policy yet'.⁸ Despite serious concerns voiced by several civil society organisations and some prominent actors in the field of asylum and migration⁹, the new Minister for Asylum and Migration Anneleen Van Bossuyt has issued several modifications to the asylum procedure, reception conditions and the rules regarding family reunification, which are extensively discussed in this year's update of the AIDA-report.

Asylum procedure

❖ **Key asylum statistics:** In 2025, a total of 34,439 persons applied for international protection in Belgium, an average of 2,870 applications per month – a decrease of 13% compared to 2024. 33,209 applications were registered on the Belgian territory (at the registration centre in Brussels), 682 at the border and 548 in detention facilities. Out of the total number, 6,865 were subsequent applications (20% of the total number of applications and an increase of 6% compared to 2024). 2,629 applicants were beneficiary of international protection in another EU-Member State (so-called "M-status-applicants"), a decrease of 45.5% compared to 2024. 1,673 applications were presented by applicants who declared to be unaccompanied minors on the moment of application, a decrease of 35.5% compared to 2024 (see [Age assessment of unaccompanied children](#)).

Throughout 2025, the CGRS granted refugee status to 8,369 persons and subsidiary protection status to 618 persons, making for a protection rate of 28.5%, significantly lower than the previous years (47.2% in 2024 and 43.5% in 2023). If only in-merit decisions are considered, the protection rate was 44% (compared to 62% in 2024). Refugee status was mostly granted to Afghans (1,437), Palestinians (1,270), Eritreans (1,216), Turks (670) and Somalians (376). Subsidiary protection status was mostly granted to Yemenis (292), Eritreans (125) and Sudanese (32). A total of 19,006 persons were refused international protection. This includes decisions refusing refugee status and subsidiary protection status (10,541), decisions declaring an application manifestly unfounded (634), decisions of inadmissibility of an application (e.g. with regards to subsequent applications or applications of beneficiaries of international protection in another EU Member State) (7,458), decisions of exclusion

⁸ Belgian Federal government agreement 2025-2029, 31 January 2025, available in Dutch [here](#) and in French [here](#). See also Belgian News Agency (Belga), *These are the main points in Belgium's new government agreement*, 1 February 2025, available in English [here](#). The government agreement includes measures such as modernising and stepping up the deterrence campaigns targeting asylum seekers and accessing their telephones for identification and verification, putting an end to emergency accommodation and small-scale local reception initiatives, prioritising subsidiary protection over refugee status, temporarily halt resettlement, optimising the execution of return decisions, limiting family reunifications, making access to social welfare for beneficiaries of subsidiary and temporary protection subject to a waiting period of 5 years, make the decision-making process in asylum procedures subject to political influence and change the system of appointment of judges in migration matters.

⁹ Vluchtelingenwerk Vlaanderen, 'Arizona-government choses exclusion instead of solutions', 31 January 2025, available in Dutch [here](#); Pascal Debruyne, 'This is what the strictest asylum- and migration policy ever looks like – Policy proposals will seriously impact the lives of many newcomers', MO Magazine 3 February 2025, available in Dutch [here](#); La Libre, 'A box of Pandora: former Commissioner of CGRS afraid with regards to Arizona migration plans', 13 March 2025, available in French [here](#); De Standaard, 'Commissary for Refugees no longer independent: minister can co-decide on protection of asylum seekers', 13 March 2025, available in Dutch [here](#); La Libre, 'Unprecedented, unheard of and unconstitutional: does the federal government want to influence decision-making of judges?', 26 February 2025, available in French [here](#); La Libre, 'Asylum reform envisaged by the government worries the sector: "One of the fundamental pillars of the rule of law is seriously threatened"', 24 March 2025, available in French [here](#).

of international protection (109) and decisions by which a protection status was ended or revoked (264) (see [Statistics](#)). This last number was significantly higher than last year (+247%) following an action by the CGRS to remove the backlog in files in which the validity of the protection status needed to be revised because of reasons related to public order, which resulted in a high number of withdrawal and cessation decisions. (see Withdrawal of [protection status](#)).

In the context of the Dublin procedure, a total of 12,175 take charge and take back-requests were sent to other states, 8,390 of which were accepted. For context, several requests can be sent to different Member States regarding the same person. A total of 1,043 persons were effectively transferred from Belgium to other Member States in 2025. There were 3,866 incoming take charge and take back requests, of which the Belgian authorities accepted 2,301. 586 persons were transferred to Belgium in the Dublin procedure (see [Dublin](#)).

- ❖ **Backlog and processing times at asylum instances:** The backlog of cases at the Immigration Office further increased from 12,888 pending applications in December 2024 to 14,734 on 31 December 2025. Waiting times for the first interview at the Immigration Office sometimes amount to several months. The backlog of cases at the CGRS decreased slightly, with a workload that evolved from 26,119 pending cases in December 2024 to 24,406 pending cases at the end of 2025. Since the normal workload is considered to be 6,500 files, the actual backlog is considered to be 17,906 files. The average processing time at the CGRS was 372 days between the transfer of the file to the CGRS and the decision by the CGRS; the median processing time was 286 days.¹⁰ On the level of the CALL, the overall backlog of pending appeals increased significantly for a third year in a row, from 4,700 in December 2023 to 8,232 in December 2024 to 13,004 pending cases on 28 February 2026. This backlog consists of 5,603 appeals in the full jurisdiction procedure (applied for contestations of decisions of the CGRS) and 7,401 appeals in the annulment procedure (applied for contestation of all other decisions taken in application of migration legislation, including decisions by the Immigration Office in the context of the Dublin-procedure). The average processing time at the CALL was 134.1 days for appeals introduced in 2025 and for which a decision was taken in 2025.
- ❖ **Suspension of the resettlement program:** In March 2025, the Minister for Asylum and Migration announced that she would suspend the resettlement programme until there is a decrease of migrants arriving in Belgium irregularly. Consequently, in 2025, Belgium only resettled 44 persons who were identified beforehand but did not identify any new refugees for resettlement (see [Legal access to the territory](#)).
- ❖ **New law expands definition of ‘subsequent application’:** A new law of 14 July 2025 has broadened the scope of the definition of ‘subsequent application’ to applications made by applicants having received a final negative or positive decision on a previous application for international protection in another EU member state. This has important procedural consequences for the applicants involved, such as the possibility to limit their reception rights and lack of access to the labour market during the admissibility phase of the procedure applicable to subsequent applications. On 26 February 2026, the Constitutional Court has temporarily suspended the new stipulations and has referred the case to the Court of Justice of the European Union for a preliminary ruling.¹¹ Nevertheless, the Minister of Asylum and Migration has announced that the practice of treating applications by persons having received a final (positive or negative) decision in another member state, including the refusal of reception to this group, will be continued, stating that the Aliens Act provides for another legal basis to continue treating these applications as “subsequent applications” and refusing reception to the applicants involved.¹² Several NGO’s lodged an appeal at the Council

¹⁰ CGRS, *Processing time for your application for international protection*, available in English, French and Dutch [here](#).

¹¹ Constitutional Court, judgment n° 23/2026 of 26 February 2026, available in Dutch [here](#) and in French [here](#); Court of Justice Cause list numbers 8548.

¹² Minister for Asylum and Migration Anneleen Van Bossuyt, *Van Bossuyt continues reception stop for those who already have protection in the EU*, 4 March 2026, available in Dutch [here](#).

of State request for the suspension in extreme urgency of this instruction, arguing that the legal basis the Minister refers to is exactly the one that had been questioned by the Constitutional Court. On 27 March 2026, the Council of State suspended the instruction.¹³ After this suspension and increasing political pressure, the Minister withdrew her instruction.¹⁴ However, she stated that the Council of State supposedly still allows Fedasil to continue to refuse reception conditions to M-status applicants on an individual basis. The Minister established new 'working arrangements' with her departments, which are intended to comply with the ruling.¹⁵ At the time of writing it is unclear what legal basis Fedasil could use to refuse reception conditions, given the fact that the Constitutional Court found it to be uncertain if M-status applicants can be refused reception conditions in the first place. Because of these legal uncertainties, and the impact of this policy on Fedasil working conditions, 500 Fedasil employees signed and published an open letter denouncing Van Bossuyt's policy. The signatories "request" the Minister "to respect the court rulings and to provide shelter to those who are still being denied their rights today".¹⁶ (see [Subsequent Applications](#))

- ❖ **Safe countries of origin:** On the basis of the Royal Decree of 3 December 2025, applicable as of 15 December 2025, the following countries are considered safe countries of origin: Albania, Bosnia and Herzegovina, the Republic of North-Macedonia, Kosovo, Montenegro, Serbia and Morocco. India and Moldavia were removed from the list, whereas Morocco was added despite the advice of the CGRS that did not list Morocco as a safe country of origin. (see [Safe countries of origin](#))
- ❖ **Frontex officers deployed in border controls and forced return operations:** As of September 2025, Frontex officers are deployed in Brussels Airport, specifically in the context of return operations.¹⁷ This is allowed by the Law of 16 May 2024, that allows European border guards of Frontex to operate within the Belgian territory under the authority of Belgian police. (see [Forced return procedure](#))
- ❖ **EUAA experts support case processing at the CGRS:** In the context of the "Belgian Operational Plan" for 2025-2026, several EUAA experts have been deployed to support CGRS activities in 2025 and will continue to do so in 2026, amongst which several interpreters and case workers. Concerns related to the use of languages during the interviews and the impartiality of Greek EUAA experts treating admissibility cases from beneficiaries of international protection in Greece have been raised by lawyers' associations at both the CGRS and the EUAA and has led the CGRS to gradually adjust the practice throughout the year. The EUAA operational support will be continued in 2026. (see [Interpretation](#)).
- ❖ **Increased obstacles in access to legal aid for asylum applicants:** NGOs observe and lawyers highlight an increasingly difficult access to free legal aid for asylum applicants staying outside of the reception network, due to important administrative burdens. Moreover, in 2025, payments of legal aid remunerations by the government were delayed. Since many migration lawyers are reliant on legal aid remunerations, this led to financial difficulties for some. (see [Second-line legal assistance](#)).
- ❖ **Returns Afghanistan:** The Belgian minister of Asylum and Migration has led efforts to coordinate European action related to the return of Afghans, leading to an exploratory mission to Afghanistan in January 2026, to which the Belgian Director General of the Immigration Office participated. A follow-up visit by a Taliban representative to Belgium is rumoured to be organised to discuss further practical

¹³ Council of State, Belga, *Council of State also suspends minister Van Bossuyt's controversial migration regulation*, 27 March 2026, available in English [here](#).

¹⁴ Anneleen Van Bossuyt, *Federal Chamber of Representatives CRIV 56 PLEN 106*, 2 April 2026, p. 54, available in French and Dutch [here](#).

¹⁵ VRT NWS, *Belgium to continue to deny board and lodging to asylum seekers with protection elsewhere in the EU, if justified*, 2 April 2026, available in English [here](#).

¹⁶ Belga News Agency, 'Staff of federal asylum agency denounce Migration minister's policy', 3 April 2026, available in English [here](#).

¹⁷ EMN, *Frontex officers begin operations at Brussels Airport*, 8 September 2025, available in English [here](#).

arrangements. The initiative has been met with criticism and concern by NGO's.¹⁸ (see [Differential treatment](#))

Reception conditions

- ❖ **Continued shortage of places and systematic refusal of single men:** Since October 2021, the Belgian reception agency (Fedasil) is unable to provide a reception place to all applicants for international protection (see [Criteria and restrictions to access reception](#)). Priority is given to those applicants considered vulnerable (families, children, single women, etc.). Unless they present an exceptional (medical) vulnerability, single male applicants are almost systematically not considered as vulnerable and are thus denied access to a reception place. In 2025, 7,015 single male applicants were denied their right to reception.¹⁹ They have to register on a waiting list of Fedasil. On 1 March 2026, 1,345 single men were registered on this waiting list.²⁰ The average waiting time on the waiting list amounted to 59 days in 2025.²¹ During the waiting period, the applicants are left to fend for themselves, many living in extremely precarious conditions which are detrimental to their health (see [Consequences on the applicants' livelihoods](#)).
- ❖ **Research highlights poor quality of reception centres:** Conducting a five year study in the several reception centres, Odisee University College found that the rights of children cannot be guaranteed in the Fedasil reception network due to poor quality of available infrastructure.²² These findings were confirmed by the Flemish Children's Rights Commissioner who received multiple complaints from families in reception centres about their living conditions.²³ According to Fedasil, "the Agency's core operations must be restored on a sustainable basis, as the crisis of recent years and the constant strain on the care network have taken their toll. Minimum standards are under pressure, and this is affecting the well-being of residents and staff".²⁴ (See [Conditions in reception facilities](#))
- ❖ **Decrease of reception places and budget cuts:** The federal government agreement envisions a decrease in the number of reception places as soon as the number of applications for international protection decreases structurally. In 2025, 997 new collective reception places were created, while 2,231 temporary reception places were closed, resulting in a net decrease of 1,234 places. At the end of 2025, the total reception capacity stood at 34,771 places, compared with 36,211 places at the beginning of the year, representing an overall decrease of 1,440 places. This reduction of places is also reflected in the Fedasil budget which was reduced from €848 million in 2025 to €749 million in 2026.²⁵ By 2029, the government plans to reduce the Fedasil budget even further to €261 million.²⁶ Given the current shortage of places and the overall poor quality of the reception network, it is unclear how Fedasil will be able to function properly with a drastically reduced budget. The Minister declared to be working on a plan with Fedasil to ensure the quality of reception and respect for children's rights, within the terms of the coalition agreement and without forcing anyone onto the streets through a hasty reduction in capacity. This would be made possible by a lower influx of applicants as a result of

¹⁸ EMN Belgium, Anneleen Van Bossuyt confirms Belgium's participation in exploratory administrative mission to Afghanistan, 24 January 2026, available in English [here](#).

¹⁹ Information provided by Fedasil, April 2026.

²⁰ Fedasil, *Reception network for asylum seekers in Belgium*, 1 March 2026, available in Dutch [here](#).

²¹ Information provided by Fedasil, April 2026.

²² Odisee University College, *Children's Rights and Safety: basics for the reception policy – lessons from five years of research on children in reception centres*, 2025, available in Dutch [here](#).

²³ Flemish Children's Rights Commissioner, *Children's Rights on the Threshold – Yearly Report 2024-2025*, 20 November 2025, available in Dutch [here](#), p. 67 – 69.

²⁴ Fedasil, *Integrated management plan 2025-2030*, 12 February 2026, available in Dutch [here](#) and in French [here](#), p. 4.

²⁵ Federal Chamber of Representatives, *General Expenditure Budget Statement for the financial year 2026 – Accounts of the budgets of public administrative bodies under ministerial control*, 28 January 2026, available in French and Dutch [here](#), p. 197.

²⁶ Federal Chamber of Representatives, *General Expenditure Budget for the financial year 2026*, 28 January 2026, available in French and Dutch [here](#), p. 21.

recent policy measures.²⁷ Commenting on these budget plans, the Court of Auditors remarked that “the number of applications for international protection is heavily dependent on the international context. [...] The international context therefore constitutes a factor that is difficult to assess and which will partly determine the extent to which Fedasil will be able to fulfil its future obligations with the resources provided”.²⁸ The 2025—2030 management plan of Fedasil links previous hasty and ill-considered closures of reception places to “an unacceptable physical and mental workload for its employees and reception partners”. The Agency indicates that an increased number of long-term absent employees and high turnover are clear signals that the current reception shortage is taking a severe toll.²⁹

- ❖ **Refusal of reception to M-status applicants:** In August 2025, a new law entered into force that allowed Fedasil to refuse reception conditions to applicants who already obtained international protection in another EU member state (“M-status applicants”).³⁰ Between the beginning of August 2025 and the end of February 2026, Fedasil refused reception conditions to 438 applicants with an M-status.³¹ Several affected applicants introduced individual proceedings at the Brussels Labour Court to obtain a reception place. The Labour Court condemned Fedasil, forcing the Agency to provide reception conditions as soon as possible. Initially, the Minister for Asylum & Migration instructed Fedasil to ignore these judgements. However, after increasing political pressure she instructed Fedasil to respect these judgements. In February 2026, the Constitutional Court suspended the article that allowed Fedasil to refuse reception conditions to M-status applicants. Despite this ruling, the Minister stated that Belgian law contained other legal grounds allowing Fedasil to continue to refuse reception conditions to M-status applicants. According to her, M-status holders can be registered as subsequent applicants allowing Fedasil to refuse them reception conditions based on this registration. As a result, she instructed Fedasil to continue to refuse reception conditions to M-status applicants. Several ngo’s introduced a suspensive appeal at the Council of State asking the court to suspend the instruction in an urgent procedure. At the end of March, the Council of State suspended the Ministerial instruction ruling that the Minister should have consulted the legislative section of the Council of State on the legal basis of the instruction before implementing it. After this ruling, the Minister maintained her position that Belgian law contains legal grounds allowing Fedasil to continue to refuse reception conditions using individually motivated decisions. At the time of writing (April 2026) it is unclear how Fedasil motivates these decisions. (see [Reception Rights: Subsequent applications](#))
- ❖ **Removal of social support for applicants:** In August 2025, a new law entered into force removing the possibility for applicants to request access to social support. In the past, applicants could request a ‘withdrawal’ of their code 207. If granted, this lifted the legal responsibility of Fedasil to provide material reception conditions, and the applicant could go to a Centre for Social Welfare Support to request social support. Next to that, Fedasil could also decide not to designate a code 207 from the beginning of the procedure for international protection. This in turn allowed the applicant concerned to request social support at a Centre for Social Welfare Support. The government perceived this system of ‘niet-toewijzing’ and ‘opheffing’ as a pull factor towards Belgium, so they decided to remove it from the Reception Act. Commenting on the draft law, the Council of State warned that this removal could potentially result in a violation of the right to human dignity and of the standstill principle in the

²⁷ Anneleen Van Bossuyt, *Federal Chamber of Representatives DOC 56 1280/019*, 10 March 2026, available in French and Dutch [here](#), p. 86.

²⁸ Chamber of Representatives, *Draft law containing the Budget of Expenditure for the financial year 2026 – Comments and observations from the Court of Auditors DOC 56 1279/003*, 19 February 2026, available in Dutch and French [here](#), p. 63.

²⁹ Fedasil, *Integrated management plan 2025-2030*, 12 February 2026, available in Dutch [here](#), p. 7.

³⁰ The law adds article 4, §1, 5° to the Reception Act of 2007. It is a ground for refusing access to reception conditions, based on the fact that someone already received protection in another EU member state.

³¹ Information provided by Fedasil, April 2026.

Belgian constitution.³² Some applicants who could no longer use this system of ‘niet-toewijzing’ and ‘opheffing’ introduced a suspensive appeal at the Constitutional Court. On 26 February 2026, the Constitutional Court suspended the removal of this system from the Reception Act.³³ The Court indicated that the applicants concerned ran a risk of immediate and irreparable damage. The Court has yet to issue a final ruling on the merits of the case. However, it has already made some preliminary observations. It noted that Belgian authorities have been stripped of their ability to provide material assistance to asylum seekers in any form other than in-kind support at reception centres. In the Court's initial view, this restriction appears to put Belgium at serious risk of violating EU law. This is because applicants for international protection could be left without dignified living conditions if, for whatever reason, the in-kind assistance cannot be delivered to them.³⁴

Detention of asylum applicants

- ❖ **Re-evaluation on prohibition of child detention:** Only two years after the prohibition of child detention was enshrined in law, the new minister for Asylum and Migration announced in March 2025 that this measure might be revised during the new legislative period.³⁵ An evaluation of the return of families detained in return houses is scheduled for September 2026.³⁶ (see [Detention of vulnerable applicants](#))
- ❖ **Arrests of subsequent asylum applicants at the Immigration Office premises:** In 2025, civil society organisations and lawyers have observed an increasing number of arrests at the premises of the Immigration Office in the context of appointments related to a subsequent asylum application. The applicants are brought to immigration detention centres where their subsequent application is further examined. As the annual report of the Immigration Office is not published yet at the time of writing (April 2026) it cannot be verified if this increase is confirmed by official numbers. The same practice has been observed for several years with regard to applicants subject to a Dublin transfer decision. Some courts have found that such practices constitute an unfair strategy intended to mislead the asylum seeker and, as a violation of Article 5 of the ECHR, should result in their release. Some other courts consider that the practise is lawful.³⁷ (see [Detention on the territory](#))
- ❖ **Precarious conditions in administrative detention centres:** The conditions in the administrative detention centres remained precarious and seriously impacted the health of residents. In 2024, 164

³² Federal Chamber of Representatives, *Draft law amending the Act of 12 January 2007 on the reception of asylum seekers and certain other categories of foreign nationals* DOC 56 0914/001, 5 June 2025, available in French and Dutch [here](#), p. 14 – 15. The Council of State found that “such a restriction will not in itself cause any problems, provided that the number of reception places remains sufficient to guarantee the persons concerned the assistance to which they are entitled. If this were not the case, the very possibility of receiving any form of assistance – whether material or financial – be fundamentally undermined if the proposed legislative measures, in combination with other measures, were to have the object and effect of restricting asylum seekers’ legal possibilities of obtaining material assistance within the meaning of the Act of 12 January 2007 or equivalent assistance. The question arises as to whether such an impairment is compatible both with Articles 17 and 18 of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 ‘laying down standards for the reception of applicants for international protection’ and with Article 3 of the European Convention on Human Rights”

³³ EMN Belgium, *Belgian Constitutional Court temporarily suspends stricter reception and family reunification rules*, 26 February 2026, available in English [here](#).

³⁴ Belgian Constitutional Court, 23/2026, 26 February 2026, available in Dutch [here](#), B.24.1 – B.26.

³⁵ De Standaard, ‘Minister of Asylum and Migration Anneleen Van Bossuyt – We might have to revise the prohibition on detention of families with children’, 18 March 2025, available in Dutch [here](#): “Return is more easy to organise from a closed centre. Today, we cannot hold families with children in those closed centres. However, if we see in two years that this results in a lack of increase of departures and we see difficulties with returns of families with children, we might have to revise this.”

³⁶ General Policy Note on Asylum and Migration, 22 January 2026, p. 21, available in French and Dutch [here](#).

³⁷ Move coalition, *Newsletter Detention 2-2025*, May 2025, available in French [here](#) and in Dutch [here](#), p. 3-4; and *Newsletter Detention 3-2025*, September 2025, available in French [here](#) and in Dutch [here](#); *Newsletter Detention 1-2026*, February 2026, available in French [here](#) and in Dutch [here](#).

detainees initiated a hunger strike.³⁸ In October 2025, a man took his own life while being detained in the centre 127bis. Although his lawyer had indicated he was in a very fragile mental state, he did not receive the necessary medication.³⁹ (see [Detention – Health care and special needs](#))

Content of international protection

- ❖ **Ongoing issues with the withdrawal/refusal of Belgian nationality to children born out of Palestinian parents.** In the context of legal discussion on the nationality of children born out of Palestinian parents, the Immigration Office has sent instructions in more than 170 files to municipalities and public prosecutors, asking to withdraw the Belgian nationality to children born out of Palestinian parents. Despite interference of the Ombudsman and rulings of national courts who opposed this practice, indicating that the Immigration Office however has no competence in nationality matters, the problem is still ongoing in 2025, impacting legal certainty, family life, and the best interest of the child. (see [Naturalisation](#))
- ❖ **Increased price for obtaining Belgian nationality:** A law change of July 2025 foresees a rise in price for the registration of Belgian nationality from 150 euro to 1000 euro (in 2026: 1,030 euro). Concerns have been raised about the effective access to Belgian – and thus European – citizenship. In January 2026, several civil society organisations have introduced an appeal against this legislative change at the Constitutional Court. (see [Declaration of nationality](#))
- ❖ **New law on family reunification entered into force and was partly suspended:** A new law on family reunification that entered into force on 18 August 2025 introduced some important changes to the legal framework on family reunification, among which: (1) two years waiting period for beneficiaries of subsidiary protection and temporary protection to apply for family reunification, (2) impossibility to do family reunification with minor children that are beneficiaries of subsidiary protection, (3) no right to family reunification where the family did not exist before arrival in Belgium (subsidiary protection), (4) shortened grace period (1 year to 6 months), (5) introduction of the possibility to apply for family reunification from the territory (instead of the responsible embassy) for “accompanying” family members, meaning family members who themselves received a negative decision in a protection procedure but already find themselves on the territory. On 26 February 2026, the Constitutional Court however suspended some of these measures and referred questions to the European court of Justice. (see for a more detailed overview of the changes and suspended [Family reunification](#))
- ❖ **Plans on limitations to social welfare to newcomers:** The federal government plans to introduce several measures in that will limit access to social welfare to persons with a protection status and will highly likely enter into force in 2026. Among these measures are a five-year waiting period before a newcomer can access social assistance and the linking of the right to social benefits to integration parameters. (see [Social Welfare](#))

Temporary protection

The information given hereafter constitutes a short summary of the main changes to the Belgian Report on Temporary Protection. For further information, see [Annex on Temporary Protection](#).

³⁸ De Standaard, *Sharp rise in the number of hunger strikers in closed deportation centers: ‘Often the only way to express despair’*, 20 January 2026, available in Dutch [here](#); RTBF, *Asylum and Migration: A Report by the Move Coalition Highlights the Difficult Conditions in Detention Centers*, 21 January 2026, available in French [here](#).

³⁹ RTBF, *Asylum and Migration: A Palestinian man dies at the 127bis detention center, likely by suicide*, 7 October 2025, available in French [here](#); Brussels Time, *Gaza refugee dies by suicide in Belgian detention centre*, 8 October 2025, available in English [here](#).

- ❖ **Key statistics:** In 2025, 8,756 persons received temporary reception in Belgium, 98.94% were Ukrainian nationals.⁴⁰ This led, by the end of 2025, to a total of around 100,000 persons having received temporary protection status since the outbreak of the war, with 70,636 beneficiaries still registered in Belgium (with a residence card) in December 2025.⁴¹ In 2025, 3,286 decisions refusing temporary protection were issued, an increase of 272% compared to 2024.⁴² 87 non-accompanied minors with Ukrainian nationality were registered in 2025. An estimated 15% or less of applicants indicates a reception need upon arrival.⁴³
- ❖ **Extension of and transition out of Temporary protection:** Temporary protection has been extended until 4 March 2027, with no transition measures being in place so far in Belgium.⁴⁴
- ❖ **Changed location of registration centre:** Since 1 August 2025, registration of applications for temporary protection takes place at Rue Belliard 68 in Brussels. This is the same location as applicants for international protection, although both groups are organized in a different line.⁴⁵
- ❖ **Applications for international protection remain frozen:** This is the case for Ukrainians both with and without Temporary Protection, as well as for non-Ukrainians with temporary protection.⁴⁶
- ❖ **Increased burden of proof of residence in Ukraine:** A passport and the accompanying stamps of entry and exit is not considered sufficient proof for residence in Ukraine before 24 February.⁴⁷ To obtain Temporary protection, persons have to provide an official attestation of the Ukrainian border authority and (objective) additional documents preferably issued by official instances in Ukraine proving residence. The high burden of proof, coupled with a dire lack of information from the Immigration Office on the documents to be provided, has led to a steep increase of negative decisions with negative decisions consistently surpassing 200 a month since June 2025, reaching a peak of more than 500 negative decisions in November 2025.⁴⁸
- ❖ **Negative decisions for beneficiaries of TP in another Member State:** Since July 2025, the refusal ground used to refuse persons with a residence permit in another member state, was extended equally to persons with temporary protection in another member state.⁴⁹ This follows the Council Implementation Decision of July 2025⁵⁰, namely consideration no. 4 which states that the rights under TP can only be enjoyed in one member state at a time. This has however led to situations in which temporary protection is given to only part of the family. The applicant needs to provide an official confirmation by the authorities of that member state that the person no longer enjoys temporary protection. Obtaining such proof is however often difficult as there are no standardized procedures or documents. This burden of proof moreover rests entirely on the applicant.

⁴⁰ Immigration Office, *Temporary protection monthly statistics 2025 December*, available in Dutch and French [here](#) (see table 1.1 & 1.2).

⁴¹ Immigration Office, Information provided in March 2026, number of persons registered in the Alien register on 31 December 2025.

⁴² There is no number available on total amount of *applications*, meaning number of negative decisions cannot be corrected relative to the total amount of applications. Immigration Office, '*Temporary protection monthly statistics 2025 December*', available in Dutch and French [here](#) (see table 1.5 and 2)

⁴³ *Parliamentary Question [Flemish Parliament] no. 53, 5 December 2024*. See also Myria, '*contact meeting*', 29 January 2025, p.58, available in French and Dutch [here](#).

⁴⁴ Council implementing Decision (EU) 2025/1460, *extending the temporary protection introduced by Implementing Decision (EU) 2022/382*, 15 July 2025, available [here](#).

⁴⁵ See Helpukraine, *Adress change registration centre Brussels*, 4 August 2025, available in English [here](#).

⁴⁶ CGRA, *Ukraine - state of affairs regarding applications for protection in Belgium*, available in English [here](#).

⁴⁷ See CALL nr. 330 702, 6 August 2025, p. 8, available in Dutch [here](#).

⁴⁸ Immigration Office, *Temporary Protection monthly statistics*, November 2025, available in English [here](#).

⁴⁹ Negative decisions [internal documents] communicated to the Infoline of Vluchtelingenwerk from July 2025 onwards, see also: Myria, '*Contact meeting*', 17 September 2025, in which the Immigration Office confirmed this practice, p.21, available in French and Dutch [here](#).

⁵⁰ Council implementing decision (EU) 2025/1460 *extending the temporary protection*, available [here](#).

- ❖ **Difficulties to obtain a residence permit for children born outside of Belgium after the outbreak of the war:** Children born after the war outside of Belgium are facing increased difficulties of obtaining a residence permit. They do not receive temporary protection, as they are not considered to fall under the scope of the Directive. When born in Belgium, they derive status from their parent(s). However, children born after the war outside of Belgium have to rely on family reunification, which comes with conditions which cannot always be met. This is especially the case for parents who obtained TP before the change of the rules on family reunification on 18 August 2025, as they must provide proof of a sufficient and stable income.⁵¹ As a consequence, many such children remain in irregular stay for prolonged periods of time.
- ❖ **New law on family reunification imposes stricter rules for family reunification with a beneficiary of temporary protection:** A new law on family reunification that entered into force on 18 August 2025 introduced important changes to the legal framework on family reunification, including a 2 years waiting period for family reunification with a beneficiary of temporary protection who has obtained their status after 18 August 2025, and only insofar the family already existed before arrival in Belgium.
- ❖ **Continued issues with reception for applicants of temporary protection upon arrival:** Not everyone expressing a reception need upon registration for temporary protection, receives reception.⁵² Access to reception is dependent on vulnerability criteria such as minors, families with minor children, single or pregnant mothers, persons with medical needs and elderly persons.⁵³ The main emergency reception centre requires the person to already have a temporary protection certificate, while in practice persons do not always receive a decision on the same day of their registration.

⁵¹ Former article 10bis §2 Aliens Act, covered under the transitional measures provided by the Law of 18 July 2025 amending the law of 15 December 1980 (Aliens Act), Article 24 §3 1°.

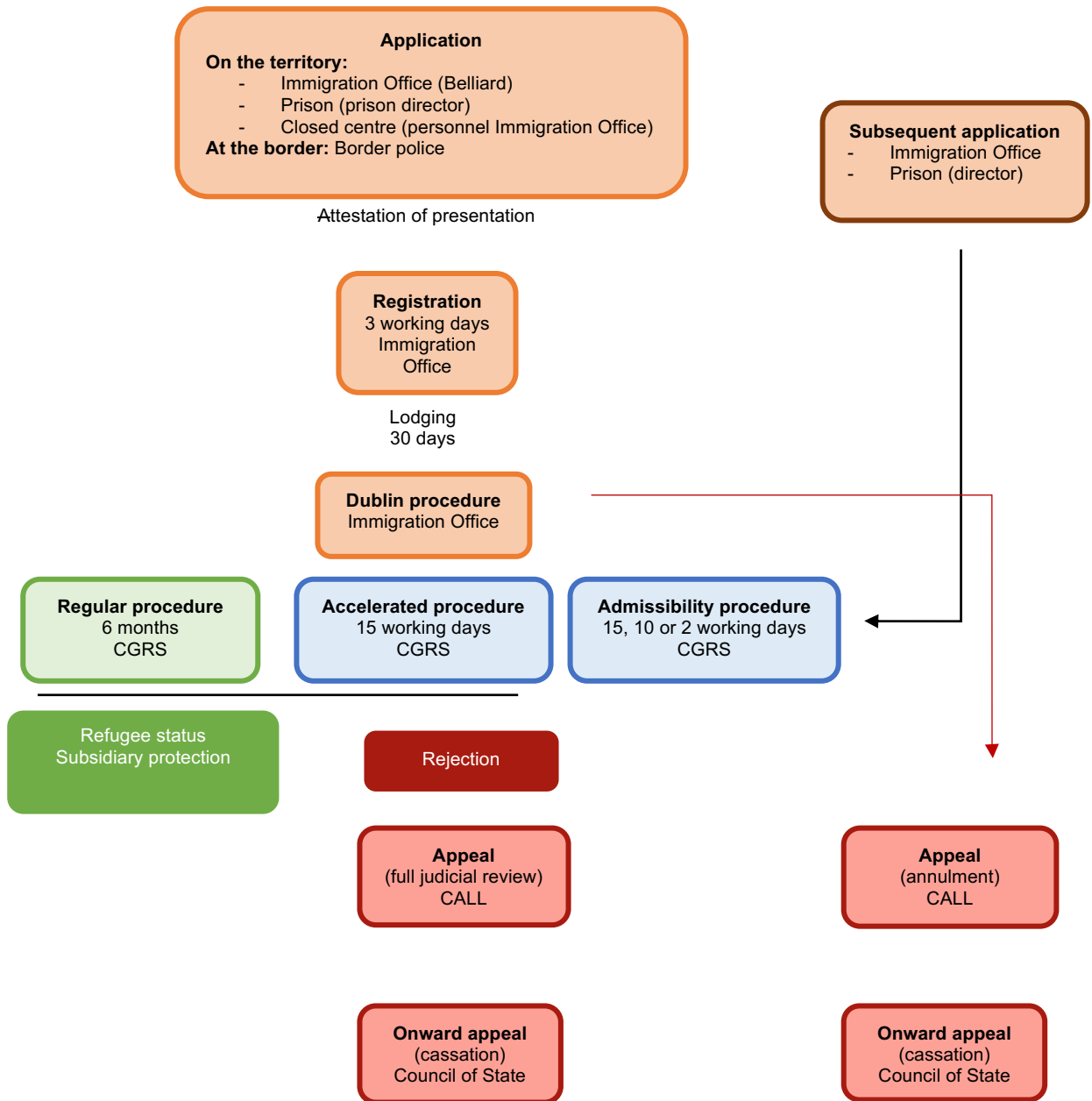
⁵² As confirmed by Fedasil, March 2026.

⁵³ Information provided by Fedasil, March 2026.

Asylum Procedure

A. General

1. Flow chart



2. Types of procedures

Indicators: Types of Procedures

1. Which types of procedures exist in your country?

❖ Regular procedure:	☒ Yes	☐ No
▪ Prioritised examination: ⁵⁴	☒ Yes	☐ No
▪ Fast-track processing: ⁵⁵	☒ Yes	☐ No
❖ Dublin procedure:	☒ Yes	☐ No
❖ Admissibility procedure:	☒ Yes	☐ No
❖ Border procedure:	☒ Yes	☐ No
❖ Accelerated procedure:	☒ Yes	☐ No
❖ Other: Regularisation procedure ⁵⁶		
❖ Other: Residence permit for unaccompanied children		
2. Are any of the procedures that are foreseen in the law, not being applied in practice?

☐ Yes	☒ No
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3. List of authorities intervening in each stage of the procedure

Stage of the procedure	Competent authority (EN)	Competent authority (FR/NL)
Application		
❖ At the border	Federal Police	Police Fédérale (Direction générale de la police administrative) Federale politie (Algemene directie van de bestuurlijke politie)
❖ On the territory	Immigration Office	Office des étrangers (OE) Dienst Vreemdelingenzaken (DVZ)
Dublin	Immigration Office	Office des étrangers (OE) Dienst Vreemdelingenzaken (DVZ)
Refugee status determination	Commissioner General for Refugees and Stateless Persons (CGRS)	Commissariat général aux réfugiés et aux apatrides (CGRS) Commissariaat-generaal voor de Vluchtelingen en de Staatlozen (CGVS)
Appeal	Council of Alien Law Litigation (CALL)	Conseil du contentieux des étrangers (CCE) Raad voor Vreemdelingenbetwistingen (RvV)
Onward appeal	Council of State	Conseil d'Etat / Raad van State
Subsequent application (admissibility)	Commissioner General for Refugees and Stateless Persons (CGRS) Immigration Office	Commissariat général aux réfugiés et aux apatrides (CGRS) Commissariaat-generaal voor de Vluchtelingen en de Staatlozen (CGVS) Dienst Vreemdelingenzaken (DVZ) Office des étrangers (OE)
Revocation / Withdrawal	Commissioner General for Refugees and Stateless Persons (CGRS)	Commissariat général aux réfugiés et aux apatrides (CGRS) Commissariaat-generaal voor de Vluchtelingen en de Staatlozen (CGVS)

⁵⁴ For applications likely to be well-founded or made by vulnerable applicants. See Article 31(7) recast Asylum Procedures Directive.

⁵⁵ Accelerating the processing of specific caseloads as part of the regular procedure.

⁵⁶ Residence status is granted in the form of protection for medical reasons under a regularisation procedure rather than the asylum procedure, even where the serious risk of inhuman treatment upon return to the country of origin satisfies the criteria for subsidiary protection. See Article 9ter Aliens Act.

Voluntary returns	Federal agency for the reception of asylum seekers (Fedasil) Immigration Office - Voluntary Return Service	Agence fédérale pour l'accueil des demandeurs d'asile Federaal agentschap voor de opvang van asielzoekers (Fedasil) Dienst Vreemdelingen zaken (DVZ) – Dienst Vrijwillige Terugkeer Office des Etrangers - Service Retour Volontaire
Forced returns	Immigration Office	Dienst Vreemdelingen zaken (DVZ) Office des étrangers (OE)

4. Number of staff and nature of the determining authority

Name in English	Number of staff in 2025 ⁵⁷	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision-making in individual cases by the determining authority?
Office of the Commissioner General for Refugees and Stateless Persons (CGRS)	N/A	Independent	☐ Yes ☒ In specific cases ☐ No

The CGRS is responsible for examining applications for international protection and is competent to take decisions at first instance. The institutional independence of the CGRS is explicitly laid down in law.⁵⁸ It thus takes individual decisions on asylum applications and does not take any instruction from the competent Minister for Asylum and Migration. However, under certain circumstances defined by the Aliens Act, the latter can be involved in asylum procedures. For example, the Ministry can ask the CGRS to re-examine a previously obtained protection status. It can also request from the determining authority to prioritise a specific case.⁵⁹ In March 2026, the government has approved the governance model of the future new Federal Public Service (FOD / SPF) Migration, which will fall under the authority of the Minister for Asylum and Migration.⁶⁰ As opposed to the current situation, where only the Immigration Office falls under the FPS Internal Affairs, the new FPS Migration will comprise the Immigration Office, the CGRS, the federal reception agency Fedasil and the Council for Alien Law Litigation (CALL). Concerns have been raised as to the independence of the CGRS and the CALL.⁶¹ The Minister has confirmed that the integration will not compromise the independence of the institutions.⁶²

In April 2024, 587 FTE were employed at the CGRS, 250 of which operational protection officers treating cases.⁶³ In the context of the “Belgian Operational Plan” for 2025-2026, several EUAA experts have been deployed to support CGRS activities in 2025, amongst which several interpreters and case workers.⁶⁴ This EUAA support will be continued in 2026.⁶⁵ Criticism related to the use of languages during the interviews and the impartiality of Greek EUAA experts treating admissibility cases from beneficiaries of

⁵⁷ No data was provided for 2024.

⁵⁸ Article 57/2 Aliens Act.

⁵⁹ Article 57/6 §2(3) Aliens Act.

⁶⁰ News.Belgium, *Governance Model of the new Federal Public Service Migration*, 27 March 2026, available in Dutch and French [here](#).

⁶¹ The Guardianship service is also supposed to fall under the new FPS Migration; concerns regarding its independence have equally been raised (see [Age Assessment of unaccompanied children](#)).

⁶² Federal Parliament, Committee on Home Affairs, Security, Migration, and Administrative Affairs, 20 January 2026, available in Dutch and French [here](#), p. 2-4.

⁶³ Knack, *Fact Check: The Office of the Commissioner General for Refugees and Stateless Persons (CGVS) handles “four asylum cases per staff member,” but not all CGVS staff members are case workers*, 30 April 2024, available in Dutch [here](#).

⁶⁴ CGRS, *Operational support of the EUAA to the CGRS*, 7 February 2025, available in English [here](#); Myria, *Contact Meeting 23 April 2025*, p. 18, available in Dutch and French [here](#).

⁶⁵ CGRS, *Continuation of EUAA operational support*, 9 March 2026, available in English [here](#).

international protection in Greece has led the CGRS to announce the implication of an EUAA case worker and the language of the interview on the invitation letter (see [Interpretation](#)).

In December 2021, the EUAA and Belgium signed their first operating plan, focusing on increasing reception capacity and improving reception quality, in the short and medium term.⁶⁶ Several amendments were signed, extending support into 2024.⁶⁷ In December 2024, the EUAA and Belgium agreed on an operational plan for 2025-2026, with support with regard to asylum procedures and reception.⁶⁸

In December 2021, the EUAA and Belgium signed their first operating plan, focusing on increasing reception capacity and improving reception quality, in the short and medium term.⁶⁹ An amendment was signed in May 2022 following the full-scale invasion of Ukraine and subsequent displacement,⁷⁰ followed by second amendment was signed in November 2022 extending the operational support throughout 2023,⁷¹ and a third amendment in December 2023 extending support into 2024.⁷² In December 2024, the EUAA and Belgium agreed on an operational plan for 2025-2026, with support with regard to asylum procedures and reception.⁷³

Throughout 2025, the EUAA deployed 92 experts in Belgium,⁷⁴ mostly external experts (81). The majority of them were asylum procedures experts (23), access to asylum procedures experts (14), along with information and data management experts (7) and programme and project management experts (6).⁷⁵

As of 15 December 2025, a total of 65 EUAA experts were deployed in Belgium, out of which 20 were asylum procedures experts, 14 were access to asylum procedures experts, 6 were information and data management experts and 5 were programme and project management experts.⁷⁶

In 2025, 6,093 lodged asylum applications were registered with the support of EUAA personnel in Belgium. 56% of these related to the same 10 citizenships, mainly of nationals from Afghanistan (655), Eritrea (654), Palestine (481), Türkiye (320), Burundi (260), Guinea (233), Democratic Republic of Congo (226), Congo (205), Cameroon (201) and Somalia (187).⁷⁷

In 2025, the EUAA carried out 828 registrations for temporary protection in Belgium.⁷⁸

⁶⁶ EUAA, 'Belgium: EASO launches operation to support reception authorities', 16 December 2021, available [here](#).

⁶⁷ EUAA, *Operational Plan 2022 agreed by the European Union Agency for Asylum and Belgium, amendment 1*, May 2022, available [here](#), annex 1. EUAA, *Operational Plan 2022-2023 agreed by the European Union Agency for Asylum and Belgium, amendment 1*, November 2022, available [here](#). EUAA, *Operational Plan 2024 agreed by the European Union Agency for Asylum and Belgium, amendment 3*, December 2023, available [here](#).

⁶⁸ EUAA, *Operational Plan 2025-2026 agreed by the European Union Agency for Asylum and Belgium, amendment 3*, December 2024, available [here](#).

⁶⁹ EUAA, 'Belgium: EASO launches operation to support reception authorities', 16 December 2021, available at: <http://bit.ly/3ZSYoud>.

⁷⁰ EUAA, *Operational Plan 2022 agreed by the European Union Agency for Asylum and Belgium, amendment 1*, May 2022, available at: <https://bit.ly/3YAc0cL>, annex 1.

⁷¹ EUAA, *Operational Plan 2022-2023 agreed by the European Union Agency for Asylum and Belgium, amendment 1*, November 2022, available at: <https://bit.ly/3Jp4FZo>.

⁷² EUAA, *Operational Plan 2024 agreed by the European Union Agency for Asylum and Belgium, amendment 3*, December 2023, available [here](#).

⁷³ EUAA, *Operational Plan 2025-2026 agreed by the European Union Agency for Asylum and Belgium, amendment 3*, December 2024, available [here](#).

⁷⁴ EUAA personnel numbers do not include deployed interpreters by the EUAA in support of asylum and reception activities.

⁷⁵ Information provided by the EUAA, 05 March 2026. In the course of 2025, 11 persons were deployed in Belgium under two different profiles. These cases are reported separately under each category.

⁷⁶ Information provided by the EUAA, 05 March 2026.

⁷⁷ Information provided by the EUAA, 05 March 2026.

⁷⁸ Information provided by the EUAA, 05 March 2026.

In 2025, EUAA caseworkers carried out interviews concerning 1,297 applicants, all of which related to the same 3 citizenships: Palestine (1,220), Syria (36) and Yemen (41).⁷⁹

In 2025, the EUAA delivered 14 training sessions to a total of 148 local staff members.⁸⁰

Regarding its internal structure, the CGRS is divided into geographical departments and units responsible for certain asylum procedures and/or certain asylum applicants.⁸¹ It has two vulnerability-oriented units that provide support to caseworkers dealing with specific cases, as will be discussed further below. The Dublin procedure, however, is conducted by the Immigration Office before transmitting the application to the CGRS.

The CGRS issues internal guidelines on the decision-making process to be applied by caseworkers on asylum claims. These guidelines cover a variety of topics, such as the application of the first country of asylum criteria, the processing of subsequent applications, applications requiring special procedural needs or involving LGBTI persons, as well as the conduct of the border procedure. These guidelines are not public. New reports and policy changes relevant to the decision-making process are immediately communicated through an internal online network containing available country of origin information and other relevant guidelines on certain countries.

As regards quality control and assurance, the caseworker's decision is discussed with a supervisor, reviewed by the head of the relevant geographical unit and finally approved by the Commissioner-General. The Commissioner-General thus reads and signs every decision and can decide to discuss any case further if needed. At the Immigration Office, however, no institutional mechanisms are in place to control the quality of decisions relating to Dublin cases.

5. Short overview of the asylum procedure

Registration

The Immigration Office is the mandated administration of the Minister responsible for the entry to the territory, residence, settlement and removal of foreign nationals in Belgium. In the context of the asylum procedure, it registers all applications for international protection, including subsequent applications. It also decides on the application of the Dublin Regulation. If the Immigration Office decides that Belgium is the country responsible for treating the asylum application, it transfers the case to the Office of the Commissioner General for Refugees and Stateless Persons (CGRS).

An asylum application may be **made** (see [Registration](#) for more information) either:

- (a) on the territory with the Immigration Office, within 8 working days after arrival;⁸²
- (b) at the border with the border police, in case the asylum applicant does not dispose of valid travel documents to enter the territory; or
- (c) in a prison with the prison director, or in a closed detention centre with the personnel of the Immigration Office, in case the person is being detained.

The applicant receives an 'attestation of presentation' ('*bewijs van aanmelding*' or '*attestation de presentation*'). The Immigration Office **registers** the application within 3 working days after making the application, which can be prolonged up to 10 working days in case of large numbers of asylum applicants applying simultaneously. The applicant then has to **lodge** the application. This can take place either immediately when the person makes the application or afterwards but no later than 30 days after making

⁷⁹ Information provided by the EUAA, 05 March 2026.

⁸⁰ Information provided by the EUAA, 05 March 2026.

⁸¹ CGRS, Organisation Chart, available [here](#).

⁸² Article 50(1) Aliens Act. Persons who already have a legal stay of more than three months in Belgium must apply for international protection within 8 working days after the end of their residence permit. Those in Belgium with a legal stay of less than three months must apply for international protection within this legal stay.

the application; exceptional prolongations may be defined by Royal Decree. Following that stage, the applicant receives a 'proof of asylum application' stating that they are a first-time applicant ('Annex 26') or a subsequent applicant ('Annex 26quinquies'). In practice, since several years, the **registration and lodging** of the applications take place at the same moment. In most cases, this happens on the same day on which the person presents themselves and makes the application. However, on some days where there is a high number of applicants and due to capacity issues of the Immigration Office, persons who present themselves (and thus make their application) receive a document to come back on a specific day and time within 3 days to register and lodge their application.⁸³ The past years, waiting times increased up to 10 days during some periods, and even beyond the legally admitted term of 10 days in a certain period in 2024. In 2025, except for one day in the very beginning of the year when applicants received an appointment exceeding the 10 days waiting time, the practice of handing out appointments has been limited to a few days throughout 2025, mostly to come back in the afternoon of the same day⁸⁴ (see [Limitations to the right to apply for asylum](#)).

First instance procedure

The CGRS is the central administrative authority exclusively responsible for the first instance procedure of examining and granting, refusing and withdrawing refugee and/or subsidiary protection status.

In addition to the regular procedure, the law foresees a number of other procedures:

Prioritised procedure⁸⁵: The CGRS prioritises cases where:

- (a) the applicant is in detention;
- (b) the applicant is in a penitentiary facility;
- (c) a prioritisation request has been issued by the Immigration Office or the Minister for Asylum and Migration; or
- (d) the application is manifestly well-founded.

The prioritisation of cases has no effect on decision or appeal deadlines.

Accelerated procedure⁸⁶: The CGRS can decide to apply the accelerated procedure if the applicant, *inter alia*: raises issues unrelated to international protection; comes from a safe country of origin; makes an application for the sole purpose of delaying or frustrating return; makes an admissible subsequent application; or poses a threat to national security or public order. The CGRS then takes a decision within 15 working days. Exceeding this delay only impacts the appeal deadline.

Admissibility procedure⁸⁷: The CGRS decides on the admissibility of the application within 15 working days, 10 working days (subsequent applications) or two working days (subsequent application from detention). It may reject it as inadmissible where the applicant:

- (a) comes from a first country of asylum;
- (b) comes from a safe third country;
- (c) enjoys protection in another EU Member State;
- (d) is a national of an EU Member State;
- (e) makes a subsequent application with no new elements; or
- (f) is a minor dependant who, after a final decision has been taken on the application in their name, lodges a separate application without justification.

⁸³ Myria, Contact meeting 29 November 2023, available in Dutch and French at: <https://tinyurl.com/5hxbemr>, 6; Myria, Contact meeting 21 September 2022, available in Dutch and French at: <https://tinyurl.com/k98e7dkn>, 8 and 9.

⁸⁴ Observations made by Startpunt, a field team of the NGO Vluchtelingenwerk Vlaanderen, in their daily information and monitoring activities at the registration centre Belliard; Startpunt Quarterly Reports 2025, available in English [here](#).

⁸⁵ Article 57/6(2) Aliens Act.

⁸⁶ Article 57/6/1 Aliens Act.

⁸⁷ Article 57/6(3) Aliens Act.

Border procedure: Where the applicant is detained in a closed centre located at the border, the CGRS has four weeks to decide on the asylum application. The applicant is admitted to the territory if no decision has been taken within that time limit.

Appeal

An appeal against a negative decision can be lodged before the Council of Alien Law Litigation (CALL), an administrative court competent for handling appeals against all kinds of administrative decisions in the field of migration. These appeals are dealt with by chambers specialised in the field of asylum.

Appeals before the CALL against the decisions of the CGRS in the regular procedure have an automatic suspensive effect and must be lodged within 30 days. The deadline is reduced to 10 days for decisions of inadmissibility and negative decisions in the accelerated procedure, and 5 days for decisions concerning subsequent applications in detention. Appeals generally have automatic suspensive effect, except for some cases concerning subsequent applications.

The CGRS mentions in its negative decisions the delays for appeals and whether they have suspensive effect or not. To this purpose, an additional paragraph was added in the conclusion of the following decisions:

- ❖ Decisions taken under an accelerated procedure when the time limit for an appeal is reduced to 10 days. The 10-day period for an appeal in the accelerated procedure is only applicable if the CGRS has taken the decision within 15 working days of receipt of the file. As this information is difficult to access, and the solution adopted so far is not sufficiently clear, it has been decided to include explicit information on appeals in this kind of decisions;
- ❖ Decisions declaring the application inadmissible, especially subsequent applications. These decisions include a paragraph on the suspensive nature or not of the appeal, as well as a paragraph mentioning the two periods of appeal that are applicable (10 or 5 days, depending on whether or not the applicant is being detained at the time of their application).⁸⁸

The CALL has no investigative competence and must decide based on all elements in the file presented by the applicant and the CGRS. In accordance with its 'full judicial review' competence (*jurisdiction en plein contentieux*), it may:

- (a) overturn the CGRS decision by granting a protection status;
- (b) confirm the negative decision of the CGRS; or
- (c) annul the decision if it considers essential information is lacking to decide on the appeal and further investigation by the CGRS is needed.

Dublin decisions of the Immigration Office can only be challenged before the CALL by an annulment appeal.

An onward annulment appeal before the Council of State is possible, but only points of law can be litigated at this stage. The appeal before the Council of State has no suspensive effect on decisions to expel or refuse entry, which are issued with, or even before, a negative decision of the CGRS.

Linking asylum and return

A negative decision taken by the CGRS (refusal of international protection) will not automatically include a return decision. A return decision can only be taken by the Immigration Office after the legal time limit to introduce an appeal at the CALL has expired or, in case an appeal is lodged after the CALL has responded negatively. Only in cases concerning a third or further subsequent application, an appeal does not have a suspensive effect and the Immigration Office will be able to take a return decision (annex

⁸⁸ CGRS, 'Addition of clause in some refusal decisions', 21 February 2019, available at: <https://bit.ly/30uGPDD>.

13quinquies) immediately after a decision of non-admissibility from the CGRS. Priority is given to voluntary return and several measures are put in place to facilitate and promote voluntary return, such as individual coaching (ICAM). If the person does not oblige by the return decision voluntarily, detention and forced return are possible (see [Return Procedure](#)).

B. Access to the procedure and registration

1. Access to the territory and push backs

Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☐ Yes ☒ No
2. Is there a border monitoring system in place? ☐ Yes ☒ No

There are no published reports by NGOs about cases of actual *refoulement* at the border of persons wanting to apply for asylum.

In French, returning someone at the border without allowing them to access the territory, but after having examined their asylum application on its well-foundedness, is wrongly referred to with the legal term '*refoulement*'. This may add to the confusion between a genuine *refoulement* (or 'push back') and the execution of a return decision.

1.1. Border monitoring

In Belgium, no border monitoring system corresponding to the definition set by UNHCR is in place. However, several organisations have formed a coalition active in the field of administrative detention of migrants. Since January 2021, this coalition has been officially in place and known as Move.⁸⁹ Move Coalition is accredited to visit detention centres. The visitors of Move visit all detention centres in Belgium on a weekly basis (see [Conditions of detention](#)). In 2024, a Preventive Mechanism against torture has been set up within the Federal Institute for the protection and promotion of Human Rights, in the context of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Together with the Central Prison Monitoring Council (CTRG-CCSP), the Federal Migration Centre (Myria) and the Standing Police Monitoring Committee (Committee P), the mission of the Preventive Mechanism is to monitor places of deprivation of liberty, including administrative detention centres for migrants at the border (see [Access to detention facilities](#)).

1.2. Legal access to the territory

Humanitarian visa

1. Can third country nationals apply for a (humanitarian) visa, specifically with the intention to apply for international protection upon arrival? ☒ Yes ☐ No
2. Are these issued in practice? ☒ Yes ☐ No

Third country nationals can apply for a humanitarian visa. No exact criteria, definitions or requirements specified in law indicate who can obtain a humanitarian visa.⁹⁰ The Immigration Office has a broad margin of discretion and assesses each application on an individual basis. A humanitarian visa is not a right, but a favour granted by the government. Apart from humanitarian visas granted in the context of resettlement

⁸⁹ <http://www.movecoalition.be>

⁹⁰ Articles 9 & 13 in the Aliens Act provide the only legal basis for humanitarian visa.

operations (see [Resettlement](#)), the Immigration Office distinguishes two types of situations in which humanitarian visa are granted:⁹¹

- ❖ 'Enlarged family reunification': a humanitarian visa can be granted to third country nationals who fall just outside of the scope of the right to family reunification. Examples of this category could be (non-exhaustive list):
 - siblings of an unaccompanied minor who has received international protection in Belgium and who accompany their parents who are reunited with the unaccompanied minor through family reunification;
 - people who have lost their right to family reunification because the age requirement is not fulfilled anymore or because the deadline for application of the visa has expired.
- ❖ Humanitarian and/or urgent situations: a humanitarian visa can be granted to third country nationals who do not feel safe in their country of origin, or for urgent economical or medical reasons. However, one cannot obtain a humanitarian visa with the explicit intention to apply for international protection upon arrival in Belgium.

In 2024, the Immigration Office received a total of 4,352 applications for a humanitarian visa: 1,394 humanitarian visas were granted and 1,557 requests were refused. In 2025, the Immigration Office received a total of 2,800 applications for a humanitarian visa (excluding requests in the context of resettlement). 1,476 humanitarian visas were granted and 1,972 requests were refused.⁹²

A humanitarian visa needs to be requested by the third country national at the competent Belgian embassy in the country of origin and/or in the country of residence.⁹³ Remote applications, such as those exceptionally allowed for applications for family reunification, are in principle only allowed in so-called 'hybrid cases', where applications for family reunification are combined with applications for humanitarian visa (e.g. for the adult children of the same family). However, in the context of the war in Gaza, and the absolute impossibility of in-person applications in that context, several courts have obliged the Belgian government to accept remote applications for humanitarian visas of applicants in Gaza with family ties in Belgium, based on article 8 ECHR.⁹⁴ Nevertheless, this procedure is not used very often because even with a humanitarian visa, people do not manage to be evacuated from Gaza since the Belgian government closed the evacuation list at the end of April 2025 (see [Family reunification](#)).⁹⁵

The applicant needs to pay an administrative fee of €242 per adult person.⁹⁶ The law does not determine a deadline by which the Immigration Office needs to take a decision. If the humanitarian visa is granted, applicants receive a long-term visa. Upon arrival in Belgium, they are given a temporary residence permit valid for 1 year. This residence permit can be extended annually. The extension can be subject to certain criteria such as proof of cohabitation with the family member in Belgium and proof of work. Third country nationals who arrived in Belgium with a humanitarian visa have the possibility to apply for international protection.

Although the Immigration Office has a broad margin of discretion, its decision-making cannot be arbitrary, and a thorough examination of each request is required. In a judgment of 24 January 2024, the CALL annulled a decision of the Immigration Office refusing a humanitarian visa to the adult sister of an Afghan unaccompanied minor with international protection in Belgium. According to the CALL, the Immigration Office did not sufficiently consider the country-of-origin information regarding the situation of unmarried single Afghan women and their strongly deteriorated situation after the takeover of power by the Taliban.

⁹¹ Immigration Office, *Activity report 2022*, available in French: <https://bit.ly/3TCCTMU>, 18-19.

⁹² The numbers on the applications and the decisions granting/refusing a visa do not correspond, because a decision is not necessarily taken in the year of the application.

⁹³ Article 9, Aliens Act.

⁹⁴ Brussels Court of First Instance, Decision 2023/323/C of 2 February 2024, available in French [here](#); Brussels Court of First Instance, Decision 2024/24/C of 15 March 2024; Brussels Court of First Instance, Decision 2024/26/C of 15 March 2024.

⁹⁵ Myria, *Press release - Myria is calling on the Belgian government to make a decision as soon as possible regarding who is eligible for evacuation from Gaza*, 18 December 2025, available in French [here](#).

⁹⁶ Article 1/1 Aliens Act; Website Immigration Office, *Contribution fee* (consulted on 3/03/2026), available [here](#).

The CALL considered this information important to assess whether there is a situation of dependency in the sense of Article 8 ECHR between the sister and her family staying in Belgium. Thus, the CALL found that, by not considering this information, the Immigration Office violated the duty of care and Article 8 ECHR.⁹⁷

Resettlement

1. Are there resettlement operations in place? ☐ Yes ☒ No
2. If so, how many resettlement places have been pledged and how many applicants for international protection were effectively resettled by the end of the year 2025?
1000 places were pledged, 0 applicants were resettled in practice

From 2013 until 2024, Belgium had a structural resettlement programme based on annual quotas.⁹⁸ Fedasil manages the Belgian resettlement programme with several partners. UNHCR identifies vulnerable refugees in third countries. Afterwards, CGRS officials engage in conversations with the selected persons – online or live after travelling to their country of asylum – in order to proceed to a refugee status determination, verify whether the person falls within one of the UNHCR resettlement submission categories⁹⁹ and carry out the required security checks. If a person is eligible to be resettled to Belgium, Fedasil carries out pre-departure medical and social screenings and the third country national receives a humanitarian visa and a pre-departure cultural orientation by Fedasil, 'BELCO'.¹⁰⁰ IOM is involved for the reservation of flights, some last medical checks and the accompaniment of the person from departure until arrival in Belgium.¹⁰¹ Upon arrival in Belgium, the person can lodge an application for international protection.

Over the period 2013-2024, Belgium resettled 5,275 refugees. Belgium initially pledged to resettle 1,250 persons in 2022, 1,400 in 2023 and 1,500 in 2024. The pledges for 2023 and 2024 were afterwards lowered to 500 in both years, due to the reception crisis. For 2025, Belgium pledged to resettle 1,000 persons. However, due to the ongoing reception crisis (see [Constraints to shelter](#)) the resettlement programme is severely impacted. During 2022, only 71 out of 1,250 resettlements (6%) were effectively carried out.¹⁰² In 2024, 487 persons were resettled to Belgium, mainly Congolese refugees from Rwanda and Syrian refugees from Türkiye.¹⁰³ In 2025, the Minister for Asylum and Migration announced that she would suspend the resettlement programme.¹⁰⁴ The Minister declared that she would only resume the programme as soon as there is a decrease of migrants arriving in Belgium irregularly. Consequently, in 2025, Belgium only resettled 44 persons who were identified beforehand but did not identify any new refugees for resettlement.

Number of third country nationals resettled to Belgium ¹⁰⁵										
2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
276	452	1,309	880	239	176	964	71	287	487	44

⁹⁷ CALL, Decision N° 292036, 17 July 2023.

⁹⁸ www.resettlement.be; CGRS, *Resettlement*, available in English [here](#).

⁹⁹ UNHCR resettlement submission categories, available [here](#).

¹⁰⁰ Fedasil, BELCO – Belgian cultural orientation, available in French at: <https://bit.ly/3xdmC9y>.

¹⁰¹ Fedasil, '10 years of resettlement in Belgium', 5 October 2023, available in French at: <https://bit.ly/43D2mKs>.

¹⁰² Fedasil, 'Resettlement 71 refugees in 2022', 5 January 2023, available in Dutch via <http://bit.ly/3ZPGbOp>. Statistics available via <https://bit.ly/3Js9jpq>; Standaard, 'For refugees who want to come to Europe via legal pathways, there is no place in Belgium', 24 January 2023, available in Dutch at: <http://bit.ly/3ZALJfS>.

¹⁰³ Fedasil, '487 resettled refugees in 2024, 11 February 2025, available in English [here](#).

¹⁰⁴ The Brussels Time, *Belgium discontinues resettlement programme, only legal route into country*, 26 March 2025, available in English [here](#).

¹⁰⁵ CGRA, *Arrivals of resettled persons (2013-2025)*, available in French [here](#).

In 2023, Fedasil opened a reception centre dedicated to the reception and support of resettled refugees.¹⁰⁶ It also launched a Community Sponsorship programme in 2020 as an alternative reception model to secure the effective implementation of resettlement programmes in the future.¹⁰⁷ Through Community Sponsorship, groups of volunteers are supported by Caritas International to receive a resettled person or family and support them for a 12-month period. Between 2020 and 2024, 65 resettled persons and 82 volunteers were thus supported.¹⁰⁸ As long as the resettlement procedure is put on hold, the dedicated reception centre is used for general reception of asylum seekers.

Relocation

1. Are there relocation operations in place? ☐ Yes ☒ No
2. If so, how many relocation places have been pledged and how many applicants for international protection were effectively relocated by the end of 2025? 0

Up until 2021, Belgium had an annual relocation policy in place. The highest number of relocated asylum applicants were registered in 2017 (895) but significantly decreased in the following years, reaching only 18 in 2020 and 43 in 2021. In 2023, 32 persons were relocated from Cyprus and a pledge was made to relocate another 100 individuals residing in the Mediterranean area, including 70 individuals from Cyprus.¹⁰⁹ These relocations from Cyprus took place in the context of a voluntary pledge linked to the negotiations on the EU Migration Pact.¹¹⁰ In 2024, another 18 persons were relocated by March 2024; 15 persons were still waiting for relocation later that year, but no further information is available on this. In 2025, in the context of the implementation of the EU Pact, the Belgian Minister for Asylum and Migration has announced that Belgium would not opt for relocations but rather for a financial contribution to the Solidarity Pool.¹¹¹

¹⁰⁶ Fedasil, 'Resettlement of 287 refugees in 2023', 2 February 2024, available in English at <https://tinyurl.com/ysm34ek9>.

¹⁰⁷ Fedasil, Community Sponsorship, available in English [here](#).

¹⁰⁸ Information received from Caritas International Belgium, March 2025. For an evaluation of the Community Sponsorship program, see: SHARE Quality Sponsorship Network (QSN) Publication, Evaluation of Community Sponsorship Programme in Belgium, April 2023, available in English [here](#).

¹⁰⁹ EMN, *Annual report on Migration and Asylum in Belgium 2023*, available in English [here](#), p. 31.

¹¹⁰ Information provided by cabinet of the Secretary of State for Asylum and Migration, 25 March 2024.

¹¹¹ Anneleen Van Bossuyt, *Europe sharpens migration- and asylum policy*, 8 December 2025, available in Dutch [here](#); EMN Belgium, *Belgium commits financial contribution to EU Annual Solidarity Pool for 2026*, 18 December 2025, available in English [here](#).

2. Registration of the asylum application

Indicators: Registration

1. Are specific time limits laid down in law for asylum applicants to lodge their application?
☒ Yes ☐ No
2. If so, what is the time limit for lodging an application? 8 days¹¹²
3. Are registration and lodging distinct stages in the law or in practice? ☒ Yes¹¹³ ☐ No
4. Is the authority with which the application is lodged also the authority responsible for its examination?
☐ Yes ☒ No
5. Can an application be lodged at embassies, consulates or other external representations?
☐ Yes ☒ No

The Immigration Office is the authority responsible for the registration of asylum applications and for establishing the Member State responsible for examining the application for international protection. The registration of the asylum application can either be done at the Registration Centre of the Immigration Office in Brussels, at the border upon arrival or in a prison or closed detention facility. On 24 October 2024, the Registration Centre for international protection moved from Pachecolaan 44 to Belliardstraat 68 in Brussels.¹¹⁴ During the first weeks after the move, the overall security situation for applicants waiting to enter the registration centre raised concerns. The building is situated right next to a four-lane motorway and a cycling lane intensively used by commuters. Combined with the high number of persons wanting to make an application in October and November, this led to tension.¹¹⁵ Since January 2025 the Immigration Office changed the opening hours (from 07:00 instead of 8:30, until 09:00).¹¹⁶ This had a positive impact on the entry system. However, the situation at the registration system continues to cause concern, especially after the registration of applications for temporary protection of Ukrainians moved to the same location in July 2025. With an average of over 200 persons cramped on the sidewalk right next to one of Brussels arterial roads, having to organize in several badly indicated lines, the situation is both chaotic and dangerous. Moreover, civil society organizations have frequently raised the issue of inhumane waiting conditions at the registration center. A lack of sanitary facilities or any possibility to sit or seek shelter from the elements particularly affects families with children, elderly people and persons with medical conditions.¹¹⁷

The registration process

The law foresees a three-stage registration process:

1. The person 'makes' (*présente*) their application to the Immigration Office within 8 working days after arrival on the territory.¹¹⁸ An application at the border is made with the Border Police Section

¹¹² According to the terminology used in Belgian law, the applicant should 'make' their asylum application within 8 days after entering the territory. In theory, the 'lodging' of the application constitutes a separate consequent step, but in practice the making and lodging of the application happens on the same day (see [The registration process](#)).

¹¹³ In practice, registration and lodging are done on the same moment since several years.

¹¹⁴ Immigration Office, 'Registration Centre for International Protection: New Location!', 23 October 2024, available in English [here](#).

¹¹⁵ Federal Chamber of representatives, Commission of Internal Affairs, Security, Migration and Administrative matters, CRIV 56 COM 046, 27 November 2024, p. 2-4, available [here](#).

¹¹⁶ Federal Chamber of representatives, Commission of Internal Affairs, Security, Migration and Administrative matters, CRIV 56 COM 068, 15 January 2025, p. 3, available [here](#).

¹¹⁷ Vluchtelingenwerk Vlaanderen, *Quarterly Reports 2024*, available in English [here](#).

¹¹⁸ Article 50(1) Aliens Act. The applicant must make/present the application within 8 working days of arrival in Belgium. Although in the context of the asylum procedure, no sanction is applied if the applicant does not make the application within 8 working days of arrival in Belgium, a long delay may raise questions about the reality of their fear, and they might have to explain in the course of their asylum procedure why they have waited so long to ask for protection.

of the Federal Police immediately when the person is apprehended at the border and asked about their motives for entering Belgium.¹¹⁹ The application can also be made in prison with the prison director or in a closed centre with personnel of the Immigration Office. These authorities refer the application immediately to the Immigration Office. Other applicants (the large majority) make their application directly at the Registration Centre in Belliardstraat 68, Brussels. The asylum applicant receives a 'certificate of presentation' (*attestation de présentation/bewijs van aanmelding*) as soon as the application is made, unless the application is lodged on the same moment in which case they immediately receive an annex 26(quinquies) (step 3).¹²⁰

Under the law, failure to apply for a residence permit after irregularly entering the country or to apply for international protection within the 8-day deadline constitutes a criterion for determining a 'risk of absconding'.¹²¹ It is not clear if or to what extent these provisions are currently being applied. The CGRS can also consider non-compliance with this deadline as one of the elements in assessing the credibility of the asylum claim.

2. The Immigration Office registers the application within 3 working days after it is made.¹²² This can be prolonged up to 10 working days when a large number of asylum applicants arrive at the same time, rendering it difficult in practice to register applications within the 3 working days deadline.¹²³
3. The asylum applicant 'lodges' (*introduit*) their application either immediately on the day it is made and registered, or as soon as possible after it is made but no later than 30 days after the application has been made.¹²⁴ This period may exceptionally be prolonged by way of Royal Decree, which has not occurred so far. When the application is lodged, the asylum applicant receives a 'proof of asylum application' certifying their status as a first-time applicant ('Annex 26') or a subsequent applicant ('Annex 26 quinquies'). The Immigration Office informs the CGRS of the lodging of the application.¹²⁵

In practice, applicants who apply at the Registration Centre lodge their application at the same moment as they make the application. They instantly receive the Annex 26. The aim is to avoid unnecessary movements of applicants between the different services and to respect the 3-day time limit of Article 50(2) of the Aliens Act even if confinement is necessary. This system is currently still being applied. Consequently, most applications for international protection are registered and lodged on the same day.

Limitations to the right to apply for asylum

Since 2021 limitations on access to the procedure for international protection happened mostly due to limited registration capacity of the Registration Centre.¹²⁶ On several occasions since 2021, the Immigration Office, after having reached the maximum registration capacity of the day, has handed out invitations to come back on another day, mostly to single men. This invitation is not individualised and is thus not considered as proof of making an asylum application by any other Belgian government institution, leading to these persons not having access to reception during that waiting time, contrary to the case law of the Court of Justice. In the fall and winter of 2024, a combination of high number of registrations and a decrease of the registration capacity because of long term absentees among registration staff and a high number of staff leaving the Immigration Office, the Immigration Office regularly gave invitations to return two to three weeks later, thus exceeding the legally allowed ten working days.¹²⁷ According to unofficial

¹¹⁹ *Ibid.*

¹²⁰ Article 50(2) Aliens Act.

¹²¹ Articles 1(11) and 1(2)(1) Aliens Act.

¹²² Article 50(2) Aliens Act.

¹²³ *Ibid.*

¹²⁴ Article 50(3) Aliens Act.

¹²⁵ *Ibid.*

¹²⁶ See the previous AIDA updates from 2021, 2022 and 2023 for an overview of this situation.

¹²⁷ Federal Chamber of representatives, Commission of Internal Affairs, Security, Migration and Administrative matters, CRIV 56 COM 046, 27 November 2024, available [here](#), 5-8.

counts done by Vluchtelingenwerk Vlaanderen, 1,811 single men and 210 persons part of a family received an invitation exceeding the legal time limit in November and December of 2024.¹²⁸ In 2025, apart from one day in the very beginning of year when applicants received an appointment exceeding the 10 days waiting time, the practice of handing out appointments has been limited to a few days throughout 2025, mostly to come back in the afternoon of the same day.¹²⁹

Procedure after registration

The international protection department of the Immigration Office is responsible for:

- ❖ Receiving, registering and lodging the asylum application;
- ❖ Registering the asylum applicant in the so-called 'waiting register' (*wachtregister/registre d'attente*), a provisional population register for foreign nationals (this occurs at the stage of the lodging phase);
- ❖ Taking fingerprints and a photograph;
- ❖ Conducting the Dublin procedure.

After lodging the application, the applicant is invited to the Immigration Office on a later date for a short interview to establish their identity, nationality and travel route. If there are indications that another country is responsible under the Dublin Regulation, the Immigration Office gathers information to examine which Member State is responsible for the asylum application. To this purpose, a 'Dublin interview' is organised during which the applicant is asked about the reasons for not applying in or leaving the other Member State, what motivated them to apply in Belgium and other elements that allow to establish the responsible Member State. Since the law does not provide for the presence of a lawyer during interviews at the Immigration Office, lawyers cannot be present during this 'Dublin interview'.

If Belgium is the responsible country under the Dublin Regulation, the Immigration Office and the asylum applicant, with the help of an interpreter, fill in a questionnaire for the CGRS about the reasons why they fled their country of origin or, in case of a subsequent asylum application, which new elements are being submitted. Afterwards, the file, including this questionnaire, is sent to the CGRS for further examination and a decision.¹³⁰ The asylum section of the Immigration Office is furthermore responsible for the follow-up of the asylum applicant's administrative residence status throughout the procedure as well as the follow-up of the final decision on the asylum application. In case of a negative decision, the Immigration Office will generally issue an order to leave the territory.¹³¹ In case the applicant received a positive decision (granting of refugee status or subsidiary protection status), and unless there is a right of residence on other grounds, they need to register at their municipality of residence with either the decision granting them subsidiary protection or refugee certificate issued by the CGRS. The municipality will register them in the register for aliens and issue a temporary residence card ('A-card', valid 5 years for persons with refugee status and 1 year, prolongable with 2 times 2 years for beneficiaries of temporary protection). For the transposition of this temporary residence permit to a 'stay for an unlimited period' after 5 years, the municipality, upon request of the beneficiary, needs to ask a prior instruction from the Immigration Office.¹³²

For the last few years, there have been significant delays in the asylum procedure at the stage of the Immigration Office due to a high number of cases and understaffing issues. Even though the lodging takes place no later than 30 days after the application has been made, in line with the relevant legal standards, in certain cases the first interview is conducted more than several months later. After a decrease in the

¹²⁸ Based on on-site findings done by the NGO Vluchtelingenwerk Vlaanderen, that is present at the registration centre on a daily basis.

¹²⁹ Observations made by Startpunt, a field team of the NGO Vluchtelingenwerk Vlaanderen, in their daily information and monitoring activities at the registration centre Belliard; Startpunt Quarterly Reports 2025, available in English [here](#).

¹³⁰ Articles 51/3-51/10 Aliens Act; Articles 10 and 15-17 Royal Decree on Immigration Office Procedure.

¹³¹ Unless the applicant has a residence permit on another basis, other parallel residence procedures are ongoing or other reasons related to art. 3 ECHR stand in the way of issuing an order to leave the territory.

¹³² See Immigration Office, 'Protection Status', available in Dutch, French and English [here](#).

backlog of cases at the Immigration Office in 2023, the backlog increased again in 2024, from 7,722 pending applications to 12,888 in December 2024 and further to 14,734 on 31 December 2025.¹³³ Consequently, waiting times for the first interview at the Immigration Office, especially for cases in which the Dublin procedure is not applied, remain significant, with sometimes a few weeks or even months before the first interview.¹³⁴

C. Procedures

1. Regular procedure

1.1. General (scope, time limits)

Indicators: Regular Procedure: General	
1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance:	6 months
2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing?	☒ Yes ☐ No
3. Pending cases at first instance as of 31 December 2025:	
❖ Immigration Office	14,734 ¹³⁵
❖ CGRS	24,406 ¹³⁶
4. Average length of the first instance procedure in 2025:	372 days ¹³⁷

The asylum applications for which Belgium is responsible according to the Dublin Regulation are transferred to the office of the CGRS to be examined on their merits. The CGRS, the competent determining authority, exclusively specialises in asylum decision-making. In a single procedure, the CGRS first examines whether the applicant fulfils the eligibility criteria for refugee status. If the applicant does not meet these criteria, the CGRS will automatically examine whether the applicant is eligible for subsidiary protection.¹³⁸

The CGRS has the competence to:¹³⁹

- ❖ Grant or refuse refugee status or subsidiary protection status;
- ❖ Reject an asylum application as manifestly unfounded;¹⁴⁰
- ❖ Reject an asylum application as inadmissible;¹⁴¹
- ❖ Apply cessation and exclusion clauses or revoke refugee or subsidiary protection status (including upon request of the Immigration Office or the competent Minister);¹⁴²
- ❖ Terminate the procedure in case the person does not attend the interview, among other reasons, and reject the application in some cases;¹⁴³ and
- ❖ Issue civil status certificates for recognised refugees.

¹³³ Information provided by the Immigration Office, March 2026.

¹³⁴

Based on observations by Startpunt, a field team of the NGO Vluchtelingenwerk Vlaanderen, in their contacts with applicants in the context of a legal helpdesk where applicants can come for legal information three times a week. Startpunt Quarterly Reports 2025, available in English [here](#).

¹³⁵ Information provided by the Immigration Office, March 2025.

¹³⁶ CGRS, ‘Asylum statistics December 2025’, available in English [here](#). The workload of 24,406 cases concerned a total of 31,085 persons.

¹³⁷ Information provided by the CGRS. This average is influenced by cases that have an exceptionally long processing time. The median length of the first instance procedure is 286 days.

¹³⁸ Article 49/3 Aliens Act.

¹³⁹ Article 57/6(1) Aliens Act.

¹⁴⁰ Article 57/6(1)(2) Aliens Act.

¹⁴¹ Article 57/6(3) Aliens Act.

¹⁴² Article 49, §2 Aliens Act.

¹⁴³ Article 57/6(5) Aliens Act sets out the reasons for terminating the procedure.

The CGRS has to decide within 6 months after receiving the asylum application from the Immigration Office.¹⁴⁴ This may be prolonged by another 9 months where: (a) complex issues of fact and/or law are involved; (b) a large number of persons simultaneously apply for asylum, rendering it very difficult in practice to comply with the 6-month deadline; or (c) the delay is clearly attributed to the failure of the applicant to comply with their obligations.¹⁴⁵

Where needed, the deadline can be prolonged by 3 more months.¹⁴⁶ If the deadline is extended, the CGRS should inform the applicant of the reasons and give a timeframe within which the decision should be expected.¹⁴⁷

In cases where there is uncertainty about the situation in the country of origin, which is expected to be temporary, the deadline for a decision can reach a maximum of 21 months. In such a case, the CGRS should evaluate the situation in the country of origin every 6 months.¹⁴⁸

The backlog of cases on the level of the CGRS decreased slightly, with a workload that evolved from 26,119 pending cases in December 2024 to 24,406 pending files at the end of 2025. The normal workload is considered to be 6,500 files. Hence, the backlog is considered to be 17,906 files.¹⁴⁹ In order to reduce this backlog, the CGRS took several measures to increase its output the past few years. Among others, they launched a fast-track procedure for certain nationalities with a low recognition rate (see [Prioritised examination and fast-track processing](#)). In addition, they launched the project 'Tabula Rasa', aimed at experimenting with several new working methods to maximise the number of decisions (see [Personal Interview](#)). A third step to increase the output was the hiring of 58 additional caseworkers that will be integrated into a separate decision-making unit. However, the CGRA states that it needs additional caseworkers to further reduce the backlog, considering the overall elevated number of applications in Belgium.¹⁵⁰

1.2. Prioritised examination and fast-track processing

The CGRS may prioritise the examination of an asylum application where:¹⁵¹

- a. The applicant is detained or is subject to a security measure;
- b. The applicant is serving a sentence in a penitentiary facility;
- c. The Immigration Office or the Minister for Asylum and Migration so requests; or
- d. The asylum application is manifestly well-founded.

In practice, the examination is prioritised for applicants in detention, applicants who have filed a subsequent application for international protection (including applicants who obtained a protection status in another EU Member State, who are considered subsequent applicants following a law change in 2025 – see [Subsequent application](#)), unaccompanied minors, and applicants treated with a 'fast track procedure' (FTP).¹⁵² In the context of the reception crisis, the CGRS also prioritised cases of persons staying in a reception centre, in order to free up spaces in the saturated reception network.¹⁵³ In 2025, the CGRS has prioritised the cases of 2,204 applicants, 1,595 of who applied at the Immigration Office and 609 in a detention facility.¹⁵⁴

¹⁴⁴ Article 57/6(1) Aliens Act.

¹⁴⁵ *Ibid.*

¹⁴⁶ *Ibid.*

¹⁴⁷ Article 57/6(1) Aliens Act.

¹⁴⁸ *Ibid.*

¹⁴⁹ CGRS, 'Asylum statistics: survey 2024', 16 January 2025, available [here](#).

¹⁵⁰ *Ibidem.*

¹⁵¹ Article 57/6(2) Aliens Act.

¹⁵² CGRS, *The decision terms: Processing time of your application for international protection*, available in English, Dutch and French [here](#).

¹⁵³ Myria, Contact meeting 24 January 2024, available in French and Dutch [here](#), 17.

¹⁵⁴ Information provided by the CGRS, March 2026.

Since 1 February 2024, a 'fast track procedure' is applied for applicants from safe countries of origin and countries with a low recognition rate. The nationalities on which the fast-track procedure is applied can vary. In May 2025, the procedure was being applied to applicants from countries that were considered as 'safe countries of origin' (Albania, Bosnia-Herzegovina, Northern-Macedonia, Kosovo, Serbia, Montenegro, India and Moldova)¹⁵⁵, Georgia (including accompanied minors), Benin, Angola and the DRC.¹⁵⁶ Fast-tracked cases are treated with priority by the Immigration Office and the CGRS. The aim is to take a decision within 50 working days; for safe countries of origin even within 15 days after transfer from the Immigration Office. In 2024 (until December), the CGRS treated 650 cases in the context of a fast-track-procedure. An evaluation of this new procedure has yet to take place, which is still in place.¹⁵⁷ In May 2025, the CGRA explicitly referred to Article 40, para 1, e) of the Regulation (UE) 2024/1348 when updating the official information on this fast-track procedure¹⁵⁸

1.3. Personal interview

Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the regular procedure? ☒ Yes ☐ No
 ❖ If so, are interpreters available in practice for interviews? ☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision? ☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☒ Rarely¹⁵⁹ ☐ Never
4. Can the asylum applicant request the interviewer and the interpreter to be of a specific gender? ☒ Yes ☐ No
 ❖ If so, is this applied in practice for interviews? ☒ Yes ☐ No

At least one personal interview by a protection officer at the CGRS is imposed by law.¹⁶⁰ The interview may be omitted where:

- (a) the CGRS can grant refugee status based on the elements in the file;
- (b) the CGRS deems that the applicant is not able to be interviewed due to permanent circumstances beyond their control; or
- (c) where the CGRS deems it can decide on a subsequent application based on the elements in the file.¹⁶¹

Generally, for every asylum application, the CGRS conducts an interview with the asylum applicant. However, the questions' length and substance can vary substantially, depending, for example, on the manifestly well-founded or unfounded nature of the claim or the presence or absence of new elements presented in case of a subsequent application. The interview serves the CGRS to examine whether the asylum application is credible and qualifies for refugee status or subsidiary protection status. The lawyer and/or another person of confidence chosen by the asylum applicant can attend the interview.¹⁶² The CGRS has elaborated an interview charter as a Code of Conduct for the protection officers, available on its website.¹⁶³

¹⁵⁵ In the meantime, the list of 'safe countries of origin' has been updated, see [Safe country of origin](#).

¹⁵⁶ CGRS, Current status of the fast-track procedure, 9 May 2025, available in English [here](#).

¹⁵⁷ Myria, Contact meeting 4 December 2024, available in French and Dutch [here](#), 22-23.

¹⁵⁸ See [État de la situation : procédure Fast Track \(Fast Track Procedure /FTP\) | CGVS](#)

¹⁵⁹ The CGRS only conducts interviews through videoconference for applicants in closed centres. In 2023, the CGRS conducted 356 interviews by videoconference in closed centres, and 90 in the first three months of 2024.

¹⁶⁰ Article 57/5-ter(1) Aliens Act.

¹⁶¹ Article 57/5-ter(2) Aliens Act.

¹⁶² Article 13/1 Royal Decree on CGRS Procedure.

¹⁶³ CGRS, *Interview Charter*, available at: <http://bit.ly/1FAxyQ>.

If the CGRS is considering **Cessation** or **Revocation** of international protection after receiving new facts or elements, it can choose not to interview the person and to request written submissions on why the status should not be ceased or withdrawn instead.¹⁶⁴ In practice, however, these persons will be invited for a personal interview.¹⁶⁵

Since 2020, the CGRS sometimes grants refugee status without conducting a personal interview. This procedure is only applied in cases in which a positive decision is taken. This procedure is not limited to certain nationalities and is not a standardised approach for specific nationalities; whether this procedure is applied depends on the elements in each individual case and is selected through an internal screening procedure of the CGRS. In March 2024, the CGRS confirmed that this is still applied, for example for certain applicants from Burundi, Syria and Eritrea but also other nationalities. Whether this procedure is applied is not based on a standard practice but on an examination of each individual file.¹⁶⁶ In November 2025, the CALL convened a General Assembly Meeting to settle diverging case law and discuss the need for protection of applicants from Burundi.¹⁶⁷

In 2023 and 2024, the CGRS tested a pilot project named 'Tabula Rasa', that aims to try out several new working methods to maximise the number of decisions and alleviate the backlog of cases.¹⁶⁸ The idea being that the personal interview should be a capstone of the procedure, several measures were taken to enable protection officers to prepare the interview as well as possible. Among other things, a campaign was started to encourage applicants and their lawyers to send relevant documents to the CGRS as soon as possible and well ahead of the personal interview. Another measure included sending preliminary questionnaires to applicants in order to obtain more information before the personal interview. Applicants receiving the questionnaire are required to describe the important facts and the problems having led them to apply for international protection. The filling out of this questionnaire does not replace the personal interview but aims to shorten it: the part of the interview that usually contains a 'free narrative' by the applicant, is now replaced by targeted questions based on the written declarations in the questionnaires. There are no sanctions for not responding, nor are there any substantive or formal requirements as to what must be included in the written declaration.¹⁶⁹ After a positive evaluation, the CGRA announced that it would incrementally introduce this new way of working in the whole organisation starting from February 2025.¹⁷⁰ In 2025, 9 additional units have worked following the Tabula Rasa-concept and are monitored until the beginning of 2026, after which a broader implementation will follow.¹⁷¹ Several NGOs and lawyer associations have voiced their concerns about the significant increase in the amount of work and responsibilities that this approach requires from the applicant's lawyers or from NGOs' first-line legal services.

Documents

Before, during or after the personal interview at the CGRS, applicants can submit documents supporting their statements. Applicants are expected to provide any documents, especially those concerning the identity, the grounds for the application for protection and the travel route, as quickly as possible. Documents can be submitted to the CGRS (1) by sending them to the CGRS via registered or ordinary mail; (2) by handing them in at the reception desk of the CGRS against receipt; (3) by sending them to the CGRS by e-mail. When sent by e-mail, documents can be included in JPEG, PNG, PDF, Word or other Microsoft Office file formats. It is impossible to submit documents through Internet links (YouTube, WeTransfer or anything that can lead to an insecure website). CD-ROMs or USB sticks containing video

¹⁶⁴ Article 57/6/7(2) Aliens Act.

¹⁶⁵ Myria, *Contact meeting*, 22 January 2020, available in French at: <https://bit.ly/2VhsVE6>.

¹⁶⁶ Myria, *Contact meeting* 20 March 2024, available in French and Dutch [here](#), 33.

¹⁶⁷ CALL, *Annual Report 2025*, p. 27 and 28 commenting on CALL, 21 Novembre 2025, nr 336.435 [AG] and CALL, 21 Novembre 2025, nr. 336 436 [AG]].

¹⁶⁸ CGRS, *Tabula Rasa*, 18 July 2023, available in English at: <https://bit.ly/3IV90CA>.

¹⁶⁹ Myria, *Contact meeting* 20 September 2023, available in French and Dutch at: <https://bit.ly/3TyUvZW>, 24-25.

¹⁷⁰ CGRA, 'Myria: Contact Meeting International Protection', 19 June 2024, available in French and Dutch [here](#).

¹⁷¹ OVB, *From Tabula Rasa to Prisma project of the CGRS*, 4 July 2025, available in Dutch [here](#)

or audio clips can be submitted by regular or registered mail or handed in at the reception desk.¹⁷² The CGRS has drafted an explanatory document about the submission of documents, including an inventory that it recommends using for this purpose.¹⁷³

Interpretation

When lodging their application at the Immigration Office, applicants must indicate irrevocably and in writing whether they request the assistance of an interpreter in case their knowledge of Dutch or French is insufficient.¹⁷⁴ In that case, the examination of the application is assigned to one of the two 'language roles' (Dutch or French) on the basis of the needs of the asylum instances, the wishes of the applicant having no impact on this decision. In the case of a subsequent application, the same language as in the first asylum procedure is selected.¹⁷⁵ This then determines the language in which the interviews are conducted (with the presence of an interpreter if requested), the language of all documents and decisions by the asylum services and, if applicable, the language of the appeal procedure at the CALL.

In general, an interpreter who speaks the language the asylum applicant has requested for interpretation purposes is always present during interviews before the asylum services. Issues arise only in cases of applicants that speak a rare language or idiom; for such situations, an interpreter speaking another language can be proposed. The CGRS can also ask the applicant to bring their own interpreter.¹⁷⁶ During and after the interview, the interpreter has to respect professional secrecy and act according to specific rules of deontology. A brochure on this Code of Conduct is also available on the CGRS website.¹⁷⁷ Due to the varying quality of interpretation, the correct translation of the declarations transcribed in the interview report are sometimes raised by lawyers as a point of contention in the appeal procedures before the CALL. However, the CALL generally does not consider this element since proving that the interpreter mistranslated is complex.

In the context of the "Belgian Operational Plan" for 2025-2026, several EUAA experts have been deployed to support CGRS activities in 2025, amongst which are several interpreters and case workers.¹⁷⁸ The caseworkers exclusively conduct interviews in so-called 'M-status'-cases (i.e., cases of beneficiaries of international protection in another Member State). This has been met with serious criticism, especially from lawyers assisting applicants, due to the use of language in the procedure (the CGRS caseworkers not mastering one of Belgium's official languages and thus conducting the interviews in English), or the impartiality of Greek EUAA caseworkers conducting interviews with beneficiaries of international protection in Greece. Although the CGRS emphasizes the legal basis of this deployment,¹⁷⁹ the topic has been a subject of dialogue with the bar associations and the CGRS has gradually adjusted the program throughout the year. Lawyers are now informed beforehand if the interview will be conducted in English and the CGRS has indicated that it will ask the EUAA to henceforth send officers mastering one of the country's official languages. The EUAA operational support will be continued in 2026. The invitation letter will still mention that the personal interview will be conducted by an EUAA expert and in which language the interview will take place.¹⁸⁰

¹⁷² CGRS, 'Adjustment of the procedure for submitting documents in support of an application for international protection', available in English at: <https://bit.ly/4auXwkP>.

¹⁷³ CGRS, 'Information for applicants, their lawyers and trusted persons', available in English at: <https://bit.ly/4aqq8mF>.

¹⁷⁴ Article 51/4(2) Aliens Act.

¹⁷⁵ *Ibid.*

¹⁷⁶ Article 20, §3 Royal Decree on CGRS Procedure.

¹⁷⁷ CGRS, *Deontology for translations and interpretations*, available at: <http://bit.ly/1ROmcHs>.

¹⁷⁸ CGRS, *Operational support of the EUAA to the CGRS*, 7 February 2025, available in English [here](#); Myria, *Contact Meeting 23 April 2025*, p. 18, available in Dutch and French [here](#)

¹⁷⁹ Article 57/5ter, §1 Aliens Act.

¹⁸⁰ CGRS, *Continuation of EUAA operational support*, 9 March 2026, available in English [here](#).

Recording and transcript

There is no video or audio recordings of the interview, but the transcript must faithfully include the questions asked to and declarations of the asylum applicant; the law demands a 'faithful reflection' thereof,¹⁸¹ which is understood to be different from a verbatim transcript. The CGRS protection officer must confront the asylum applicant with any contradiction in their declarations, but this is not systematically done. Additional remarks or supporting documents can be sent to the CGRS afterwards and will be taken into consideration.¹⁸²

The asylum applicant or their lawyer may request a copy of the interview report and the complete asylum file. This should be done within 2 working days following the interview.¹⁸³ In practice, the copy can also be requested after this delay, but the applicant is not ensured to receive it before a decision has been taken.¹⁸⁴ The asylum applicant or their lawyer may provide comments within 8 working days after the reception of the file.¹⁸⁵ In such a case scenario, the CGRS will take them into consideration before issuing a decision. When the conditions are not met, the comments will only be taken into consideration if they are sent on the last working day before the CGRS makes its decision. If no comments reach the CGRS on that last working day, the asylum applicant is presumed to agree with the report of the interview.¹⁸⁶

Since 2019 the CGRS conducts interviews through videoconference to all 6 detention centres. This practice was only enshrined in Belgian legislation three years later by two Royal Decrees. In practice, the CGRS only conducts interviews by videoconference in the closed centres. The project for conducting remote interviews from open reception centres has been put 'on hold'.¹⁸⁷ The CGRS uses MS Teams to conduct remote interviews. Lawyers or trustees need to be present in the same room as the applicant because the current software does not allow a third party to participate in the videoconference while also ensuring its confidentiality.¹⁸⁸ In 2023, the CGRS conducted 356 interviews by videoconference in closed centres, and 90 in the first three months of 2024.¹⁸⁹ Concerns have been raised by civil society and the Federal Institute for the Protection and the promotion of Human Rights regarding several aspects of the remote interviews, such as the confidentiality, the impact on access to legal assistance and the impact on the applicant.¹⁹⁰

In the context of remote interviews, the interviewer is physically present in another room than the applicant and conducts the interview through communication means that allow conversation remotely in 'real time', such as audio-visual connections or videoconference technology. The interpreter should always be situated in another room than the applicant to ensure their impartiality. Audio(visual) recordings of the interviews are not allowed. Physical interviews remain the standard procedure. The Immigration Office and the CGRS investigate on a case-by-case basis whether a remote interview should be preferred. They have discretionary power in this regard and consider the application's or the person's operational context and specificities. The applicant needs to be informed about the possibility that their interview takes place remotely, the modalities and measures taken to guarantee confidentiality, and the possibility of objecting to this measure. If such an objection is made, the Immigration Office or the CGRS investigate the arguments formulated by the applicant. However, no appeal is possible against a decision to conduct the

¹⁸¹ Article 57/5-quater(1) Aliens Act.

¹⁸² Articles 16-17 and 20 Royal Decree on CGRS Procedure.

¹⁸³ Article 57/5-quater(2) Aliens Act.

¹⁸⁴ Myria, *Contact meeting*, 20 June 2018, available in Dutch at: <https://bit.ly/2WiFPjf>, para.35.

¹⁸⁵ Article 57/5-quater(3) Aliens Act.

¹⁸⁶ *Ibid.*

¹⁸⁷ Myria, 'Contact Meeting International Protection', 23 November 2022, available in French and Dutch at: <https://tinyurl.com/2w2ubuhx>, 21.

¹⁸⁸ CGRS, 'Videoconferences in closed reception centres', 19 September 2022, available in Dutch at <https://bit.ly/3MEV6aR>.

¹⁸⁹ Myria, *Contact meeting* 20 March 2024, available in French and Dutch [here](#), 32.

¹⁹⁰ Nansen, *Vulnerabilities in detention – Border procedure, accelerated procedure and remote interviews*, available in French [here](#). IFDH - Avis 2023 3 - Audiences par vidéoconférence_0.pdf

interview remotely. In case of a negative decision, applicants can formulate their objections as an element in their appeal before the CALL. Technical issues sometimes require the postponement of the interview.¹⁹¹

Guardians (and at the CGRS, also lawyers and trustees) can attend the remote interview.¹⁹² However, both Royal Decrees stipulated an exception on this principle for reasons of confidentiality: if the guardian, lawyer or trust person do not respect the measures that aim to ascertain the confidentiality of the interview, the interviewer can decide that they can no longer attend the interview. In such a case, the interview can continue in their absence. Appeals to suspend these exceptions were lodged before the Council of State. In two judgments of 3 October 2022, the Council of State suspended the execution of these exceptions in so far as the guardians of unaccompanied minors are concerned, stating that this exception is contrary to Article 9 of the 'Guardianship Law'¹⁹³ which requires the presence of guardians during interviews of their pupils.¹⁹⁴ On 18 March 2025, the Council of State confirmed its previous judgment and annulled the exception with regard to guardians.¹⁹⁵ Moreover, it also annulled the exception with regard to the presence of lawyers, stating that Article 23 of the EU Directive 2013/32/UE does not provide for the possibility for Member States to make an exception to the right of an applicant to be assisted by their legal counsel for reasons of confidentiality. The Council of State also referred a preliminary question to the Constitutional Court, asking whether the Aliens Act can provide for this matter (that concerns the transmission of personal data) to be arranged by Royal Decree or whether it needs to be regulated by law instead.¹⁹⁶

1.4. Appeal

Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure?

❖ If yes, is it	☒ Yes ☐ No	
❖ If yes, is it suspensive	☒ Judicial ☐ Administrative	
	☒ Yes ☐ No	
2. Average processing time for the appeal body to make a decision in asylum cases (full judicial review competence) in 2025: 134.1 days¹⁹⁷

1.4.1. Appeal before the CALL

Introduction of the appeal

A judicial appeal can be introduced with a petition before the CALL against all negative decisions of the CGRS within 30 days.¹⁹⁸ When the applicant is being detained in a specific place in view of their removal from the territory (a place as described in art. 74/8 and 74/9 of the Aliens act), the time limit to appeal is reduced to 10 days, and to 5 days if a detained person appeals against an inadmissibility decision after a subsequent application for international protection.¹⁹⁹ The time limit is also reduced to 10 days for appeals

¹⁹¹ Based on observations by the visitors of the Move coalition: <https://movecoalition.be/en/>

¹⁹² The Immigration Office, in the context of its right to reply to the AIDA report, indicates that it does not organise remote interviews for unaccompanied minors in practice.

¹⁹³ Title XIII, Chapter VI of the Program Law of 24 December 2002, <https://bit.ly/40N0JHV>.

¹⁹⁴ Council of State 3 October 2022 nr. 254.656, available in French at <https://bit.ly/3ZU2bY4> and Council of State 3 October 2022 nr. 254.655, available in French at <https://bit.ly/3nL2UgF>.

¹⁹⁵ Council of State, Decision n° 262.637 of 18 March 2025, available in French [here](#); Council of State, Decision n° 262.638 of 18 March 2025, available in French [here](#).

¹⁹⁶ Question of compatibility of Articles 57/1, § 3 (1), 57/5ter, § 1e, 57/6/7, § 4 (1) and 57/24 (1) with Article 22 Belgian Constitution, read alone or in combination with Article 6.3 of Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and Article 8 of the European Convention of Human Rights.

¹⁹⁷ In 2025, the average processing time at the CALL was 134.1 days: CALL, Activity Report 2025, available in Dutch [here](#) (p.25) and in French [here](#) (p. 25). This number concerns appeals introduced in 2025 and for which a decision was taken in 2025. When adding appeals introduced before 1 January 2025, for which a decision was taken in 2025, the average processing time was 243.3 days; this number is significantly higher because it includes the processing of the backlog of cases pending before the CALL.

¹⁹⁸ Article 39/57(1) Aliens Act.

¹⁹⁹ *Ibid.*

against inadmissibility decisions after subsequent applications for international protection of other applicants (see [Admissibility procedure: Appeal](#)), and for appeals in cases in which the CGRS has applied the accelerated procedure (see [Accelerated procedure: Appeal](#)).

Since March 2022, the appeal petition can be introduced both by registered letter and digitally through the application 'J-BOX'.²⁰⁰ The Royal Decree of 21 November 2021, introducing this digital communication system in the procedures before the CALL, makes it possible for parties to send all procedural documents (petition, note with remarks, synthesis memoir, additional notes, etc) both digitally and by registered letter. In accelerated and suspension procedures in cases of 'extremely urgent necessity', procedural documents can only be directed to the CALL through either the digital system or by depositing the documents physically at the clerk service of the CALL against receipt, and can no longer be sent by fax.²⁰¹ For applicants in detention, the petition's introduction remains possible in the hands of the director of the detention facility.²⁰² Finally, the Royal Decree allows the CALL to send procedural documents (such as invitations for hearings, judgements, etc) to the parties through J-BOX.²⁰³ When the applicant is assisted by a lawyer who has a J-BOX account, the CALL preferably sends all procedural documents digitally through J-BOX.²⁰⁴

Effects of the appeal

The appeal has an automatic suspensive effect on the regular procedure.²⁰⁵

The CALL has a so-called 'full judicial review' competence (*plein contentieux*) which allows it to reassess the facts and to take one of three possible decisions:

- ❖ Confirm the unfavourable decision of the CGRS;
- ❖ Overturn it by granting refugee or subsidiary protection status; or
- ❖ Annul the decision and refer the case back to the CGRS for further investigation.²⁰⁶

The CALL has no investigative powers of its own, meaning that it must decide based on the existing case file. Therefore, if it considers important information lacking, it must annul the decision and send the case back to the CGRS for further investigation.

All procedures before the CALL are formalistic and essentially written, thereby making the intervention of a lawyer *de facto* necessary. All relevant elements have to be mentioned in the petition to the CALL.²⁰⁷ Parties and their lawyers are then invited to an oral hearing, during which they can explain their arguments to the extent they were mentioned in the petition.²⁰⁸ The CALL is also obliged to consider every new element brought forward by any of the parties with an additional written note before the end of the hearing.²⁰⁹ Depending on how the CALL assesses the prospects of such new elements leading to the recognition or granting of international protection status, it can annul the decision and send it back to the CGRS for additional examination – unless the CGRS can submit a report about its additional examination

²⁰⁰ Article 39/57-1 Aliens Act; Royal Decree of 21 November 2021 modifying the Royal Decree of 21 December 2006 on the legal procedure before the Council for Alien Law Litigation. See also on the website of the CALL: Numérisation du Conseil: J-Box, 7 December 2021, <https://bit.ly/3hKHQud> and EU via J-BOX, <https://bit.ly/3w4AOPN>.

²⁰¹ Article 3, § 1, 2nd al. Royal Decree 21 December 2006.

²⁰² Article 39/69, § 2 Aliens Act and Article 3, §1, al. 4 Royal Decree 21 December 2006.

²⁰³ Article 3bis Royal Decree 21 December 2006.

²⁰⁴ CALL, Frequently Asked Questions, <https://bit.ly/3tliGbF>.

²⁰⁵ Article 39/70 Aliens Act.

²⁰⁶ Article 39/2 Aliens Act.

²⁰⁷ Article 39/69 Aliens Act.

²⁰⁸ Article 39/60 Aliens Act.

²⁰⁹ Article 39/76(1) Aliens Act. Still, in its *Singh v. Belgium* judgment of October 2012, the ECtHR also found a violation of the right to an effective remedy under Article 13 ECHR because the CALL did not respect the part of the shared burden of proof that lies with the asylum authorities, by refusing to reconsider some new documents concerning the applicants' nationality and protection status in a third country, which were questioned in the preceding full jurisdiction procedure: ECtHR, *Singh and Others v. Belgium*, Application No 33210/11, Judgment of 2 October 2012.

to the CALL within 8 days – or leave the asylum applicant the opportunity to reply on the new element brought forward by the CGRS with a written note within 8 days. Failure to respond within that 8-day time is a presumption of agreeing with the CGRS on this point.

In some cases, the CALL can choose to apply a ‘written procedure’, namely:

- (a) If the CALL does not consider an oral hearing necessary to render a judgement. The parties then receive (i) a provisional reasoned decision on why the written procedure is being applied; and (ii) the CALL’s judgement based on the elements in the administrative file. If one of the parties disagrees with the judgment, it has 15 days to ask the CALL to be heard in an oral hearing. If not, the parties must consent to the judgment, which is subsequently confirmed by a final judgment.²¹⁰
- (b) If both parties ask to apply a purely written procedure.²¹¹ Both the counterpart and the judge have to agree. The judge decides when the debates will be closed and, until that day, both parties can introduce pleading notes with written arguments.
- (c) In exceptional circumstances (e.g. a sanitary crisis, a natural disaster, fire in the buildings of the CALL), a Royal Decree can be adopted to activate an ‘emergency scenario’ in which the possibilities of applying a purely written procedure are enlarged during a (prolongable) period of six months.²¹²

In the regular procedure, the CALL must decide on the appeal within 3 months.²¹³ There are no sanctions for not respecting the time limit. In practice, the appeal procedure often takes longer. In 2025, the average processing time at the CALL was 134.1 days: CALL, Activity Report 2025, available in Dutch [here](#) (p.25) and in French [here](#) (p. 25). This number concerns appeals introduced in 2025 and for which a decision was taken in 2025. When adding appeals introduced before 1 January 2025, for which a decision was taken in 2025, the average processing time was 243.3 days; this number is significantly higher because it includes the processing of the backlog of cases pending before the CALL (see below).²¹⁴

Decisions of the CALL are publicly available.²¹⁵

For several years, there has been a significant difference in jurisprudence between Francophone and Dutch chambers of the CALL.²¹⁶ It is up to the CALL to ensure that the case law is consistent, either through a judgment taken in the general assembly or in the united chamber (where 6 judges sit, namely 3 French judges and 3 Dutch judges).²¹⁷ On the other hand, the quality of appeals is not always guaranteed, especially if they are not introduced by specialised lawyers. The discrepancy between the jurisprudence of the Francophone and Dutch chambers in appeals concerning decisions on applications for international protection (where the CALL has ‘full judicial review’ competence) has been met with criticism for several years. The table below illustrates the difference in recognition rates throughout the years:

²¹⁰ Article 39/73 Aliens Act.

²¹¹ Art. 39/73-2 Aliens Act.

²¹² [Art. 39/73-3 Aliens Act.](#)

²¹³ Article 39/76(3) Aliens Act.

²¹⁴ CALL, Activity Report 2024, available in Dutch [here](#) (p.26) and in French [here](#) (p. 25).

²¹⁵ Judgments are available on the website of the CALL at: <http://bit.ly/2waz6tu>.

²¹⁶ CALL, *Report of activities of the year 2019*, available in Dutch at: <https://bit.ly/2YjQIsQ>, p. 17 etc.; A recent Article confirmed this statement based on a (limited) study that they had conducted. See: Alter Echos, ‘Conseil du contentieux des étrangers: deux poids, deux mesures’, 4 March 2019, available in French at: <https://bit.ly/2JeVzRK>.

²¹⁷ Myria, *Contact meeting*, 20 March 2019, available in French: <https://bit.ly/306X4GF>, 319-329.

Difference in appeal results and recognition rates by CALL Chambers			
Year	Result of the appeal	CALL Chamber	
		Francophone	Dutch
2022 ²¹⁸	Protection	9.54%	1.5%
	• <i>Refugee Status</i>	• 7.93%	• 1.03%
	• <i>Subsidiary protection</i>	• 1.61%	• 0.47%
2023 ²¹⁹	Protection	11.73%	7.36%
	• <i>Refugee Status</i>	• 9.67%	• 7.24%
	• <i>Subsidiary protection</i>	• 2.06%	• 0.12%
	Rejection	67.86%	85.19%
	Annulled CGRS decision	20.42%	7.45%
2024 ²²⁰	Protection	13.37%	6.85%
	• <i>Refugee Status</i>	• 11.72%	• 6.81%
	• <i>Subsidiary protection</i>	• 1.65%	• 0.04%
	Rejection	65.69%	83.07%
	Annulled CGRS decision	20.94%	10.07%
2025	Protection	12.25%	3.60%
	• <i>Refugee Status</i>	• 11.37%	• 3.56%
	• <i>Subsidiary protection</i>	• 0.88%	• 0.04%
	Rejection	67.77%	88.68%
	Annulled CGRS decision	19.97%	7.72%

The Immigration Office will issue an order to leave the territory when:

- ❖ The CALL has issued its final rejection decision;
- ❖ There is no option left for a suspensive appeal before the CALL;
- ❖ The deadline for lodging the appeal has expired;
- ❖ The person does not have a residence permit on another legal basis.

Against an order to leave the territory, only a non-suspensive appeal is left in an annulment procedure before the CALL (within 30 days).

Unlike suspensive appeals against in-merit decisions, an appeal against an order to leave the territory or a Dublin decision has no automatic suspensive effect. A request to suspend the decision can be introduced simultaneously with the appeal. In case no request to suspend has been introduced and once the execution of the removal decision becomes imminent, an appeal in an extremely urgent necessity procedure can be lodged before the CALL within 10 or 5 calendar days in case of a subsequent return decision, invoking a potential breach of an absolute fundamental right (e.g., Article 3 ECHR).²²¹ The decision is then suspended until a judgment is issued.²²² It requires a swift decision of the CALL within 48 hours; the time limit is extended to 5 days where the person's expulsion is not foreseen to occur until 8 days after the decision.²²³

It remains questionable if the legislative changes introduced in 2014 regarding time limits, suspensive effect and 'full judicial review' are sufficient to guarantee that annulment appeal procedures are effective

²¹⁸ CALL Activity report 2022, available in Dutch and French at: <http://bit.ly/3nQHrmA>, 29.

²¹⁹ CALL Activity report 2023, available in Dutch and French at: <https://tinyurl.com/3rec62sr>.

²²⁰ CALL, Activity Report 2024, available in Dutch [here](#) (p.23) and in French [here](#) (p. 24).

²²¹ Article 39/82(4) Aliens Act; Article 39/57(1) Aliens Act.

²²² Articles 39/82 and 39/83 Aliens Act.

²²³ Article 39/82(4) Aliens Act.

remedies, as the ECtHR calls this system too complex to meet the requirement of an effective legal remedy under Article 3 ECHR.²²⁴

In 2025, the overall backlog of pending appeals increased significantly for a third year in a row, from 4,700 in December 2023 to 8,232 in December 2024 to 13,004 pending cases on 28 February 2026.²²⁵ This backlog consists of 5,603 appeals in the full jurisdiction procedure (applied for contestations of decisions of the CGRS) and 7,401 appeals in the annulment procedure (applied for contestation of all other decisions taken in application of migration legislation, including decisions by the Immigration Office in the context of the Dublin-procedure).²²⁶ On 13 February 2026, the CALL published a vacancy for 47 additional legal officers.²²⁷

1.4.2. Onward appeal to the Council of State

A possibility of onward appeal against decisions of the CALL exists before the Council of State, the Belgian supreme administrative court.²²⁸ Appeals before the Council of State must be filed within 30 calendar days after the decision of the CALL has been notified and have no suspensive effect. They are so called ‘cassation appeals’ that allow the Council of State only to verify whether the CALL respected the applicable legal provisions and substantial formal requirements, failing which the decision should be annulled.²²⁹ It cannot make its own assessment and decision on the facts of the case. Appeals before the Council of State are first channelled through an admissibility filter, whereby the Council of State filters out, usually within a month, those cassation appeals that have no chance of success or are only intended to prolong the procedure.²³⁰ If the decision under review is annulled (‘quashed’), the case is sent back to the CALL for a new assessment of the initial appeal.

²²⁴ ECtHR, *Josef v. Belgium*, Application No 70055/10, Judgment of 27 February 2014, para 103 – the case concerns an expulsion following a so-called regularisation procedure for medical reasons (Article 9ter Aliens Act), but the Court’s considerations are valid for all annulment procedures concerning risks of Article 3 ECHR violations. See also: ECtHR 27 February 2014, *SJ/Belgium*, nr. 70055/10, §103; ECtHR 7 July 2015, *V.M. e.a./Belgium*, nr. 60125/11, §215-217; ECtHR 31 January 2011, *MSS/Belgium & Greece*, nr. 30696/09, §390. The Federal Migration Centre, Myria, has repeatedly recommended introducing an appeal with full jurisdiction and automatic suspensive effect under the Aliens Act in case of a defensible grief under article 3 ECHR: see Myria, *Third party intervention at the ECtHR in the case Ngono/Belgium*, 12 June 2020, available in French [here](#); Myria and Federal Institute of Human Rights (IFDH), *Communication under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements – Communication related to the case M.A. v. Belgium (n° 19656/18)*, 30 September 2022, available in French [here](#).

²²⁵ CALL, ‘Year report 2024’, available in Dutch [here](#) and in French [here](#), p. 20; CALL, *The CALL in numbers*, consulted on 1 April 2026, available in French [here](#).

²²⁶ CALL, *Appeals pending over six months (backlog)*, consulted on 1 April 2026, available in French [here](#).

²²⁷ CALL, *The CALL searches 47 legal officers (36 NL + 11 FR)*, 13 February 2026, available in French [here](#).

²²⁸ Article 39/67 Aliens Act.

²²⁹ Article 14(2) Acts on the Council of State.

²³⁰ The law determines cassation appeals to be admissible only (1) if they invoke a violation of the law or a substantial formal requirement or such a requirement under penalty of nullity, in as far as the invoked argument is not clearly unfounded and the violation is such that it could lead to the cassation of the decision and might have influenced the decision; or (2) if it falls under the competence and jurisdiction of the Council of State, in as far as the invoked argument is not clearly unfounded or without subject and the examination of the appeal is considered to be indispensable to guarantee the unity of the jurisprudence (Article 20 Acts on the Council of State).

1.5. Legal assistance

Indicators: Regular Procedure: Legal Assistance

2. Do asylum applicants have access to free legal assistance at first instance in practice?
- ❖ Does free legal assistance cover:
3. Do asylum applicants have access to free legal assistance on appeal against a negative decision in practice?
- ❖ Does free legal assistance cover

☒ Yes ☐ With difficulty ☐ No
☒ Representation in interview
☒ Legal advice
☒ Yes ☐ With difficulty ☐ No
☒ Representation in courts
☒ Legal advice

Article 23 of the Belgian Constitution determines that the right to a life in dignity implies for every person *inter alia* the right to legal assistance. There are two types of legal assistance: first-line and second-line.²³¹

1.5.1. First-line legal assistance

The competence of the organisation of first-line assistance lies at the regional level. It is organised by local commissions for legal assistance, composed of lawyers representing the local bar association and the Public Centres for Social Welfare (CPAS / OCMW). There, first legal advice is given by a lawyer, or the asylum application is referred to a more specialised instance, organisation, or to 'second-line assistance'. First-line assistance is offered completely free of charge, regardless of income or financial resources. First-line assistance is organised in each judicial district by the Commission for Legal Assistance.

Besides these lawyers' initiatives, many other (public) social organisations and NGOs provide first-line legal assistance. Due to language barriers often encountered by applicants upon visiting the first-line services of the bar associations and due to the complex subject matter of asylum law, these services are often better equipped to offer information.

1.5.2. Second-line legal assistance

The Aliens Act guarantees legal assistance by a lawyer to all asylum applicants, at every stage (first instance, appeal, cassation) of the procedure and in all types of procedures (regular, accelerated, admissibility, appeal in full jurisdiction, annulment and suspension). The Reception Act also guarantees asylum applicants efficient access to legal aid during the first and the second instance procedure, as envisaged by the Judicial Code.²³² Within this 'second-line assistance', a lawyer is assigned to give substantial legal advice and to assist and represent the person in the different phases of the asylum procedure. However, during the making, registering and lodging of the asylum application as well as during the interviews at the Immigration Office in the context of the asylum procedure, the lawyer cannot be present. During the personal interview at the CGRS, the lawyer can be present.

'Second-line assistance' is organised by the local bar associations of each judicial district. The criteria for lawyers to register on the lists of second-line assistance in migration law varies widely. The criteria are often not demanding enough and the lawyers appointed are not always sufficiently competent or specialised in the field. Nevertheless, some larger bar associations have set up a specialised section on migration law and have tightened the criteria to be able to subscribe to it. However, other bars simply lack sufficient specialised lawyers and some, such as Antwerpen, oblige all trainee lawyers, including those who are not specialised, to register on the list.²³³

²³¹ Article 508/1-508/25 Judicial Code.

²³² Article 33 Reception Act.

²³³ UNHCR, *Accompagnement juridique des demandeurs de protection internationale en Belgique*, September 2019, available in French [here](#), p. 44.

The 2003 Royal Decree on Legal Aid determines the conditions under which one can benefit from this second-line legal assistance free of charge (a so-called 'Pro Deo lawyer'). There is a rebuttable presumption of being without sufficient financial resources for persons in detention and for asylum applicants residing in a reception centre. Applicants staying at a private address during their asylum procedure, however, need in principle to provide information on the identity of the people staying at the same address and their respective income. In practice, the documents required to prove insufficient financial resources are sometimes very difficult or even impossible to obtain by applicants of international protection, especially due to the housing crisis in Belgium. People who stay in a shared house with other persons in a precarious stay (cohouses, or even informal squats), are officially living together and need to provide information on the income of everyone else residing in the building. This seriously hinders access to legal aid for the persons concerned.²³⁴ In the context of the ongoing 'reception crisis' (non-reception policy), applicants who are refused access to the reception network also encounter difficulties accessing legal assistance, because they receive insufficient information on their right to legal assistance, the importance of this during the asylum procedure and the way to find a lawyer and access legal aid. Consequently, an increasing number of people go through the first phase of their asylum procedure, including interviews at the Immigration Office (e.g. in the Dublin procedure) without first having had access to legal assistance.²³⁵ Several NGO's try to mitigate this issue by providing legal information and ensuring access to lawyers to victims of the reception crisis (see [Access to legal assistance and information](#)).

In theory, costs can be reclaimed by the state if the asylum applicant appears to have sufficient income, but this does not happen in practice.

In theory, applicants are free to choose a lawyer. Depending on the Bar Association, asylum applicants might experience problems when wanting to change 'pro-Deo' lawyers. Some Bar Associations do not allow a second Pro-Deo lawyer to take over the case from the one that was initially assigned. Although this limits abuses by lawyers acting in bad faith, this measure has also resulted in asylum applicants being subject to the arbitrariness of lawyers providing low-quality services. It has prevented experienced lawyers from assisting persons needing specialised legal assistance.

The law allows the Bureau for legal assistance to apply a preliminary merits test before appointing a 'pro-Deo' lawyer to refuse those manifestly unfounded requests which have no chance of success.²³⁶ However, this provision is only very rarely applied in practice. Therefore, if a person entitled to legal aid asks for a lawyer free of charge to be appointed, the bureaus for legal assistance grant this quasi-automatically.

The starting point for the remuneration of each pro bono intervention by a lawyer is a nomenclature, in which a list of points granted per intervention is determined. This nomenclature was last amended by a Ministerial Decree of 26 July 2024.²³⁷ The number of points equals the estimated work time for each intervention, with one point equalling one hour of work. For example:

²³⁴ Based on signals gathered by Vluchtelingenwerk Vlaanderen, the NGO responsible for writing the AIDA report. For example, in 2025, the NGO was contacted by an applicant for international protection being housed by an employer together with several colleagues, who he barely knew. After having suffered an accident at work with serious consequences, he needed legal aid for procedures related to unpaid hospital bills, and for his asylum procedure. However, the local Bar Association refused him legal aid arguing that he could not provide the proof of income of the other persons staying at his address.

²³⁵ Observations made by Startpunt, a field team of the NGO Vluchtelingenwerk Vlaanderen, in their daily information and monitoring activities at the Immigration Office interview location "Pacheco"; Startpunt Quarterly Reports 2025, available in English [here](#).

²³⁶ Article 508/14 Judicial Code.

²³⁷ Ministerial Decree establishing the nomenclature of points for services provided by lawyers in charge of partially or totally free second-line legal assistance, 26 July 2024, available in Dutch [here](#) and in French [here](#).

Procedure	Points
Procedure at the CGRS	Basis of 3 points
Presence during the interview	+ 1 point per started hour
Appeal at CALL in full jurisdiction (including request administrative file, examination of case)	Basis of 5 points
Filing the appeal	+ 4 points

Lawyers do not have to prove the time spent executing each intervention. It suffices to provide proof of the intervention itself. If the lawyer believes their actual work time exceeded the estimation put forward in the nomenclature they can introduce a motivated request for an augmentation of the points. On the other hand, the Bureau of legal assistance can also reduce the points attributed to a lawyer if it considers that the lawyer has not executed the intervention with due diligence and efficiency.²³⁸ To that end, the different bureaus of legal assistance have established an audit mechanism in which a group of volunteer lawyers checks the quality of the work of pro deo lawyers. There is also a 'cross-control' system in which the bureaus of legal assistance audit each other's work. The results are sent to the Minister of Justice, who can affect additional audits.

Pro-Deo lawyers receive a fixed remuneration from the bureau for legal assistance, which is financed by the Bar associations that receive an annual subsidy from the Ministry of Justice. While previously, this subsidy consisted of a fixed envelope that the Bar associations needed to divide among their pro-deo lawyers – who thus never knew beforehand how an hour of work would be remunerated – this changed in 2023, with a switch to an 'open envelope' and a fixed remuneration per point determined by Royal Decree. As of 1 February 2024, the amount was fixed at € 90,36 per point, subject to a yearly indexation.²³⁹ In 2025, the remuneration consisted of € 97,37 per point.

Lawyers indicate that the number of points attributed in the nomenclature to certain services is largely insufficient, creating serious obstacles for them to provide legal assistance. This is for example the case with remunerations for family reunification procedures. As a consequence, lawyers assisting applicants in the asylum procedure rarely assist their client for the introduction of their application for family reunification afterwards.²⁴⁰ Another obstacle for lawyers to engage in this area of legal work is the fact that they were previously only paid once a year, and since 2024 sometimes two times a year on the condition that there is budgetary space,²⁴¹ for all the cases they have closed and reported to their Bar Association in the previous year. The case can only be closed once all procedures are finished, which is long after the lawyer undertook the actual interventions. Moreover, in 2025, there was a serious issue with the payment of legal aid remunerations by the government, due to which lawyers received their remuneration later than expected.²⁴² Since many migration lawyers are reliant on legal aid remunerations,

²³⁸ Art. 2 of the Royal Decree of 20 December 1999 holding executive measures concerning the remuneration of lawyers in the context of second-line legal assistance and concerning the subvention for the costs linked to the organisation of bureaus for legal assistance, available in Dutch [here](#) and in French [here](#).

²³⁹ Article 2bis of the Royal Decree of 20 December 1999 holding executive measures concerning the remuneration of lawyers in the context of second-line legal assistance and concerning the subvention for the costs linked to the organisation of bureaus for legal assistance, available in Dutch [here](#) and in French [here](#).

²⁴⁰ Based on observations by Vluchtelingenwerk Vlaanderen, the NGO responsible for writing the AIDA-report, March 2026.

²⁴¹ Art. 2, 4° of the Royal Decree of 20 December 1999 holding executive measures concerning the remuneration of lawyers in the context of second-line legal assistance and concerning the subvention for the costs linked to the organisation of bureaus for legal assistance, as changed by the Royal Decree of 21 February 2024, available in Dutch [here](#) and in French [here](#).

²⁴² Order of Flemish Bar Associations, *Imminent delay in pro-deo remunerations: Order of Flemish Bar Associations sounds the alarm*, 14 April 2025, available in Dutch [here](#); VRT, *Pro-Deo lawyers have to wait longer for their money: "We will no longer find lawyers who want to do this"*, 15 April 2025, available in Dutch [here](#).

this posed serious financial issues for many of them. Many lawyers confirm that legal aid is problematic as it is currently based on low, unpredictable, and deferred compensation.²⁴³

2. Dublin

2.1. General

Dublin statistics: 1 January – 31 December 2025²⁴⁴

Outgoing procedure				Incoming procedure			
	Requests	Accepted	Transfers		Requests	Accepted	Transfers
Total	12,175	8,390	1,043	Total	3,866	2,301	586
Total Take Charge	4,767	4,027	203	Total Take Charge	796	457	123
Italy	1,531	1,339	0	France	481	252	52
Spain	1,120	892	99	Germany	161	112	29
France	921	871	37	The Netherlands	32	20	4
Germany	207	160	23	Greece	26	10	12
Bulgaria	163	146	8	Switzerland	23	16	6
Total Take Back	7,408	4,363	840	Total Take Back	3,070	1,844	463
Germany	2,093	1,329	314	France	1,500	684	176
France	1,286	710	139	Germany	569	374	183
Croatia	792	566	48	The Netherlands	413	215	26
Switzerland	539	213	66	Ireland	140	81	0
Greece	396	0	0	Switzerland	110	76	42

Nationalities of persons subject to Dublin requests and transfers in 2025							
Outgoing procedure				Incoming procedure			
	Take Back Requests	Take Charge Requests	Transfers		Take Back Requests	Take Charge Request	Transfers
Total	7,408	4,767	1,043	Total	3,070	796	586
Eritrea	177	1,150	29	Afghanistan	1,174	18	276
Turkey	757	84	49	Moldova	313	10	7
Palestine	402	369	83	Congo	45	304	44
Afghanistan	595	103	127	Somalia	209	8	16
Burundi	446	208	40	Guinee	132	27	29

In 2025, the total number of outgoing take charge and take back requests was 12,175 (4,767 take charge and 7,408 take back requests). 8,390 requests were accepted out of the total number of requests, none of which were for dependency or humanitarian reasons. The difference between the number of requests and the number of agreements is partly because the Immigration Office often sends requests to several countries simultaneously for a single person.²⁴⁵

²⁴³ UNHCR, *Accompagnement juridique des demandeurs de protection internationale en Belgique*, September 2019, available in French [here](#), p. 7.

²⁴⁴ Immigration Office, 'Procédure Dublin, Application du règlement (UE) n° 604/2013', January 2026 available in French [here](#).

²⁴⁵ "Most of the published statistics refer to individuals. Therefore, if the same application involves more than one person from the same family, each family member is counted individually. Thus, the number of requests, the number of decisions and the number of transfers means the number of persons affected by these requests,

A total of 1,043 persons were transferred from Belgium to other Member States in 2025. The top 3 most transferred nationalities are Afghanistan (127 persons), Algeria (107) and Morocco (87).

In 2025, there was a total of 3,866 incoming take charge and take back requests (796 take charge requests, and 3,070 take back requests), of which one for dependency reasons²⁴⁶ and nine for humanitarian reasons.²⁴⁷ Out of the total of incoming requests, 1,544 were accepted, one for dependency reasons and three for humanitarian reasons. 586 persons were effectively transferred to Belgium.

According to available statistics,²⁴⁸ the Immigration Office applied the sovereignty clause for 2,101 persons.²⁴⁹ In 2025, Belgium further became responsible 'by default' for 3,768 persons who were not transferred in within the legal time limits.²⁵⁰

Application of the Dublin criteria²⁵¹

Since 2021, the Immigration Office has provided statistics about the application of the Dublin criteria.²⁵² This overview does not give a breakdown of the Dublin criteria per Article. It instead provides a more general breakdown of the outgoing and incoming take charge and take back requests. Information about a more detailed breakdown of the Dublin criteria per Article, can be obtained through Parliamentary questions and questions during the monthly contact meetings, of which the reports are published online.²⁵³ The numbers below were provided by the Immigration Office upon request.

Outgoing Dublin requests by criterion: 2025			
Dublin III Regulation criterion	Requests sent	Requests accepted	Transfers
'Take charge': articles 8 to 17			
Article 8 (minors)	2	1	n/a
Article 9 (family members granted protection)	1	1	n/a
Article 10 (family members pending determination)	1	0	n/a
Article 11 (family procedure)	13	9	n/a
Article 12 (visas and residence permits)	3,088	2614	n/a
Article 13 (entry and/or remain)	1567	1371	n/a
Article 14 (visa free entry)	4	3	n/a
'Take charge': article 16	0	0	n/a
'Take charge' humanitarian clause: Article 17(2)	5	0	n/a
'Take back': articles 18 and 20(5)			
Article 18 (1) (a)	86	28	n/a
Article 18 (1) (b)	3,745	1,288	n/a
Article 18 (1) (c)	330	326	n/a

these decisions and these transfers. In addition, the same person may be counted more than once during the same reference period if multiple requests or decisions were sent or received for that person", Immigration Office, 'Procédure Dublin, Application du règlement (UE) n° 604/2013', 28-29.

²⁴⁶ Art. 16 Dublin III Regulation.

²⁴⁷ Art. 17 Dublin III Regulation.

²⁴⁸ Immigration Office, 'Procédure Dublin, Application du règlement (UE) n° 604/2013', January 2026, available in French [here](#) and information provided by the Immigration Office, March 2026.

²⁴⁹ Art. 17(1) Dublin III Regulation.

²⁵⁰ Art. 29(2) Dublin III Regulation.

²⁵¹ Information provided by the Immigration Office, March 2026.

²⁵² Immigration Office, 'Procédure Dublin, Application du règlement (UE) n° 604/2013', January 2026 available in French [here](#) and Dutch [here](#).

²⁵³ See, for example, the reports in French available [here](#).

Article 18 (1) (d)	2882	2,281	n/a
Article 20(5)	451	468	n/a

Source: Information provided by the Immigration Office, April 2026.

Incoming Dublin requests by criterion: 2025			
Dublin III Regulation criterion	Requests sent	Requests accepted	Transfers
'Take charge': articles 8 to 17			
Article 8 (minors)	21	6	n/a
Article 9 (family members granted protection)	3	1	n/a
Article 10 (family members pending determination)	2	0	n/a
Article 11 (family procedure)	24	1	n/a
Article 12 (visas and residence permits)	683	414	n/a
Article 13 (entry and/or remain)	27	5	n/a
Article 14 (visa free entry)	0	0	n/a
'Take charge': article 16	1	1	n/a
'Take charge' humanitarian clause: article 17(2)	9	3	n/a
'Take back': articles 18 and 20(5)			
Article 18 (1) (a)	30	27	n/a
Article 18 (1) (b)	2,003	892	n/a
Article 18 (1) (c)	128	125	n/a
Article 18 (1) (d)	940	829	n/a
Article 20(5)	1	0	n/a

Source: Information provided by the Immigration Office, April 2026.

In 2025 the Immigration Office sent 26 take charge requests for family reasons, 24 based on article 11, and two based on article 10. 1 of these requests was accepted based on article 11, and none based on article 10. There were four outgoing transfers based on family reasons in 2024. Two transfers based on article 8, and two transfers based on article 10.²⁵⁴

In 2025 the Immigration Office received 50 take charge requests for family reasons, out of which 21 were based on Article 8, three were based on article 9, two were based on article 10 and 24 were based on article 11 of the Dublin Regulation. The Immigration Office accepted eight of these requests. Six based on article 8, one based on article 9, zero on article 10 and one on article 11.²⁵⁵

The dependent persons and discretionary clauses

Settled case law indicates that the Immigration Office, as confirmed by the CALL, strictly applies the dependency clause of article 16 of the Dublin Regulation.²⁵⁶ However, this observation does not consider the decisions in which the Immigration Office declared itself responsible for applications. In practice, it

²⁵⁴ Information provided by the Immigration Office, April 2026.

²⁵⁵ Information provided by the Immigration Office, April 2026.

²⁵⁶ Vluchtelingenwerk Vlaanderen, Contribution externe dans le rapport annuel de Myria 2018 : 'Le droit à la vie privée et familiale dans le cadre du règlement de Dublin. Comment faire correspondre la pratique à la réalité des relations familiales?', available in French at https://www.myria.be/files/MIGRA2018_FR_Contribution-Baeyens.pdf and Petra Baeyens and Eva Declerck, 'Welk recht op een gezins- en familieleven binnen het Dublin-systeem', Tijdschrift Vreemdelingenrecht, 2017/4, 389-400 ; CALL, Decision 297920, 2 November 2023 ; CALL, Decision No 297849, 28 November 2023.

appears that information exchange on dependency and the situation in the other Member State between the Immigration Office and the lawyer prior to the decision in a specific case may lead to Belgium declaring itself responsible.²⁵⁷ However, it is impossible for the lawyers to know which element is decisive in each case. The threshold to prove dependency as defined under article 16 is rather high. According to the CALL, there must be indications of a ‘more than usual relationship of dependency’, which has to be proven by substantial evidence.²⁵⁸

While the ‘sovereignty clause’ of article 17(1) of the Regulation is mentioned in article 51/5(2) of the Aliens Act, the ‘protection clause’ of article 3(2) and the ‘humanitarian clause’ of article 17(2) are not. So far, it is unclear when the Immigration Office declares itself responsible or applies the ‘sovereignty clause’ since no decision is taken, but the file is immediately transferred to the CGRS.

The criteria for applying the clauses are unclear. Since 2021 the Immigration Office provides general statistics on the application of the sovereignty clause of article 17(1). Belgium applied this provision 592 times in 2021, 2,244 times in 2022, 4,292 times in 2023, 2,634 times in 2024 and 2,101 times in 2025. These statistics do not provide a detailed breakdown per Member State.²⁵⁹ Since the *M.S.S. v. Belgium and Greece* judgment of the ECtHR, detention and reception conditions, guarantees in the asylum procedure, and access to an effective remedy in the responsible state seem to be considered in some cases when deciding whether or not to apply the ‘protection clause’. Since the *C.K. and others v. Slovenia* judgment of the CJEU,²⁶⁰ the CALL pays particular attention to the risk of inhumane and/or degrading treatment that a transfer in itself might entail for people with severe mental or physical illnesses, even if the responsible Member State does not demonstrate systemic flaws.²⁶¹ The determining element is whether the transfer would deteriorate the person’s state of health in a significant and permanent manner. Case law analysis shows that CALL uses a very strict standard concerning the nature of the illness and the evidence thereof.²⁶² Heavy reliance is placed on medical attestations for both the state of health and the impact of a transfer thereon.²⁶³

2.2. Procedure

Indicators: Dublin: Procedure

1. Is the Dublin procedure applied by the authority responsible for examining asylum applications?
☐ Yes ☒ No
2. On average, how long does a transfer take after the responsible Member State has accepted responsibility?
 93 days until moment of effective transfer²⁶⁴

The Dublin procedure is laid down in the Aliens Law under Articles 51/5 and 51/5/1. The Aliens Law refers to ‘the European Regulation’ for further details.

All applicants are fingerprinted and checked in the Eurodac and Visa Information System databases after making their application with the Immigration Office.²⁶⁵ In case they refuse to be fingerprinted, their claim may be processed under the [Accelerated Procedure](#).²⁶⁶ In 2019, the CGRS stated that it did not use this legal possibility in practice and it did not keep statistics of these cases.²⁶⁷ Nevertheless, refusal to get

²⁵⁷ Based on exchanges of Vluchtelingenwerk Vlaanderen, the NGO responsible for writing this AIDA-report, with lawyers and practitioners, March 2026.

²⁵⁸ CALL, Decision No 234423, 25 March 2020; CALL, Decision No 230767, 22 December 2019

²⁵⁹ Immigration Office, ‘Procédure Dublin, Application du règlement (UE) n° 604/2013’, december 2024 available in French [here](#) and Immigration Office, ‘Procédure Dublin, Application du règlement (UE) n° 604/2013’, december 2022 available in French [here](#).

²⁶⁰ CJEU, Case C-578/16, *C. K. and Others*, Judgment of 16 February 2017.

²⁶¹ See for example CALL, Decision No 215 169, 15 January 2019; CALL, Decision No. 223 809, 9 July 2019.

²⁶² CALL, Decision no 245144, 30 November 2020.

²⁶³ CALL, Decision No 206588, 5 July 2018.

²⁶⁴ Information provided by the Immigration Office, March 2025.

²⁶⁵ Article 51/3 Aliens Act.

²⁶⁶ Article 57/6/1(i) Aliens Act.

²⁶⁷ Myria, *Contact meeting*, 16 January 2019, available in French [here](#), para 290.

fingerprinted could be interpreted as a refusal to cooperate with the authorities, which could result in detention (see [Detention – Legal grounds](#)).

Based on the fingerprints and any other relevant information, the Immigration Office then determines which EU state is responsible for examining the application based on the criteria of the Dublin III Regulation. This is a preliminary procedure to decide whether the file must be transferred to the CGRS. In case Belgium is deemed the responsible member state, the applicants' file is transferred to the CGRS, and it is further mentioned on the registration proof of the application.

If another Member State might be responsible, the Immigration Office will send a take back or take charge request. The Immigration Office has clarified that, in line with the CJEU ruling in *Mengesteab*,²⁶⁸ the time limit for issuing a Dublin request starts running from the moment an applicant makes an application at the Immigration Office and not from the moment they are issued a 'proof of asylum application' ('Annex 26').²⁶⁹

A decision to transfer following an implicit or explicit agreement to take back or to take charge of an applicant is delivered in a written decision containing the reasons for the decision in person (the so-called 'Annex 26quater', or 'Annex 25quater' in case of a border procedure). The applicant's lawyer does not automatically receive a copy of the decision sent to the applicant.²⁷⁰

2.2.1. Individualised guarantees

The Immigration Office does not systematically ask for individualised guarantees for vulnerable asylum applicants. However, it sometimes requests guarantees when the continuity of an applicant's medical treatment has to be ensured in the country of destination. In the past, the CALL has overruled the Immigration Office's practice in some cases, without this having a generalised effect on it.²⁷¹

2.2.2. Transfers and the return procedure

When receiving their negative Dublin decision ('annex 26quater'), the applicant is informed about the procedure to organise a transfer to the responsible Member State. The applicant is expected to cooperate with the transfer under the 'voluntary return procedure'. If someone does not cooperate, this could be considered as 'absconding' which is a criterion that can lead to detention under the 'forced return procedure' (see [Return procedure](#)). The Immigration Office has 6 months after the agreement of the responsible state to execute the transfer. In application of Article 29(1) Dublin III regulation, the 6 months transfer period is suspended when the CALL suspends the transfer in the context of an emergency appeal in view of suspension of the execution of the transfer decision (see [Dublin: Appeal](#)).

After receiving the annex 26quater, applicants will be invited to an individual coaching trajectory (ICAM: *individual case management*), during which they are intensively assisted with the voluntary return procedure through a series of interviews. Applicants residing in a reception centre and who are moved to an 'open return place' will be accompanied in this trajectory by an ICAM-coach of the Immigration Office present in that centre (see [Return track and assignment to an open reception place](#)). Persons residing outside of the reception network are invited to ICAM-interviews at the 'Dublin Pacheco desk'.²⁷² Attendance to these 'ICAM interviews' is mandatory. Not attending without giving valid justification can be considered as a 'failure to cooperate'²⁷³ with return procedures that can lead to the extension of the transfer period and may, eventually, result in detention (see [Return procedure](#)). For applicants staying in

²⁶⁸ CJEU, Case C-670/16 *Mengesteab*, Judgment of 26 July 2017.

²⁶⁹ Myria, *Contact meeting*, 22 November 2017, para 10.

²⁷⁰ Article 71/3 Royal Decree 1981.

²⁷¹ See e.g. CALL, Decision No 144544, 29 April 2015; No 155882, 30 October 2015; No 176192, 12 October 2016; CALL, Decision No 201167, 15 March 2018; for further examples of case law, we refer to the previous versions of the AIDA report.

²⁷² This desk is situated in the main building of the Immigration Office at Boulevard Pacheco 44, 1000 Bruxelles.

²⁷³ Article 74/22 §1 4° Alien Act.

a reception centre, non-attendance can lead to the limitation of the right to material assistance by Fedasil.²⁷⁴

During the transfer period, the applicant is supposed to remain at the disposal of the Immigration Office, otherwise they can be considered to be absconding. In that case, the transfer period can be extended from 6 months up to 18 months. The decision to extend the transfer deadline must be individually motivated in writing to make effective judicial review possible.²⁷⁵

To address previously existing ambiguities regarding interpreting the concept of ‘absconding’ by the CALL,²⁷⁶ the Aliens Act was amended in May 2024.²⁷⁷ Article 51/5, §6 Aliens Act now contains a definition of absconding with a list of non-exhaustive criteria. The Immigration Office can consider someone to be absconding based on one article only:

- ❖ The applicant does not go to or left the designated reception centre and failed to provide a residence address within three working days.
- ❖ After one or more address checks, it is clear that the applicant does not reside at the residence address.
- ❖ The applicant did not go to the ICAM appointment without giving due reasons within three working days.
- ❖ The applicant did not cooperate with the required medical examination to organise the transfer.
- ❖ The applicant did not respect the less coercive measures enforced on him.
- ❖ The applicant left the centre for administrative detention without providing a new residence address within three working days.

The *Jawo* judgement of the ECJ provides the benchmark for a definition of absconding in the context of a Dublin procedure. The Court finds that absconding consists of a material (= the person cannot be found) and an intentional element (= the person expressed their refusal to cooperate). To consider someone as absconding, both elements must be proven by the authorities.²⁷⁸

Some of the criteria in article 51/5, §6 rely solely on the intentional element of absconding. The law does not consider an address check essential in case the applicant provided a residence address. For example, if the applicant did provide a residence address but chose not to go to the ICAM appointment this could be considered as absconding. Thus, it would allow the Immigration Office to consider someone as absconding based solely on the intentional element without investigating the material element. This seems to go against the case law of the CALL and the *Jawo* judgement.²⁷⁹

The average processing time between the application and the delivery of a decision refusing entry (at the border) or residence on the territory based on the Dublin Regulation is not provided by the Immigration Office but can vary greatly depending on the number of pending cases at the Dublin Unit and the Member State to which the Immigration Office wants to transfer a person to.

The average time limit from accepting an outgoing request until the actual transfer was 93 calendar days in 2025.²⁸⁰

²⁷⁴ Article 4 §1, 2° Reception Act.

²⁷⁵ CALL, Decision No 203684; CALL, Decision No 203685, 8 May 2018 and Council of State, Decision No 245 799, 17 October 2019.

²⁷⁶ For an extended overview of the interpretation of the concept of ‘absconding’ by the Immigration Office and the CALL before the introduction of a definition of this concept in the Aliens Act by the Law of 12 May 2024 on a proactive return policy, see the previous update of AIDA Belgium 2023, available [here](#).

²⁷⁷ Law of 12 May 2024 on a proactive return policy, available in Dutch [here](#) and in French [here](#).

²⁷⁸ CJEU 19 March 2019, C-163/17, ECLI:EU:C:2019:218, ‘Jawo’.

²⁷⁹ MOVE, ‘Avis de move sur le projet de loi relatif à la politique de retour proactive’, 6 November 2023, available in French at <https://movecoalition.be/wp-content/uploads/2023/11/Loi-de-retour-Note-Technique-Nov-23-1.pdf>, p. 11-12.

²⁸⁰ Information provided by the Immigration Office, April 2026.

Once the transfer period of 6 or – in case of extension – maximum 18 months has passed, Belgium's responsibility for examining the asylum application will be accepted when the persons concerned present themselves to the Immigration Office again. In 2025, Belgium became responsible by default 3,768 times because the transfer was not carried out within the time limits.²⁸¹

2.3. Personal interview

Indicators: Dublin: Personal Interview

☐ Same as regular procedure

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the Dublin procedure? ☒ Yes ☐ No
 ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☒ Rarely ☐ Never

Applicants must attend a Dublin interview, during which the Immigration Office gathers information to determine which Member State is responsible for their application. The applicant is asked about their route to Belgium, their reasons for not applying in — or for leaving — another Member State, and their motivation for applying in Belgium, among other elements relevant to establishing responsibility. Applicants may also use this interview to state their objections to a transfer to the responsible Member State.²⁸² Lawyers cannot be present at any procedure at the Immigration Office, including the Dublin interview. They can nevertheless intervene by sending information on the reception conditions and the procedure for international protection in the responsible state or with regard to individual circumstances of vulnerability, presence of family members and relatives or others.²⁸³ This is important since the CALL has repeatedly demanded from the Immigration Office that it responds to all arguments put forward and all information submitted.

When a request to take back or take charge of an applicant has been sent to another state, this is mentioned in the 'proof of asylum application' ('Annex 26').

The interview covers elements relevant to determining whether the sovereignty clause should be applied to prevent inhumane treatment in the event of a transfer to another responsible EU or Schengen Associated State. Applicants are asked why they cannot or do not wish to return to that country, whether they have a medical condition, and why they came to Belgium. However, questions about reception conditions, the asylum procedure, and access to effective legal remedy in the responsible Member State are not explicitly included. It is for the applicant to raise these issues and demonstrate that such circumstances apply to their individual situation, or that they belong to a group systematically subjected to inhumane treatment.

When the Immigration Office accepts that Belgium is responsible for the application, it transfers the file to the CGRS.

Since 2018, the Immigration Office also conducts interviews with adult family members in the context of article 8 of the Dublin III Regulation to ensure that the minor's best interest is considered. Based on their advice, the Dublin Unit of the Immigration Office decides if reunification of the child with the adult involved is indeed in their best interest.

²⁸¹ Immigration Office, 'Procédure Dublin, Application du règlement (UE) n° 604/2013', January 2026 available in French [here](#).

²⁸² Article 10 Royal Decree on Immigration Office Procedure.

²⁸³ Article 18 Royal Decree on Immigration Office Procedure.

2.4. Appeal

Indicators: Dublin: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the Dublin procedure?

❖ If yes, is it

☒ Yes ☐ No

❖ If yes, is it suspensive

☒ Judicial ☐ Administrative

○ Annulment appeal

☐ Yes ☒ No

○ Extreme urgency procedure

☒ Yes ☐ No

Applications for which Belgium is not responsible are subject to a 'refusal of entry or residence' decision by the Immigration Office and are not examined on the merits. The appeal procedure against a Dublin transfer i.e. a decision of 'refusal of entry or residence on the territory' is a non-suspensive annulment procedure before the CALL, rather than a 'full jurisdiction' procedure (see section on [Regular Procedure: Appeal](#)). Dublin transfers decisions may be appealed within 30 days.

The ECtHR considered this procedure not to be an effective remedy in *M.S.S. v. Belgium and Greece*. However, under the 'extreme urgency' procedure, an appeal with short automatic suspensive effect may be provided (see section on [Regular Procedure: Appeal](#)). In its C-149/19 judgement of 15 April 2021, the CJEU ruled that an effective legal remedy has to give the opportunity to present any relevant elements that arose after the moment the decision of 'refusal of entry or residence' was given.²⁸⁴ The Belgian Council of State further clarified the implications of this ruling on the legal remedy of the 'extreme urgency procedure' in the context of the Dublin-procedure. The CALL must verify whether new elements, provided by the applicant after the transfer decision has been taken, have a decisive effect on the correct application of the Dublin Regulation.²⁸⁵

The CALL further verifies if the Immigration Office has respected all substantial formalities.²⁸⁶

The CALL also considers whether the sovereignty or protection clauses should have been applied by assessing potential breaches of article 3 ECHR. In order to do this, the CALL considers all the relevant elements concerning the state of reception conditions and the procedure for international protection in the responsible state where the Immigration Office wants to transfer the asylum applicant to; frequently taking into account national AIDA reports. When such information on reception conditions and the procedure for international protection in the country is only invoked in an annulment procedure, the CALL will only determine whether this information should have been known by the Immigration Office and included to its assessment of the sovereignty clause, in which case it will suspend the decision or annul it and send it back to the Immigration Office for additional examination.²⁸⁷

Following the *Tarakhel* judgment, the CALL not only scrutinises the general reception and procedural situation in the responsible state on systemic shortcomings, but also evaluates the need for individual guarantees from such a state in case shortcomings are not systemic, where the applicant appears to be specifically vulnerable (see the section on [Dublin: Procedure](#)).²⁸⁸

There is no information available regarding the average processing time for the CALL to decide on the appeals against Dublin decisions specifically, nor is this available for the annulment or suspension procedures before the CALL in general.

²⁸⁴ CJEU, case C-194/19, H. A. v. Belgium, 15 April 2021, available [here](#).

²⁸⁵ Council of State, Judgement No 252.462, 7 December 2021.

²⁸⁶ Article 39/2(2) Aliens Act.

²⁸⁷ See e.g. CALL, Decision No 116 471, 3 January 2014 (suspension, Bulgaria) available in Dutch [here](#); Decision No 117 992, 30 January 2014 (annulment, Malta), available in Dutch [here](#).

²⁸⁸ See e.g. CALL, Decision No 201 167, 15 March 2018; CALL, Decision No 203 865, 17 May 2018; CALL, Decision No 203 860, 17 May 2018; CALL, Decision No 207 355, 30 July 2018; CALL, Decision No 215 169, 15 January 2019; CALL, Decision No. 217 932, 6 March 2019; CALL, Decision No. 224 726, 8 August 2019.

As with all final judgments by administrative and judicial bodies, a non-suspensive cassation appeal before the Council of State can also be introduced against the judgments of the CALL concerning Dublin transfers.²⁸⁹

2.5. Legal assistance

Indicators: Dublin: Legal Assistance

☐ Same as regular procedure

1. Do applicants have access to free legal assistance at first instance in practice?

☒ Yes	☐ With difficulty	☐ No
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 - ❖ Does free legal assistance cover:

☐ Representation in interview
☒ Legal advice

2. Do applicants have access to free legal assistance on appeal against a Dublin decision in practice?

☒ Yes	☐ With difficulty	☐ No
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 - ❖ Does free legal assistance cover

☒ Representation in courts
☒ Legal advice

Applicants are entitled to a ‘pro-Deo’ lawyer in the context of the Dublin procedure. The lawyer can advise them prior to the Dublin interview and, if useful, write a letter containing certain information and arguments that are relevant in the context of the Dublin-procedure. The Ministerial Decree on Second-line Assistance, laying down the remuneration system for lawyers providing free legal assistance²⁹⁰, has not determined specific points for a lawyer's intervention in the Dublin procedure at first instance with the Immigration Office. However, actions in the context of the Dublin-procedure are covered in analogy with some other categories of the nomenclature, such as a general ‘consultation’ (1.1 of the Nomenclature) or, for a Dublin letter (analogy with a regularisation request – 8.3.4.1 of the Nomenclature). Practices vary between bar associations. For example, the French-speaking Brussels Bar Association allocates 3 points for a normal Dublin letter; exceptionally, if a letter is very well motivated on the basis of individual elements, 5 points can be attributed. Poorly motivated letters are only allocated 1 point (in analogy with a ‘consultation’).²⁹¹

Concerning the appeal, the general rules for free legal assistance in annulment and suspension petitions with the CALL apply (see the section on [Regular Procedure: Legal Assistance](#)).

Impact of the reception crisis

Single male applicants who do not receive shelter often have their ‘Dublin interview’ within a month after registration. Since these destitute applicants do not have any social assistant (which is provided in the reception centre), they often experience difficulties obtaining second-line legal assistance. As a result, many of these applicants have to go to their ‘Dublin interview’ without having first received second-line legal assistance. The same goes for many applicants who do receive a reception place in a first phase reception centre, where social support is limited and a lawyer is often not yet appointed.²⁹² This negatively impacts the applicant's ability to properly prepare their interview and, if necessary, introduce a timely appeal against a transfer decision.²⁹³

²⁸⁹ Article 14(2) Acts on the Council of State.

²⁹⁰ Ministerial Decree establishing the nomenclature of points for services provided by lawyers in charge of partially or totally free second-line legal assistance, 26 July 2024, available in Dutch [here](#) and in French [here](#).

²⁹¹ Information provided by the Brussels Bar Association.

²⁹² Based on observations by Startpunt, a team of the NGO Vluchtelingenwerk Vlaanderen that is present every day at Pacheco, the office of the Immigration Office where applicants come for their Dublin-interview, to inform these persons about the course of this interview and their rights.

²⁹³ Based on observations by Startpunt, a team of the NGO Vluchtelingenwerk Vlaanderen that is present every day at Pacheco, the office of the Immigration Office where applicants come for their Dublin-interview, to inform these persons about the course of this interview and their rights. Startpunt also provides legal information in

2.6. Suspension of transfers

Indicators: Dublin: Suspension of Transfers

1. Are Dublin transfers systematically suspended as a matter of policy or jurisprudence to one or more countries? ☐ Yes ☒ No
 - ❖ If yes, to which country or countries?

Sometimes, transfers under the Dublin Regulation are not executed either following:

- ❖ An informal (internal) and not explicitly motivated decision of the Immigration Office itself; or
- ❖ A suspension judgment (in some rare cases followed by an annulment judgment) of the CALL.

Hungary: In 2025, the Immigration Office applied the Dublin Regulation for Hungary in more cases than in previous years. 42 requests were sent to Hungary, of which the Hungarian authorities accepted 32 take charge requests.²⁹⁴ In November 2025, the Immigration Office stated that it does not organise forced transfers to Hungary.²⁹⁵

Greece: In April 2025, the Immigration Office stated that it had started sending transfer requests to Greece. In total, the Immigration office sent 235 take back requests and 68 take charge requests to Greece in 2025. The Greek authorities accepted only one take charge request, and refused all the other requests. The accepted take charge request resulted in a forced transfer in July 2025.²⁹⁶

Bulgaria: After the resumption of transfers towards Bulgaria in 2023, the Immigration Office sent 351 requests to the Bulgarian authorities in 2025 of which 109 were accepted. These resulted in 28 forced transfers.²⁹⁷

Italy: In December 2022, Italy communicated it would no longer accept forced Dublin transfers. The Immigration Office continues to give Dublin decisions for Italy, indicating that applicants can still return to Italy with the 'voluntary return procedure'.²⁹⁸ In practice, this means that forced transfers are not organised by the Immigration Office and that article 17(1) is not applied. In 2025 Belgium sent 1,927 requests to Italy, of which 311 were accepted.²⁹⁹ No statistics are available on the number of applicants that returned voluntarily to Italy.

2.7. The situation of Dublin returnees

The procedure applied to Dublin returnees depends on the state of the procedure for international protection that started before they left Belgium. In case the person had not yet applied for international protection in Belgium and the person is transferred based on a take charge request, the person can, upon arrival in Belgium, freely decide to apply for international protection in Belgium. In this case, the application will be considered as a first application. For persons who had already applied for international protection in Belgium and whose procedure is still pending on the moment of their return, the procedure is resumed

the 'Refugee Legal Helpdesk', a collaboration of Vluchtelingenwerk Vlaanderen and the Brussels Bar Association to provide free first-line legal assistance to applicants without reception and to ensure the assignment of a second-line lawyer. In total, more than 10,000 applicants were given free legal assistance between April 2022 and April 2025 in the context of this project. Applicants often arrive at the helpdesk after having received a Dublin transfer decision without having ever had access to legal information or second-line legal assistance.

²⁹⁴ Immigration Office, 'Application of the Dublin Regulation – Requests sent, decisions received and transfers from Belgium 2026', available in French and Dutch [here](#).

²⁹⁵ Immigration Office, 'Contact Meeting for International Protection', 19 November 2025, available in French and Dutch [here](#), 9.

²⁹⁶ Immigration Office, 'Application of the Dublin Regulation – Requests sent, decisions received and transfers from Belgium 2026', available in French and Dutch [here](#).

²⁹⁷ Ibidem.

²⁹⁸ Myria, *Contact Meeting*, 20 September 2023, p. 14, available in French and Dutch [here](#).

²⁹⁹ Immigration Office, 'Application of the Dublin Regulation – Requests sent, decisions received and transfers from Belgium 2026', available in French and Dutch [here](#).

upon their return. In case the previous procedure was closed because of a final negative decision, or after a implicit withdrawal³⁰⁰ a Dublin returnee will have to apply for international protection again and this application will be considered as a subsequent application (see [Subsequent applications](#)).

When considered as a subsequent applicant, Dublin returnees have no automatic access to reception. They will fall under the general practice of reception for subsequent applications, who are systematically excluded from reception (see [Right to reception: subsequent applications](#)).³⁰¹ Applicants who are not considered subsequent applicants suffer the consequences of the ongoing shortage of reception places (see [Criteria and Restrictions to Access Reception Conditions](#)). They can register on a waiting list, after which they will be invited to a reception place on a later date, often only months later. In the meantime, applicants do not have any other solution than to sleep rough, on the streets or in squats.

In the Netherlands, the Council of State ruled on 23 July 2025 that the principle of mutual trust towards Belgium could not be guaranteed for single men who are return under the Dublin Regulation. The Council of State found that the access to accommodation was not guaranteed for this category of Dublin returnees, due to the overall shortage of reception places for single men.³⁰² In March 2026, the Dutch government stated that it would resume Dublin transfers to Belgium for single men. The Belgian government would have given assurances that the 'reception situation has improved'.³⁰³ Vluchtelingenwerk Vlaanderen strongly opposes this analysis, since *all* single men (including Dublin returnees) are systematically denied access to material reception conditions on the day of their application. They can register on a waiting list for reception, which has an average waiting time of three to four months. During this waiting time, they are not automatically given a place in the homeless network in Brussels. Places in homelessness accommodation are very limited and largely insufficient. If applicants do not find their own solution or fail to find a place in the homeless network, they are forced to sleep rough (see [Criteria and Restrictions to Access Reception Conditions](#)).

3. Admissibility procedure

3.1. General (scope, criteria, time limits)

The admissibility procedure is set out in Article 57/6 §3 of the Aliens Act. The CGRS can declare an asylum application inadmissible where the asylum applicant:

1. Enjoys protection in a [First Country of Asylum](#);
2. Comes from a [Safe Third Country](#);
3. Enjoys [protection in another EU Member State](#);
4. Is a national of an EU Member State or a country with an accession treaty with the EU;³⁰⁴
5. Has made a [Subsequent Application](#) with no new elements; or
6. Is a minor dependant who, after a final decision on the application lodged on their behalf, lodges a separate application without justification.

The CGRS must decide on inadmissibility within 15 working days. Shorter time limits of 10 working days are foreseen for subsequent applications or even 2 working days for subsequent applications in detention.

In 2025, the CGRS issued 7,458 inadmissibility decisions: 10 regarding persons with protection in a first country of asylum; 17 regarding persons from a safe third country; 4,134 regarding persons with protection

³⁰⁰ The asylum instances can stop the assessment of an asylum application in case an applicant has not responded to a request for further information or if they did not show up for the interview; see article 57/6/5 Aliens Act.

³⁰¹ Myria, *Contact meeting*, 21 June 2016, available [here](#), para 9.

³⁰² Council of State, 'The Netherlands is not allowed to return single male asylum seekers to Belgium', 23 July 2025, available in Dutch [here](#).

³⁰³ NOS, 'The Netherlands resumes transfers of single asylum seekers to Belgium', 18 March 2026, available in Dutch [here](#).

³⁰⁴ Note that this ground is not foreseen in Article 33(2) recast Asylum Procedures Directive.

in another EU Member State; 32 regarding EU citizens; 3,042 regarding subsequent applicants; 223 regarding dependant minors.³⁰⁵

3.2. Personal interview

Indicators: Admissibility Procedure: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the admissibility procedure?

☒ Yes ☐ No

☐ Yes ☒ No

☒ Yes ☐ No

 - ❖ If so, are questions limited to identity, nationality, travel route?
 - ❖ If so, are interpreters available in practice, for interviews?
2. Are interviews conducted through video conferencing? ☐ Frequently ☒ Rarely ☐ Never

Since the procedure that leads to a decision of inadmissibility does not in itself differ from the regular procedure, other than the time period in which a decision has to be made, the same legal provisions apply to the interviews both on the level of the Immigration Office and the CGRS. At the CGRS, the regular personal interview about the facts underlying the asylum application has to take place in the same level of detail as is the case for other asylum applications. The interview may be omitted where the CGRS deems it can take a decision on a subsequent application based on the elements in the file.³⁰⁶

3.3. Appeal

Indicators: Admissibility Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the admissibility procedure?

☒ Yes ☐ No

☒ Judicial ☐ Administrative

☒ Yes ☐ No

 - ❖ If yes, is it
 - ❖ If yes, is it suspensive

An appeal against an inadmissibility decision must be lodged within 10 days, or 5 days in the case of a subsequent application by an applicant being detained in a specific place in view of their removal from the territory (a place as described in art. 74/8 and 74/9 of the Aliens act).³⁰⁷ The appeal has an automatic suspensive effect, except for some cases concerning [Subsequent Applications](#).³⁰⁸ The CALL shall decide on the application within 2 months,³⁰⁹ under 'full judicial review' (*plein contentieux*). Apart from this, the appeal procedure against a decision taken in the context of an admissibility procedure does not defer from the general appeal procedure (see [Appeal](#)).

³⁰⁵ Information provided by the CGRS, March 2026.

³⁰⁶ Article 57/5-ter(2) Aliens Act.

³⁰⁷ Article 39/57(1)(3) Aliens Act.

³⁰⁸ Article 39/70 Aliens Act.

³⁰⁹ Article 39/76(3)(3) Aliens Act.

3.4. Legal assistance

Indicators: Admissibility Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum applicants have access to free legal assistance at first instance in practice?
☐ Yes ☒ With difficulty ☐ No
❖ Does free legal assistance cover: ☒ Representation in interview
☒ Legal advice
2. Do asylum applicants have access to free legal assistance on appeal against an inadmissibility decision in practice?
☐ Yes ☒ With difficulty ☐ No
❖ Does free legal assistance cover: ☒ Representation in courts
☒ Legal advice

In first instance procedures leading to inadmissibility decisions as well as in the appeal procedures, the general provisions on the right and access to free legal assistance apply. Challenges identified in the provision of legal assistance during the regular procedure also apply to the admissibility procedure (see section on [Regular Procedure: Legal Assistance](#)). During some admissibility procedures – like for example the procedure following a subsequent application for international protection – applicants often do not have the right to reception in a centre and stay at a private address (for example with family, friends or solidary citizens). This situation makes it more difficult to qualify for free legal assistance (see [Regular procedure: Second-line legal assistance](#)). In practice, much fewer procedural interventions by lawyers, in appeals or otherwise, take place in these specific cases.

3.5. Suspension of returns for beneficiaries of protection in another Member State

On the basis of Article 57/6 §3 (1) 3° of the Aliens Act, the CGRS can declare an asylum application inadmissible where the asylum applicant has received international protection in another EU Member State (so-called “M-status applicants”). In application of the CJUE *Ibrahim* and *Jawo* decisions³¹⁰, the CALL has found on several occasions that the CGRS cannot reject an application on this ground if a beneficiary of international protection in another EU Member state would, regardless of their personal will and choices, be in a situation of extreme material poverty when returned to that Member State.³¹¹

In 2025, 4,134 inadmissibility decisions were taken regarding persons with protection in another EU Member State, mostly regarding applicants originating from Palestine (3,102), Afghanistan (295), Syria (281), Eritrea (145) and applicants of Palestinian origin (87).³¹² 566 applicants with “M-status” were granted the refugee status and 10 the subsidiary protection status, most of them having previously received international protection in Greece.³¹³

In 2025, there was no general policy of suspension of returns for beneficiaries of protection in another Member State. However, in 2024, the CALL has ruled that additional caution is needed when examining applications from beneficiaries of international protection in Bulgaria and Greece, due to the limited access to socio-economic rights for status holders in these Member States.³¹⁴ The CALL annulled an inadmissibility decision by the CGRS regarding a family with six young children, four of whom have

³¹⁰ CJUE 9 March 2019, C-297/17, C-318/17, C-319/17 en C-438/17, *Ibrahim e.a./ Bundesrepublik Deutschland* and CJUE 9 March 2019, C-163/17, *Abubacarr Jawo / Bundesrepublik Deutschland*.

³¹¹ See, among others, CALL, Decision n° 300.342 of 22 January 2024, available in Dutch [here](#), p. 27; CALL, Decisions n° nrs. 341.503, 341.504 and 341.505 of 20 February 2026, available [here](#).

³¹² Information provided by the CGRS, March 2026. Applicants from Palestine concern Palestinians from Gaza and the West Bank, whereas the ‘applicants of Palestinian origin’ concern Palestinians previously residing in other regions such as Lebanon, Jordan, etc.

³¹³ Myria, Contact Meeting January 2026, available in French and Dutch [here](#).

³¹⁴ CALL, ‘Beneficiaries of international protection in Bulgaria and Greece’, 5 March 2024, available in Dutch and French [here](#).

developmental disabilities and speech disorders, who had received international protection in Bulgaria.³¹⁵ The applicants argued that they had been unable to find employment in Bulgaria, making it impossible to afford housing, medical care, food, and education. The CALL noted that the applicants' personal interviews had been very brief and that they were asked only a limited number of questions about their living conditions in Bulgaria. The Council annulled the inadmissibility decision and instructed the CGRS to conduct a more thorough investigation into the applicants' individual vulnerabilities concerning a potential return to Bulgaria. In three rulings by the United Chambers in March 2026, the CALL has ruled in the same sense regarding beneficiaries for international protection in Greece.³¹⁶ It assessed the situation in Greece to be very precarious but not such that every beneficiary of protection would inevitably end up in a state of extreme material poverty upon return, an individual assessment of the person's situation remaining necessary in each case. The disposal of a valid Greek residence permit (ADET-card) is important. Applicants without a valid ADET-card would need means, a network or other forms of support to avoid them finding themselves in a situation of extreme material poverty. The level of independence and specific vulnerabilities are also important elements to be taken into account. The CALL stresses the importance of a personal interview to examine all relevant elements relating to the individual situation of the applicant.³¹⁷

Due to a law change that came into force as of 2 August 2025, applications made by beneficiaries of international protection in another EU member state are to be considered as "subsequent applications". This has important consequences for the applicants involved, such as the possibility to limit their reception rights and lack of access to the labour market during the admissibility phase of the procedure. In practice, the law changes indeed led to a quasi-systematic refusal of reception to M-status-applicants, including to families with children and other vulnerable applicants (see [Subsequent applications](#)).

4. Border procedure (border and transit zones)

4.1. General (scope, time limits)

Indicators: Border Procedure: General

1. Do border authorities receive written instructions on the referral of asylum applicants to the competent authorities? ☐ Yes ☒ No
2. Where is the border procedure mostly carried out? ☒ Air border ☐ Land border ☐ Sea border
3. Can an application made at the border be examined in substance during a border procedure? ☒ Yes ☐ No
4. Is there a maximum time limit for a first instance decision laid down in the law? ☒ Yes ☐ No
❖ If yes, what is the maximum time limit? 28 days
5. Is the asylum applicant considered to have entered the national territory during the border procedure? ☐ Yes ☒ No

Belgium has 13 external border posts: 6 airports, 6 seaports, and one international train station (Eurostar terminal at Brussels South station). Belgium has no border guard authority as such; the border control is carried out by police officers from the Federal Police, in close cooperation with the Border Control Section at the Immigration Office, as opposed to the territory's control which lies primarily within the competence of the Local Police. By a Belgian Act of 16 May 2024, specified by a Royal Decree of 15 May 2025, European border guards of Frontex are allowed to operate within the Belgian territory under the authority

³¹⁵ CALL, Decision No 317.036, 21 November 2024, available in Dutch [here](#).

³¹⁶ CALL, Decisions Nrs. 341.503 (available [here](#)), 341.504 (available [here](#)) and 341.505 (available [here](#)) of 20 February 2026.

³¹⁷ CALL, Decisions n° nrs. 341.503, 341.504 and 341.505 of 20 February 2026, analysis in Dutch available [here](#). For an overview of case law of the CALL on this matter, see CALL Annual report 2025, available in Dutch [here](#) and in French [here](#) (p. 39).

of Belgian police. They can be deployed at border controls and to assist in forced return operations.³¹⁸ As of September 2025, Frontex officers are effectively deployed in Brussels Airport, specifically in the context of return operations.³¹⁹

Persons without the required travel documents will be refused entry to the Schengen territory at a border post. They will be notified of a decision of refusal of entry to the territory and '*refoulement*' by the Immigration Office ('Annex 11').³²⁰ Such persons may submit an asylum application to the border police, which will carry out a first interrogation and send the report to the Border Control Section of the Immigration Office.³²¹ The 'decision of *refoulement*' is suspended until the CGRS decides. The 'decision of *refoulement*' is also suspended during the time limit to appeal and the whole appeal procedure itself.³²²

The CGRS shall examine whether the application:³²³

- ❖ Is inadmissible; or
- ❖ Can be accelerated on the grounds set in the [Accelerated Procedure](#).³²⁴

If these grounds do not apply, the CGRS will decide that further investigation is necessary, following which the applicant will be admitted to the territory. This does not automatically mean that the asylum applicant will not be detained. If a ground for detention is present, they can be detained 'on the territory' under another detention ground.

Although the law provides that a person cannot be detained at the border for the sole reason that they have applied for international protection³²⁵ (see [Grounds for Detention](#)), the asylum application will in most cases be examined while the applicant is detained in a closed centre at the border. Civil society organisations report that asylum applicants who apply for asylum at the border are almost systematically detained without a preliminary assessment of their personal circumstances.³²⁶ The only exception based on vulnerability is made for unaccompanied children and families with children. Families with children cannot be detained and are placed in so-called 'return houses', which are officially not considered detention centres but where restrictions of the right to freedom are imposed (see [Return houses](#)).³²⁷

Most of the asylum applicants who apply for asylum at the border are held in a specific detention centre called the '**Caricole**', situated near Brussels Airport, but can also be held in a closed centre located on the territory, while in both cases, legally not being considered to have formally entered the country.

The first instance procedure for persons applying for asylum at the border, detained in a closed centre or held in a return house (see [Return houses](#)) is the same as the regular procedure, although the law states

³¹⁸ Act of 16 May 2024 regarding the competences on the national territory of the European boarder and costal guard, available in Dutch and French [here](#); Royal Decree of 15 May implementing Article 4(3) of the Act of May 16, 2024, on the powers of members of the European Border and Coast Guard on national territory, available in Dutch and French [here](#).

³¹⁹ EMN, *Frontex officers begin operations at Brussels Airport*, 8 September 2025, available in English [here](#).

³²⁰ Article 72 Aliens Decree; Article 52/3(2) Aliens Act. Remarkably, in French the word '*refoulement*' is used ('*terugdrijving*' in Dutch), though it does not concern a violation of the *non-refoulement* principle, since the persons concerned have been allowed to introduce an asylum application and have it examined.

³²¹ Articles 50-ter and 50 Aliens Act.

³²² Article 39/70 Aliens Act.

³²³ Article 57/6/4 Aliens Act.

³²⁴ Except for the ground relating to the failure of the applicant to apply for asylum as soon as possible.

³²⁵ Article 74/5(1)(2) Aliens Act.

³²⁶ The Immigration Office, in the context of its right of reply to the 2024 AIDA report, noted that in the context of asylum applications at the border every case is treated, and any detention decision taken, on an individual basis. Civil society organisations, however, observe that by far every person applying for asylum at the border is detained, and this based on a decision that contains a mostly standardised motivation. This issue has been confirmed by the Committee Against Torture (CAT) in its Concluding observations on the fourth periodic report of Belgium, 25 August 2021, available in English and other languages [here](#), §29. See also Belgian Refugee Council Nansen: *Vulnerabilities in detention: motivation of detention titles*, November 2020, available in French [here](#).

³²⁷ Article 74/9 Aliens Act.

that applications in detention are treated by priority.³²⁸ If the CGRS has not taken a decision within four weeks, the asylum applicant is admitted to the territory.³²⁹ Again, this does not automatically mean that the asylum applicant will not be detained. If a ground for detention is present, they can be detained 'on the territory' under another detention ground (see [Grounds for Detention](#)).

For the removal of rejected asylum applicants at the border, the Immigration Office applies the Chicago Convention, which implies that rejected asylum applicants have to be returned by the airline company that brought them to Belgium, to the place from where their journey to Belgium commenced or to any other country where they will be admitted entry.³³⁰ In many cases, the point of departure (and return) is not the country of origin. The CGRS does not examine potential persecution or serious harm risks in countries other than the applicant's country of origin. Not all issues arising under Article 3 ECHR in the country where the person is (forcibly) returned will therefore be scrutinised. This is the case in particular where the country of return is a country other than that of nationality or also outside the scope of application of the Chicago Convention, where the CGRS has doubts over the person's nationality or recent stay in that country, making it impossible in their opinion to pronounce itself on the risk of being treated inhumanely there.

In 2025, 1,664 irregular arrivals were registered at the Belgian borders (all at the air borders), most of the persons coming from Albania (347), Moldavia (144), Georgia (106), Morocco (86) and North-Macedonia (79). 682 persons applied for asylum at the border.³³¹

4.2. Personal interview

Indicators: Border Procedure: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the border procedure?

☒ Yes	☐ No
❖ If so, are questions limited to nationality, identity, travel route?	☐ Yes ☒ No
❖ If so, are interpreters available in practice for interviews?	☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☒ Frequently ☐ Rarely ☐ Never

As is the case in the regular procedure, every asylum applicant receives a personal interview by a protection officer of the CGRS after the Immigration Office has conducted a short interview after the registration and lodging of the application, and after the asylum application applicant has filled in the CGRS questionnaire.

However, as the border procedure concerns asylum applications made from detention and thereby treated as a priority, the interview by the CGRS takes place much faster after asylum applicants' arrival and in the closed centre. This implies little time to prepare and substantiate the asylum application. Most asylum applicants arrive at the border without the necessary documents providing material evidence substantiating their asylum application. Contacts with the outside world from within the closed centre are difficult in the short period between the arrival and the personal interview, which constitutes an extra obstacle for obtaining documents and evidence.

Vulnerable asylum applicants also face specific difficulties related to this accelerated asylum procedure. Since no vulnerability assessment takes place before detention, their vulnerability is not always known to the asylum authorities and may not be taken into account when conducting the interview, assessing the

³²⁸ Article 57/6(2)(1) Aliens Act.

³²⁹ Articles 57/6/4 and 74/5(4)(5) Aliens Act.

³³⁰ Article 74/4 Aliens Act.

³³¹ Information provided by the Immigration Office, March 2026.

protection needs and taking a decision.³³² However, it is clearly provided that the asylum applicant should fill in a questionnaire specifically intended to determine any specific procedural needs at the start of the asylum procedure (see [Detention of vulnerable applicants](#)).³³³

4.3. Appeal

Indicators: Border Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the border procedure?

❖ If yes, is it

❖ If yes, is it suspensive

☒ Yes ☐ No

☒ Judicial

☐ Administrative

☒ Yes ☐ No

The appeal at the border is the same as in the [regular procedure](#), except for the much shorter time limits that need to be respected. The time period within which any appeal against a decision refusing international protection must be lodged to the CALL while in border detention (including for families in an open housing unit) is only 10 days, or even 5 days in some cases, such as a second or further order to leave the territory, instead of 30 calendar days in the regular procedure.³³⁴

Due to this short deadline, asylum applicants may face severe obstacles in appealing negative decisions. The Immigration Office only notifies of a 'decision of *refoulement*' after the CGRS has taken a negative decision on the application.

4.4. Legal assistance

Indicators: Border Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum applicants have access to free legal assistance at first instance in practice?

☐ Yes

☒ With difficulty³³⁵

☐ No

❖ Does free legal assistance cover: ☐ Representation in interview

☒ Legal advice

2. Do asylum applicants have access to free legal assistance on appeal against a negative decision in practice?

☒ Yes

☐ With difficulty

☐ No

❖ Does free legal assistance cover ☒ Representation in courts

☒ Legal advice

In the border procedure, asylum applicants are entitled to free legal aid. In administrative detention, staff have a crucial role in making access to legal assistance effective for applicants for international protection. Where occupants do not have a lawyer upon arrival in the centre, the prompt submission of an application for the designation of a lawyer is essential, especially as the time limits for the various procedures are very short.³³⁶

In principle, the same system described under the [regular procedure](#) applies to appointing a Pro-Deo lawyer. However, most bureaus of legal assistance assign junior trainee lawyers for these types of cases, which means that lawyers who do not have adequate experience handle, on some occasions, highly technical cases. The contact between asylum applicants and their assigned lawyers is usually very

³³² The Immigration Office, in the context of its right of reply to the 2024 AIDA report, notes that a vulnerability assessment does take place, which can either be done by the police or upon arrival in the detention centre.

³³³ Article 48/9(1) Aliens Act.

³³⁴ Article 39/57 Aliens Act.

³³⁵ The Immigration Office, in the context of its right of reply to the 2024 AIDA report, indicates that persons in detention immediately receive legal assistance (and also access to private lawyers).

³³⁶ UNHCR, *Accompagnement juridique des demandeurs de protection internationale en Belgique*, September 2019, <https://bit.ly/35G2h9s>, 34.

complicated. Lawyers are often not present at the personal interview because asylum applicants cannot get in touch with them prior to the interview, and lawyers tend not to visit them before the interview to prepare their clients. When the CGRS issues a negative first-instance decision, it is not easy to contact the lawyer over the phone or in-person to discuss the reasons given in the decision. The lawyer often decides - not rarely based on a lack of time, experience or dedication - that there are no arguments/grounds to lodge an appeal with the CALL and advises the asylum applicant not to appeal without explaining why.³³⁷ Some bureaus of legal assistance have created or intend to create pools and lists of specialised lawyers to be exclusively assigned in this type of cases. Still, the necessary control and training to effectively guarantee quality legal assistance seems lacking.³³⁸ (See also [Legal assistance for review of detention](#))

5. Accelerated procedure

5.1. General (scope, grounds for accelerated procedures, time limits)

The amended Aliens Act introduces the concept of 'accelerated procedure', which can be applied in cases where the applicant:³³⁹

- a. Only raises issues irrelevant to international protection;
- b. Comes from a [Safe Country of Origin](#);
- c. Has misled the authorities by presenting false information or documents or by withholding relevant information or documents relating to their identity and/or nationality which could have a negative impact on the decision;
- d. Has likely, in bad faith, destroyed or disposed of an identity or travel document that would have helped establish their identity or nationality;
- e. Has made clearly inconsistent, contradictory, clearly false or obviously improbable representations which contradict sufficiently verified country of origin information, thereby making their claim clearly unconvincing;
- f. Has made an admissible [Subsequent Application](#);
- g. Has made an application merely to delay or frustrate the enforcement of an earlier or imminent removal decision;
- h. Entered the territory irregularly or prolonged their stay irregularly and without good reasons has failed to present him or herself or apply as soon as possible;
- i. Refuses to comply with the obligation to have their fingerprints taken; or
- j. May, for serious reasons, be considered a danger to the national security or public order or has been forcibly removed for serious reasons of national security or public order.

The CGRS shall decide on the application within 15 working days.³⁴⁰ When the application is treated under the accelerated procedure on the aforementioned grounds, it may pronounce the application as manifestly unfounded.³⁴¹ This affects the order to leave the territory, which will be valid between 0-7 days instead of 30 days.

In 2025, the CGRS treated the cases of 1,073 applicants under the accelerated procedure. It took 634 decisions declaring an application manifestly unfounded, mostly towards applicants from Moldova (145), Albania (129), Kosovo (65), North-Macedonia (59) and Serbia (35).³⁴² All these countries were on the list

³³⁷ Based on experience of the Move coalition, of which Vluchtelingenwerk Vlaanderen – the NGO responsible for writing this AIDA-report – is a founding member, January 2025. This issue persisted in 2025.

³³⁸ In some specific cases the system of exclusively appointing listed lawyers to assist asylum applicants at the border, seems to have attracted some lawyers for purely financial reasons rather than out of expertise or even interest in the subject matter or their client's case. See also [NANSEN-Bevindingen-Juridische-bijstand-in-detentie_rev20.pdf](#).

³³⁹ Article 57/6/1(1) Aliens Act.

³⁴⁰ *Ibid.*

³⁴¹ Article 57/6/1(2) Aliens Act.

³⁴² Information provided by the CGRS, March 2026.

of Safe Countries of Origin in 2025; Moldova, however, was removed from the list in December 2025 (see [Safe Country of Origin](#)).

5.2. Personal interview

Indicators: Accelerated Procedure: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the accelerated procedure? ☒ Yes ☐ No
 - ❖ If so, are questions limited to nationality, identity, travel route? ☐ Yes ☒ No
 - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☒ Rarely ☐ Never

Exactly the same legal provisions apply to the personal interview in the accelerated procedures, including the ones dealing with the admissibility of the application, as to the one in the [Regular Procedure: Personal Interview](#). The only difference provided for is that in case of detention, the interview takes place in the detention centre where the applicant is being held, but this has no impact on the way the interview takes place as such.³⁴³ An interpreter is present during these interviews. The CGRS conducts interviews through videoconference in the closed detention centres(see [Regular procedure: personal interview](#)).

5.3. Appeal

Indicators: Accelerated Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the accelerated procedure?
 - ☒ Yes ☐ No
 - ❖ If yes, is it ☒ Judicial ☐ Administrative
 - ❖ If yes, is it suspensive ☒ Yes ☐ No

An appeal in the accelerated procedure must be lodged within 10 days and has suspensive effect.³⁴⁴ Apart from this, the appeal procedure against a decision taken in the context of an accelerated procedure does not defer from the general appeal procedure (see [Appeal](#)).

5.4. Legal assistance

Indicators: Accelerated Procedure: Legal Assistance

☐ Same as regular procedure

1. Do asylum applicants have access to free legal assistance at first instance in practice?
 - ☒ Yes ☐ With difficulty ☐ No
 - ❖ Does free legal assistance cover: ☒ Representation in interview ☒ Legal advice
2. Do asylum applicants have access to free legal assistance on appeal against a negative decision in practice?
 - ☒ Yes ☐ With difficulty ☐ No
 - ❖ Does free legal assistance cover ☒ Representation in courts ☒ Legal advice

The right to legal aid applies in the same way to the accelerated procedure as it does in the [Regular Procedure: Legal Assistance](#). ‘Pro-Deo’ lawyers get precisely the same remuneration for similar interventions in accelerated procedures as in regular ones. In order to avoid that crucial time would be

³⁴³ Article 13 Royal Decree on CGRS Procedure.

³⁴⁴ Article 39/57(1)(2) Aliens Act.

lost with formally getting the appointment of a lawyer arranged in time, it is accepted that formal appointment of the lawyer can take place until one month after the actual intervention.

6. National protection statuses and return procedure

6.1. National forms of protection

The Aliens Act contains four procedures that can lead to other forms of protection for applicants who do otherwise not qualify for international protection. There is a procedure to obtain residence on the basis of medical reasons (so-called ‘medical regularisation’ or ‘9ter’-procedure),³⁴⁵ a special residence procedure for unaccompanied minors aimed at finding a durable solution for them,³⁴⁶ a procedure that can lead to a residence permit for certain victims of human trafficking and certain aggravated forms of human smuggling,³⁴⁷ and a procedure to obtain a residence permit on humanitarian grounds (so-called ‘humanitarian regularisation’ or ‘9bis’-procedure).³⁴⁸ All four must be initiated by the applicant, or by the guardian in the case of an unaccompanied minor.

6.2. Medical regularisation³⁴⁹

A residence permit can be granted to seriously ill foreign nationals residing in Belgium, if their illness poses a real risk to their life or physical integrity or poses a real risk of inhuman or degrading treatment when there is no adequate treatment in their country of origin or habitual residence.³⁵⁰

The procedure for medical regularisation can be initiated at all times, irrespective of other (ongoing or concluded) residence procedures. As such, it can be initiated during a pending application for international protection. It can also be started after an application for international protection was rejected, even when the foreign national has already received an order to leave the territory.

The procedure is purely written and is initiated by sending a written application to the Immigration Office. During the procedure, applicants receive a temporary residence permit from the moment they receive a decision from the Immigration Office declaring their application admissible. Based on this temporary residence permit applicants can ask social and medical support by a centre for social welfare (PCSW). However, they do not have access to the labour market.

An application is first assessed on its admissibility and then on its merits. To be found admissible, the application must:

- ❖ be sent to the Immigration Office by registered letter³⁵¹;
- ❖ contain a proof of identity. This requires a valid or expired international passport or national ID-card. Under certain conditions, alternative documents (such as driver’s license, military booklet, election card, ...) can also be accepted. The applicant can also prove their identity via multiple items of evidence which, taken together, meet the elements of identity. Applicants for international protection who have not received a final negative decision are exempt from this requirement;³⁵²
- ❖ contain a medical attestation following the obligatory template of the Immigration Office, containing the nature of the illness;³⁵³

³⁴⁵ Article 9ter Aliens Act.

³⁴⁶ Article 74/16 Aliens Act.

³⁴⁷ Article 61/2 – 61/5 Aliens Act and Articles 110bis and 110ter Aliens Decree.

³⁴⁸ Article 9bis Aliens Act.

³⁴⁹ Immigration Office, ‘Medical Reasons (article 9ter)’, last consulted on 3 April 2025, available [here](#).

³⁵⁰ Article 9ter Aliens Act.

³⁵¹ Article 9ter §1, al. 2 Aliens Act.

³⁵² Article 9ter, §2 Aliens Act.

³⁵³ Article 9ter, §1, al. 4 Aliens Act.

- ❖ indicate an effective residence address in Belgium;³⁵⁴
- ❖ be introduced, at the discretion of the applicant, in Dutch, French or German, which will determine the language used for the procedure. However, if a procedure of international protection is ongoing or has been negatively terminated for less than 6 months, the language of the asylum procedure must be used;
- ❖ not be manifestly unfounded;³⁵⁵
- ❖ not contain elements that have already been invoked in a previously rejected 9ter-procedure and have been examined on their merits in that context.

Applicants will be excluded from the procedure if the Immigration office has serious grounds for considering that they have committed acts referred to in Article 55/4 of the Aliens Act (grounds for exclusion from subsidiary protection).

If the request is declared admissible, a medical officer or physician appointed by the Immigration Office assesses the application on its merits, i.e. whether it meets the following two cumulative conditions:³⁵⁶

- ❖ the applicant suffers from a serious illness, meaning an illness occasioning a real risk to their life or physical integrity or a real risk of inhuman or degrading treatment in case no adequate treatment is available or accessible in the country of origin or habitual residence;
- ❖ Adequate medical treatment is not or very limitedly available or accessible in the country of origin or of habitual residence, or availability is uncertain. To assess this, the medical officer or physician examines uses information from databases such as the European Medical Country of Origin Information.

Applicants who receive a positive decision receive a temporary residence permit, taking the form of a renewable A-card that is initially valid for one year.³⁵⁷ They should ask for a renewal of the residence permit on a yearly basis. On these occasions the Immigration Office can withdraw the medical regularisation if the medical situation of the beneficiary has improved in an important and sustainable way³⁵⁸, or if they pose a threat to public order or national security. If this is considered, the person has the right to be heard. After five years, counting from the moment of the application, the person obtains a permanent residence permit in the form of a B-card.³⁵⁹ Beneficiaries of medical regularisation have a right to family reunification under the same conditions as other third country nationals. Unlike beneficiaries of international protection, there is no grace period during which not all requirements have to be met.

Applicants who receive a negative decision can appeal this decision at the Council for Alien Law Litigation (CALL). Unlike in the procedure for international protection, the appeal is non-suspensive and can only lead to the annulment of the decision of the Immigration Office.

³⁵⁴ Article 9quater Aliens Act.

³⁵⁵ Article 9ter, §3, 4° Aliens Act.

³⁵⁶ Article 9ter §1, al. 1 Aliens Act. The Immigration Office, in the context of its right of reply to the 2024 AIDA update noted that the doctor may, if they consider it necessary, examine the applicant and seek additional expert advice, and will issue an independent opinion.

³⁵⁷ Article 8 Royal Decree of 17 May 2007 concerning the adoption of the implementation modalities of the law of 15 September 2006 amending the Aliens Act.

³⁵⁸ Article 9 Royal Decree of 17 May 2007 concerning the adoption of the implementation modalities of the law of 15 September 2006 amending the Aliens Act.

³⁵⁹ Article 13 §1, al. 2 Aliens Act.

Medical regularisation applications and decisions per year ³⁶⁰				
Year	Applications	Positive	Negative	Other negative decisions ³⁶¹
2021	1,156	126	887	135
2022	1,147	170	870	183
2023	1,294	257	1,092	135
2024	1,399	325	1,360	168
2025	1,573	517	N/A	N/A

In 2025 the Immigration Office gave 517 positive decisions in the medical regularisation procedure.³⁶²

6.3. Best Interest Procedure for unaccompanied minors³⁶³

The guardian of an unaccompanied minor can apply for a residence permit for their pupil in the hands of the 'Vulnerable Persons Cell' of the Immigration Office.³⁶⁴ Following such a request, the Immigration Office will assess what is the most durable solution for the minor: returning to the country of origin, being reunited with their parents in the country where they are legally staying, or staying in Belgium.³⁶⁵

This procedure can be initiated regardless of other procedures initiated by the minor or his guardian, including a request for international protection.³⁶⁶ However, the Immigration Office cannot conduct a full-scale assessment during a pending application for international protection since this involves contacting authorities in the country of origin. The procedure is only accessible for non-accompanied minors. As soon as a minor turns 18, a pending special residence procedure is stopped. During the procedure, the minor receives a temporary residence permit valid for 6 months. The permit can be renewed for as long as the procedure is pending and until the minor turns 18. Unaccompanied minors in Belgium have access to material aid in the Fedasil reception network, regardless of their residence status.

When introducing the written application, the guardian must provide all relevant information on the steps taken in view of contacting family or friends of the minor. Once the non-accompanied minor starts the special residence procedure, a specially trained officer of the MINTEH-office within the Immigration Office will conduct an interview with the unaccompanied minor and their guardian.³⁶⁷

After the interview and after examination of all relevant elements, the Immigration Office decides on the durable solution, taking the principles of family unity and the best interest of the child as guiding principles in this assessment.³⁶⁸ There are three possible outcomes:

- ❖ The minor returns to the country of origin or the country where the minor can legally stay;
- ❖ The minor reunites with their parents in the country where the latter legally reside. This is the preferred option;
- ❖ The minor is allowed to stay in Belgium.

If the Immigration is unable to give a decision on the durable solution within 6 months, the guardian can suggest a durable solution to the Immigration Office.³⁶⁹

³⁶⁰ Immigration Office, *Activity Report 2023*, available in French [here](#), 28; and information provided by the Immigration Office in March 2026.

³⁶¹ This includes exclusion decisions (25), application without subject (112) and explicit withdrawal (6).

³⁶² Information provided by the Immigration Office in March 2026. The numbers related to negative decisions will be published in the year report of the Immigration Office that will be published later this year.

³⁶³ Immigration Office, 'Best Interest Procedure for Unaccompanied Minors', last consulted on 3 April 2025, available [here](#).

³⁶⁴ Article 74/16 Aliens Act.

³⁶⁵ See articles 61/14 to 61/25, Aliens Act.

³⁶⁶ Art. 61/15, Aliens Act.

³⁶⁷ Art. 61/16 Aliens Act.

³⁶⁸ Art. 61/17 Aliens Act and Articles 9 and 10 of the UN Childrens Rights Treaty.

³⁶⁹ Art. 61/19, Aliens Act.

According to article 74/16 of the Belgian Migration Law, the return of an unaccompanied foreign minor to their country of origin or other country can only be considered if there are sufficient and appropriate guarantees of reception and care. In concrete terms, the MINTEH office must ensure that the following conditions are met in the event of a return:

- The child is not at risk of being trafficked or smuggled;
- The family situation in the country of origin is such that the minor can return there. A return to a parent or relative is desirable and is appropriated on the basis of the family's ability to support, educate and protect the child;
- The care structure in the country of origin is appropriate and it is in the best interests of the minor to be placed in this structure as soon as they returns to his/her country of origin or to the country where they has been admitted to reside.

If the durable solution is found to be outside of Belgium, the minor's guardian will be notified of the return decision (order to bring back the minor/*bevel tot terugbrenging*).³⁷⁰ The guardian should organize the minor's return. A return to the country of origin or residence can only be arranged on a voluntary basis. The return decision can be appealed at the CALL. The appeal is non-suspensive and can, if successful, only lead to the annulment of the decision of the Immigration Office. Minors with an order to return are allowed to stay in Belgium until they turn 18. From that moment on they are in irregular stay, and they can receive an order to leave the territory.³⁷¹

If the durable solution is considered to be staying in Belgium, the minor is given a temporary residence permit in the form of a renewable A-card that is initially valid for one year.³⁷² After three years, the minor can request permanent residence permit, in the form of a B card.³⁷³ If the minor turns 18 during this period of temporary residence, they are informed about how they can obtain permanent residence as an adult.³⁷⁴ In this case, the person does not have to apply for humanitarian regularisation themselves, the file is automatically transferred to the 'long stay' Unit of the Immigration office.³⁷⁵ The Immigration Office decides on a case-by-case bases what the requirements are for obtaining permanent residence as an adult. If the youngster can meet these criteria, they are given a temporary residence permit in the form of an A card. This permit must be renewed every year. In practice, the Immigration Office then gives a permanent residence permit after five years of legal stay.³⁷⁶

Unlike parents of unaccompanied minors with an international protection status, parents of unaccompanied minors who are authorised to stay in Belgium on the basis of the 'durable solution procedure' do not have a right to family reunification.³⁷⁷

Decisions in Best Interest Procedures per year		
Year	Legal stay in Belgium	Return order
2021	91	32
2022	60	27
2023	69	15
2024	246	39
2025	82	21

Source: Immigration Office, *Activity reports*, available in French and Dutch [here](#); Information provided by the Immigration Office, March 2026.

³⁷⁰ Art. 61/18, Aliens Act.

³⁷¹ Plate-forme Mineurs en exil, 'A 18 ans', last consulted on 3 April 2025, available [here](#).

³⁷² Art. 61/20, Aliens Act.

³⁷³ Art 61/23, Aliens Act.

³⁷⁴ Art 61/14, Aliens Act.

³⁷⁵ Immigration Office, 'Follow-up & Life Plan', last consulted on 3 April 2025, available [here](#).

³⁷⁶ Vreemdelingenrecht, 'Best Interest Procedure for Unaccompanied Minors', last consulted on 3 April 2025, available [here](#).

³⁷⁷ EMN, 'Comparative overview of national protection statuses in Belgium 2010-2019', April 2020, available [here](#), 73.

In 2025, the Immigration Office decided in 82 cases that the durable solution was a legal stay in Belgium. In 21 cases the Immigration Office decided that the durable solution was not in Belgium.³⁷⁸

In its year report, the Immigration Office indicates that due to technical reasons, it is not possible to provide the number of applications, but that this number lies very close to the number of decisions.

6.4. Protection for victims of human trafficking or smuggling³⁷⁹

On the basis of Articles 61/2 to 61/5 of the Aliens Act, victims of human trafficking and certain aggravated forms of human smuggling can obtain a residence permit if they:

- ❖ cooperate with the judicial investigation;
- ❖ don't return to the environment of exploitation;
- ❖ agree to being accompanied by a specialised centre.

Three specialised centres – one for every region in Belgium³⁸⁰ – have been appointed as centres for reception and guidance of the victims. Throughout the residence procedure, victims must agree to be accompanied by these centres where they receive administrative, legal, and psychosocial support.

The residence procedure should be initiated by one of the three specialised centres. Initially, the applicant receives a temporary residence permit (annex 15) valid for 45 days, which allows the applicant to rest and to receive initial counselling.³⁸¹ Afterwards, the applicant receives a temporary residence permit valid for three months (attestation of matriculation).³⁸² During this time, the applicant is expected to cooperate with the judicial investigation against the persons who exploited them. This residence permit can be extended once with another three months if the prosecutor's office is still treating the file or if it is unclear whether the applicant's situation falls under the definition of human trafficking or human smuggling.³⁸³ As soon as the prosecutor's office decides to open a criminal investigation, the applicant receives a renewable temporary residence permit of 6 months.³⁸⁴ During the procedure, the temporary residence permit can be withdrawn if the applicant returns to the environment of exploitation,³⁸⁵ does not cooperate with the investigation³⁸⁶ or if the authorities end the investigation.³⁸⁷

Applicants in this procedure are given a permanent residence permit, taking the form of a B-card, if the criminal investigation leads to a conviction in first instance or when the prosecution has retained in its claim the charge of trafficking or smuggling of human beings and the statement or complaint of the applicant has been of significant importance to the proceedings.³⁸⁸

If the prosecutor's office dismisses the applicant's criminal complaint after a period of two years, the applicant can consider applying for humanitarian regularisation (see [Humanitarian regularisation](#)).

³⁷⁸ Information provided by the Immigration Office, March 2026.

³⁷⁹ Immigration Office, 'Human trafficking', last consulted on 3 April 2025, available [here](#).

³⁸⁰ Payoke in Flanders (www.payoke.be); Pag-asa in Brussels (pag-asa.be); Sürya in Wallonia (www.asblsurya.org)

³⁸¹ Article 61/2, §2, Aliens Act.

³⁸² Article 61/3, §1, Aliens Act.

³⁸³ Article 61/3, §2, Aliens Act.

³⁸⁴ Article 61/4, §1, Aliens Act.

³⁸⁵ Article 61/2, §3 and article 61/4, §2, 1°, Aliens Act.

³⁸⁶ Article 61/4, §2, 2°, Aliens Act.

³⁸⁷ Article 61/4, §2, 3°, Aliens Act.

³⁸⁸ Article 61/5, Aliens Act.

Residence permits granted to victims of human trafficking and smuggling ³⁸⁹				
	2021	2022	2023	2024
Bijlage 15	42	49	27	24
(Extension of) Attestation of matriculation	104	208	122	106
(Extension of) A-card	460	535	712	775
B-card	25	35	38	19
Order to leave the territory	0	0	0	0

6.5. Humanitarian regularisation³⁹⁰

Foreign nationals staying in Belgium can apply for the authorisation to stay in exceptional circumstances which justify that they apply for this authorisation while already being on the Belgian territory.³⁹¹ These 'exceptional circumstances' must demonstrate that it is impossible or very difficult for the applicant to apply for a residence permit at the Belgian embassy or consulate of the place of residence, which is the regular procedure to obtain a residence of more than 3 months based on Article 9 Aliens Act. Additionally, the applicant must provide reasons justifying their request to stay in Belgium. This procedure, commonly known as "(humanitarian) regularisation," is often used as a last resort by foreign nationals who do not qualify for other forms of protection. However, persons who receive a residence permit based on this procedure face significantly less favourable conditions compared to those seeking or receiving international protection.

The procedure for humanitarian regularisation can be initiated at all times, irrespective of other (ongoing or concluded) procedures. Although it can be started during a pending application for international protection, the Immigration Office will often wait on a decision in the asylum procedure before treating the application for humanitarian regularisation. The procedure can also be started after an application for international protection was rejected, even when the foreign national already received an order to leave the territory. There is no delay of treatment foreseen by law. The treatment is done based on the principle of 'first in first out', with the exception of situations of humanitarian urgency.³⁹²

The procedure is entirely written and can only be initiated by submitting a written application to the municipality of the applicant's actual residence. After conducting a residence check, the municipality forwards the file to the Immigration Office, which is responsible for reviewing and deciding on the application. During this process, applicants do not receive a temporary residence permit. As a result, if an applicant is residing irregularly at the time of applying for regularisation, they remain so throughout the procedure.

An application is assessed on both its admissibility and merits. For an application to be found admissible, it must contain:

- the proof of payment of an administrative fee ('retribution').³⁹³ This retribution is indexed on a yearly basis; since 1 January 2026, it is € 377;³⁹⁴
- Indication of the applicants' effective residence address in Belgium;³⁹⁵
- a proof of identity using an international passport or a national ID-card, unless the applicant proves that it is impossible to acquire such an identity document. The documents do not

³⁸⁹ Immigration Office, *Activity Report 2024*, available [here](#).

³⁹⁰ Immigration Office, 'Exceptional circumstances (article 9bis)', last consulted on 3 April 2025, available [here](#). Strictly speaking, humanitarian regularization is not considered a form of protection. However, the author of the report observes that it is often used as a last resort by foreign nationals who do not qualify for other forms of protection.

³⁹¹ Article 9bis Aliens Act.

³⁹² Information provided by the Immigration Office in the context of their right of reply, May 2025.

³⁹³ Article 1/1 Aliens Act.

³⁹⁴ Immigration Office, 'Contribution Fee', last consulted on 8 April 2026, available [here](#).

³⁹⁵ Article 9quater Aliens Act.

necessarily need to be valid. Applicants for international protection who have not received a final negative decision are exempt from this requirement.³⁹⁶

- the indication and proof of 'exceptional circumstances' making it 'impossible or very difficult' for the applicant to file the application at the Belgian embassy or consulate in their place of residence following the normal procedure of Article 9(2) Aliens Act. The Immigration Office assesses these exceptional circumstances on a case-by-case basis. The burden of proof is on the applicant. Being integrated in Belgium or having family legally residing here is not considered to be sufficient. Jurisprudence has accepted, for instance, the following situations as being 'exceptional circumstances': a return to the country of origin would constitute a violation of Article 3 or Article 8 ECHR because of a specific vulnerability of the applicant; administrative impossibility to obtain the necessary travel documents; a medical situation that forms an obstacle to return to the country of origin; war in the country of origin; etc. Elements that are invoked to justify the existence of 'exceptional circumstances' can also be invoked as grounds for the well-foundedness of the application.³⁹⁷ However, they have to be new: elements that have been analysed and rejected in a prior procedure to obtain a residence permit (9bis-, 9ter-, statelessness procedure or application for international protection) can be declared inadmissible.³⁹⁸

Applicants who have committed fraud in the regularisation procedure or who are danger to public order can be given a negative decision even if they meet the other admissibility criteria.

No clear criteria or indications can be found in law concerning the assessment of an application for humanitarian regularisation. The Immigration Office has a large discretionary power and decides on a case-by-case basis, although the decision should be motivated, and the motivation cannot be manifestly unreasonable. Based on practice, certain profiles can be considered to have higher chances on a positive decision:

- ❖ persons in a situation of specific vulnerability (previously referred to as persons in a 'pressing humanitarian situation'): the Immigration Office grants a residence permit if this is the only solution to prevent a violation of a human right. The Immigration Department must verify this in the context of every 9bis-application. Situations that qualify for this profile are diverse, for example: women and children who have been abused or exploited; parents of minor children with regular stay in Belgium; family with a child with a long-term residence permit going to school in Belgium.
- ❖ persons who have been subject to an 'unreasonably long' asylum or other residence procedure, if this is combined with other elements justifying the granting of a residence permit (e.g. work, knowledge of one of the national languages, participation to community life, ...). An asylum procedure is considered to be 'unreasonable long' if it has lasted four years, or three years for families with children going to school.

Applicants who receive a positive decision receive a temporary residence permit, taking the form of a renewable A-card that is valid for one year and that contains certain requirements regarding the extension. These requirements are not specified in law and can be issued on a case-by-case basis. In practice, they are often linked to integration and work requirements. If an applicant does not meet these requirements at the moment of extension, they could lose their residence permit. After five years, a permanent resident permit can be granted, taking the form of a B-card that is automatically renewed without being subject to conditions. Beneficiaries of humanitarian regularisation have a right to family reunification much like other third country nationals. Unlike beneficiaries of international protection, there is no grace period during which not all requirements have to be met.

Applicants who receive a negative decision have the right to appeal this decision before the Council for Alien Law Litigation (CALL). Unlike the procedure for international protection, the appeal is a non-suspensive annulment procedure.

³⁹⁶ Article 9bis, §1 Aliens Act.

³⁹⁷ Council of State 9 April 1998, n°73.025.

³⁹⁸ Article 9bis, §2 Aliens Act.

Humanitarian regularisation applications and decisions per year ³⁹⁹				
Year	Applications	Positive	Negative	Without subject
2021	5,030	1,300	1,546	279
2022	4,388	1,314	2,411	498
2023	4,054	2,230	3,084	677
2024	4,861	2,501	2,993	618
2025	5,514	2,879	N/A	N/A

In 2024 the Immigration Office gave 2,501 positive decisions in the humanitarian regularisation procedure, regarding 3,868 persons. The main countries of origin of persons receiving a positive decision were Morocco (544 persons), Congo DRC (317 persons) and Albania (281 persons). Of the 2,993 negative decisions in 2024, almost all (2,946) were inadmissibility decisions due to a lack of exceptional circumstances. On 31 December 2024 there were still 2,975 pending applications for humanitarian regularisation.⁴⁰⁰ In 2025 the Immigration Office gave 2,879 positive decisions in the humanitarian regularisation procedure.⁴⁰¹

6.6. Return procedure

Applicants who receive a final negative decision in their asylum procedure, receive a return decision (order to leave the territory: *ordre de quitter le territoire (FR)* or *bevel om het grondgebied te verlaten (NL)*). In the context of a [Dublin procedure](#), the decision of refusal of residence includes a return decision⁴⁰². A negative decision taken by the CGRS (refusal of international protection) does not include a return decision. A return decision can only be taken by the Immigration Office after the legal time limit to introduce an appeal at the CALL has expired or, in case an appeal is lodged after the CALL has responded negatively. Only in cases concerning a second or further subsequent application (meaning: starting from the 3rd application), an appeal does not have a suspensive effect, and the Immigration Office will be able to take a return decision (annex 13quinquies) immediately after a decision of non-admissibility from the CGRS.

In principle, the return decision provides a term of 30 days to voluntarily leave the territory. In certain specially defined situations - , the term can be shorter, with a minimum of 7 days. However, the term can be less than 7 days or even 0 days in case certain circumstances, such as there being a risk of absconding, the person having disregarded a preventive measure (see [Alternative measures to detention](#)) or the person being a threat to public order or national security. The term can also be shortened this way for asylum applicants who have received a decision declaring their application inadmissible because no new elements had been provided in the context of a subsequent application for international protection (see [Subsequent applications](#)) or whose application has been declared manifestly unfounded (see [Accelerated procedure](#)). Persons having received a return decision can introduce a motivated application to prolong the term provided, by proving that the voluntary return cannot be organised within the indicated timeframe. The Immigration Office can also proactively decide to provide a longer term, considering the specific circumstances of the persons involved.⁴⁰³ During this term provided for voluntary return, the person is protected from forced return.⁴⁰⁴

³⁹⁹ Immigration Office, Activity reports, available in French and Dutch [here](#)

⁴⁰⁰ Information provided by the Immigration Office through their right of reply, May 2025.

⁴⁰¹ Further data on humanitarian regularisation decisions will be published in the annual report later this year.

⁴⁰² For context, in Belgium, everyone receiving a final rejection on their residence procedure will also receive an 'order to leave the territory' (*bevel om het grondgebied te verlaten / ordre de quitter le territoire*). This document does not indicate which country the person needs to go to when leaving Belgium (i.e., it could be their country of origin or another country where they have a right of residence or stay). This also occurs in the context of a Dublin procedure.

⁴⁰³ Article 74/14 §1 Aliens Act.

⁴⁰⁴ Article 74/14 §2 Aliens Act.

Before issuing a return decision, the Immigration Office needs to check whether a return of the rejected applicant would violate fundamental rights such as Article 3 ECHR and Article 8 ECHR. In this regard, the CGRS can include in a refusal decision a 'clause of no-removal': a non-binding advice for the Immigration Office to not return a person to their country of origin because of a potential risk of inhuman treatment in case of return. For example, the CGRS can do this if it excludes a person from international protection or when it withdraws or revokes a previous decision granting someone international protection.

Mid 2021, a specific cell with 3 legal experts was created within the Immigration Office to verify whether the detention and/or expulsion would violate Articles 3 and 8 ECHR (for more information on the 'Article 3 cell': see [Detention on the territory](#)). According to the Council of State, the Immigration Office, when issuing a return decision, needs to explicitly motivate in what way it considered certain fundamental rights such as the best interest of the child, the family life and the health situation of the person.⁴⁰⁵ However, European and Belgian national case law are not yet aligned on the question of whether the risk of violation of fundamental rights needs to be determined at the moment the return decision is taken or only at the moment of its execution. The CALL⁴⁰⁶ and the Council of State⁴⁰⁷ have previously judged that this risk must be assessed when the Immigration Office takes a return decision. The 'Commission Bossuyt' (a commission instituted by the Minister for asylum and migration with the mission of evaluating the policies on voluntary and forced return of migrants in Belgium) believes that it follows from the case law of European courts, the Belgian constitutional court and the will of the Belgian legislator, that this risk only needs to be determined at the moment of the execution of a return decision and not at the moment it is issued.⁴⁰⁸

When taking a return decision, the Immigration Office must also consider the best interest of the child, the private- and family life and the health situation of the person(s) concerned.⁴⁰⁹

The Belgian return policy consists of two pillars: voluntary and forced return.⁴¹⁰ As a rule, voluntary return is prioritised. Only if a foreign national in irregular stay does not voluntarily comply with an order to leave the territory, can a forced return procedure be applied. On 12 May 2024 a new law for a 'proactive return policy' was adopted.⁴¹¹ This law, which has as a baseline 'voluntary if possible, forced when needed', contains several measures aiming to make the return trajectory as efficient as possible. It contains measures that allow for the intensive assistance of persons during the voluntary return procedure, extra alternative measures to detention, as well as certain actions that can be taken during a detention measure taken in the context of a forced return procedure.

6.6.1. Voluntary return procedure

Applicants who receive a return decision can either leave the Belgian territory by their own means or apply to the voluntary return programme, which offers tailored support to people who wish to return. The return is then organised from Belgium and includes transport costs and travel assistance, and sometimes also a return grant and possible reintegration support in the country of origin, depending on the situation of the person.

⁴⁰⁵ Council of State 9 June 2022, nr. 253.942, available in French at <https://bit.ly/3GIIesz> and Council of State 28 March 2022, nr. 253.374, available in Dutch at <https://bit.ly/3mcj1Ua>.

⁴⁰⁶ E.g. CALL 8 March 2018, nr. 200.933; CALL 9 March 2018, nr. 200.976 and 200.977; CALL 5 September 2018, nr. 208.785; CALL 12 October 2018, nr. 210.906; to be consulted on the website of the CALL: <https://www.rvv-cce.be/nl/arr>

⁴⁰⁷ E.g. Council of State (11th Chamber), 28 September 2017, nr. 239.259, p. 5; Council of State (11th Chamber), 8 February 2018, nr. 240.691, p. 9; Council of State (14th Chamber), 29 May 2018, nr. 241.623, points 7 and 8; Council of State (14th Chamber), 29 May 2018, nr. 241.625, points 8 and 9;

⁴⁰⁸ Final report of the Commission for the evaluation of the policy concerning voluntary and forced return of migrants, 15 September 2020, available in Dutch at <https://bit.ly/3YEUTGR>, p. 25 etc.

⁴⁰⁹ Article 74/13 Aliens Act.

⁴¹⁰ Immigration Office, 'Voluntary return', available in English [here](#) (last consulted on 28 March 2025).

⁴¹¹ Chamber of representatives, Act on proactive return policy, 12 May 2024, available in Dutch and French [here](#).

Fedasil is the government agency responsible for the voluntary return program from Belgium. The return journey is organised by Fedasil or by its partner organisations, the International Organisation for Migration (IOM) or Caritas. To inform and assist migrants in the event of a voluntary return, Fedasil has return desks in Brussels, Ghent, Antwerp, Liège and Charleroi.⁴¹² In addition, an entire network of organisations – social services, NGOs, municipalities, migrant organisations – is also qualified to inform migrants about voluntary return and support them in their decision. To inform applicants for international protection, social workers and return counsellors are present in the reception centres. Fedasil has a website on voluntary return (<https://www.voluntaryreturn.be/en-gb>), that provides information on the voluntary return procedure in 19 languages.

Since 2021, applicants are intensively guided towards voluntary return by so-called ‘return-coaches’ or ‘ICAM-coaches’.⁴¹³ After receiving an order to leave the territory, they are invited to a series of interviews, during which their file will be discussed with an ICAM-coach. The aim is to steer the person concerned towards a sustainable solution either in their country of origin or in another country where they have the right of residence, or in Belgium, and to put an end to their illegal stay in Belgium. If no options can be identified to obtain a residence permit in Belgium, the person will be guided towards a return procedure.⁴¹⁴ Although the program was set up in 2021, the ICAM-procedure was only officially enshrined in the law in May 2024 by the law on a ‘proactive return policy’.⁴¹⁵

The ICAM procedure comprises the following stages:⁴¹⁶

1. analysing the foreign national's stay in Belgium;
2. informing and advising foreign nationals on their residency situation in Belgium and on the administrative and legal procedures available;
3. assessing the foreign national's return options;
4. identifying obstacles to the foreign national's return and seeking solutions to overcome them;
5. scheduling follow-up interviews if necessary;
6. if necessary, summoning the foreign national to ask them to take the necessary steps to obtain and present the documents required for their return or effective removal.

The main target groups for the ICAM-trajectories are:

- ❖ Families and individuals, including unaccompanied minors, in irregular stay. They receive an invitation for an interview at their last known address. In 2024, 7,205 of such invitations have been sent out, which led to 2,403 ICAM-interviews, mainly with persons from Morocco (539), Albania (313), Cameroon (232), Afghanistan (227) and Brazil (210).⁴¹⁷ The Immigration Office can conduct ‘house visits’ if persons do not show up for their ICAM-interview. They go to the last communicated address of the person to verify whether they still live there and to try to convince them to participate in the coaching trajectory. In 2024, the Immigration Office conducted 2,058 house visits, more than double the number of 2023; in 733 cases, they were able to get in contact with the person, in 439 cases, the person did not live at the address anymore and in 886 cases it was not possible to establish whether the person was still living at the address. For 607 persons, the ICAM-trajectory led to a durable solution: 326 persons returned to their country or origin or where they have legal residence, 281 persons received a residence permit in Belgium. For 4,792 persons, the ICAM-trajectory was ended without a solution being reached.⁴¹⁸

⁴¹² A list of the return desks is available [here](#).

⁴¹³ Immigration Office, ‘What is ICAM coaching’, last consulted on 3 April 2025, available [here](#).

⁴¹⁴ Immigration Office, Annual Rapport 2023, available in French [here](#) (p. 63) and in Dutch [here](#) (p. 61).

⁴¹⁵ Article 74/24 Aliens Act, introduced by article 27 of the Law of 12 May 2024 on a proactive return policy, available in Dutch [here](#) and in French [here](#).

⁴¹⁶ Article 74/24, §1 Aliens Act

⁴¹⁷ Immigration Office, Annual Rapport 2023, available in French [here](#) (p. 63) and in Dutch [here](#) (p. 61).

⁴¹⁸ Immigration Office, Annual Report 2024, available in Dutch [here](#) (p. 63) and French [here](#) (p. 62).

In a few cities and municipalities, pilot projects on ‘future orientation’ of persons in irregular stay have been set up between the Immigration Office and certain local partners. The department of ‘Alternatives to Detention’ actively supports the local partners in these projects.⁴¹⁹

- ❖ Applicants for international protection with a negative Dublin-decision (annexe 26quater) or a final negative decision in their asylum procedure (annexe 13quinquies). For these categories, the ICAM-procedure can take place, depending on the situation:
 - In an open return place of one of the five Fedasil centres with such places (with a total of 360 places; see [‘Return track’ and assignment to an open return place](#)). ICAM-coaches are present 2 days a week in the centres with open return places to conduct such interviews. If a person does not show up for an interview, the Immigration Office notifies Fedasil, which can then limit the right to material assistance.⁴²⁰ In 2024, 1,028 persons were invited for a first conversation with an ICAM-coach in the context of their stay in an open return place (this number does not include follow-up meetings); of which 716 persons with an annexe 26quater and 312 persons with an annexe 13quinquies. 818 of them showed up for a first meeting (637 with an annexe 26quater, 181 with an annexe 13quinquies).⁴²¹ If a derogation to the transfer to an open return place is granted, the applicant can stay in the first reception centre and the return track is continued in this reception centre, albeit in a slightly different format than the track in the context of the open return places.⁴²² (see [‘Return track’ and assignment to an open return place](#))
 - In the Dublin-centre of Zaventem, managed by the Immigration Office, through a ‘fast track’-coaching procedure. 4 ICAM-coaches are permanently stationed in the centre of Zaventem to this purpose. In 2024, 1,704 ICAM-interviews took place in the centre of Zaventem. This decrease compared to 2023 (2,235 interviews) is largely due to a lower occupation rate of the centre due to a bed bug infestation and to the fact that in the concept of the non-reception policy, more families are assigned to the centre of Zaventem.⁴²³
 - At the ‘Dublin Pacheco desk’⁴²⁴, for persons with an annexe 26quater who are not in the reception network. In 2024, 2,195 persons were invited for a first ICAM-interview at the Dublin Pacheco desk; 620 showed up for their first ICAM-interview. 55 persons opted for a voluntary return to the Dublin state or their country of origin.⁴²⁵

Attendance to these ‘ICAM interviews’ is mandatory. Not attending without giving valid justification can be considered as a ‘failure to cooperate’⁴²⁶ with return procedures that may, eventually, result in detention and a forced return. The law explicitly states that failure to cooperate with the individual coaching trajectory can lead the Immigration Office to consider a less coercive measure to detention inefficient.⁴²⁷ Not attending to an ICAM-interview can also be considered as a sign of ‘absconding’, which may lead to the prolongation of the transfer term from 6 to 18 months for applicants with a negative Dublin-decision (annexe 26quater) (see [Transfers and the return procedure](#)).

Lawyers may accompany their clients during the ICAM-interview, but as this relatively new procedure has not yet been included in the ‘nomenclature’ of the legal aid system, these services are not automatically covered by legal aid. In the meantime, it depends on each bar association whether this service is covered for their member-lawyers. In practice, few lawyers assist their clients during the ICAM-interviews.⁴²⁸

⁴¹⁹ Immigration Office, Annual Rapport 2023, available in French [here](#) (p. 67) and in Dutch [here](#) (p. 65).

⁴²⁰ Article 4, §1, 2° Reception Act.

⁴²¹ Immigration Office, Annual Report 2024, available in Dutch [here](#) (p. 66) and French [here](#) (p. 65).

⁴²² Fedasil Instruction 19 June 2024, *The return track and open return places*, available in Dutch [here](#) and in French [here](#); p. 4-5.

⁴²³ Immigration Office, Annual Report 2024, available in Dutch [here](#) (p. 63) and French [here](#) (p. 62).

⁴²⁴ This desk is situated in the main building of the Immigration Office at Boulevard Pacheco 44, 1000 Bruxelles.

⁴²⁵ Immigration Office, Annual Report 2024, available in Dutch [here](#) (p. 66) and French [here](#) (p. 66).

⁴²⁶ Article 74/22 §1 4° Alien Act.

⁴²⁷ Article 74/28 §3, al. 3, 2° Aliens Act.

⁴²⁸ Information based on exchanges with members of the Brussels Bar Association.

Voluntary return can also be organised from a detention centre. Detention centres, as well as return houses for families with minor children (see [return houses](#)) are officially registered as independent voluntary return partners. Return coaches from detention centres must convince the persons detained pending their return to cooperate in returning and, if appropriate, to join the voluntary return programme. Assistance in the context of voluntary return does not automatically apply to all persons held in detention centres. In principle, this assistance is not provided to foreign nationals who have committed crimes.⁴²⁹

In 2025, 3,122 persons returned voluntarily to their country of origin. Most of the returnees were migrants without a residence permit in Belgium; to a lesser extent also asylum seekers and persons at the end of their asylum procedure. Most people returning voluntarily are from Brasil (948, compared to 1000 in 2024), Moldavia (282, compared to 422 in 2024), Syria (219, compared to 6 in 2024), Colombia (153, compared to 122 in 2024).⁴³⁰

6.6.2. Forced return procedure

Applicants who do not voluntarily comply with a return decision can be subject to a forced return procedure. The Immigration Office can take measures in view of a forced return after the expiration of the term of voluntary return indicated on the return decision, or if no term to leave the territory was provided.⁴³¹ The forced return procedure takes place in the context of detention. One can only be administratively detained in view of an effective removal of the territory (see [Grounds for detention](#)). Prior to such a detention measure, alternative measures to detention must be considered (see [Alternatives to detention](#)).

If the return is towards a neighbouring country, a car can be used. In other cases, the return is done using train, a scheduled flight with or without an escort or a special flight.⁴³² The escort can be provided by designated members of the federal police, staff members of the Immigration Office, or Frontex staff active on the Belgian territory.⁴³³ If the former two conduct an escort on an airplane, they shall carry out their escort duties under the authority and operational direction and coordination of a police officer.⁴³⁴ The staff members of the Immigration Office are allowed to use certain means of coercion after receiving a special training.⁴³⁵

The use of force and presence of an escort is based on the willingness to return and follows a 'sliding scale'.⁴³⁶ The Immigration Office first gives the choice to the returnee to return without an escort. After a refusal to return without resistance, an escorted return is carried out, if possible, immediately or as soon as possible.⁴³⁷ The Immigration Office can also proceed immediately with an escort on the plane, provided by the Federal Police, if the person has already made it clear in the detention centre or prison that they absolutely do not want to leave and will resist. In addition, if, based on the profile of the person to be returned and the risk analysis, in terms of the probability 'that something may or may not happen' and in terms of the consequences/impact, a Federal Police escort on board the aircraft can be immediately provided as a preventive measure. Persons who pose a high security risk, such as persons convicted of terrorism or who pose a threat because of their attitude and radical actions, are always escorted.

By a Belgian Act of 16 May 2024, specified by a Royal Decree of 15 May 2025, European border guards of Frontex are allowed to operate within the Belgian territory under the authority of Belgian police. They

⁴²⁹ Immigration Office, *Voluntary return*, available in English [here](#) (last consulted on 28 March 2025).

⁴³⁰ Information on voluntary return provided by Fedasil, March 2026.

⁴³¹ Article 74/15 Aliens Act.

⁴³² Immigration Office, 'Return', consulted on 3 April 2025, available [here](#). A special flight is a form of return using a non-commercial aircraft (military or civilian) equipped for the purpose of returning one or more foreign nationals of a well-defined nationality or of several nationalities, in cooperation or not in cooperation with other European countries.

⁴³³ Article 28/1, §2 Aliens Act, introduced by Article 6 of the Law of 12 May 2024 on a proactive return policy.

⁴³⁴ Article 28/1, §2 second paragraph Aliens Act

⁴³⁵ Article 28/2 Aliens Act

⁴³⁶ Immigration Office, 'Steps in return', consulted on 3 April 2025, available [here](#).

⁴³⁷ Article 27 Aliens Act.

can be deployed at border controls and to assist in forced return operations.⁴³⁸ As of September 2025, Frontex officers are effectively deployed in Brussels Airport, specifically in the context of return operations.⁴³⁹

In some cases, the Immigration Office will try to reimburse the costs of the forced return from the foreign national in question, the guarantor, the employer (in case of undeclared labour) or the carrier. If the foreign national wants to return to Belgium after a forced return and is subject to the visa requirement, they will first have to pay the return costs. If the foreign national does not need a visa to enter Belgium, the costs will be recovered once they arrive in Belgium.⁴⁴⁰ In 2024 the Immigration Office claimed € 72,235.64 from employers, and € 1,361,290.38 from foreign nationals, a significant increase compared to 2023. €887,940.34 was effectively recovered.⁴⁴¹

Type of removals (2021 – 2025)						
Year	Forced returns			Refolements at the border	Transfer of detainees between countries	Total
	To country of origin	Dublin	Bilateral Agreement			
2021	1,140	366	208	1,237	91	3,042
2022	1,912	735	271	1,752	67	4,737
2023	2,011	1,075	297	1,843	96	5,322
2024	2,188	819	263	1,883	90	5,243
2025	N/A	N/A	N/A	N/A	N/A	N/A

Number of forced returns per transportation method						
Year	Flight without escort	Flight with escort	Car	Special Flight	Train	Total
2021	1,478	53	430	18	5	1,984
2022	2,050	193	608	51	16	2,918
2023	2,174	331	762	114	2	3,383
2024	2,146	429	593	101	1	3,270
2025	N/A	N/A	N/A	N/A	N/A	N/A

Source: Immigration Office, *Activity Report 2024*, available in Dutch [here](#), 79-82.

In 2024, 5,243 removals were conducted. These consisted of 1,883 refolements at the border, 90 transfers of detainees and 3,270 forced returns. The number of forced returns decreased slightly (-3,34%), with an increase in forced returns to the country of origin (+8%, most significant increase related to Morocco) compared to a significant decrease of Dublin transfers (-24%). The most recurring nationalities among forced returnees were Albania (445), Morocco (354), Romania (191), Brasil (178) and Algeria (172).⁴⁴²

In 2025, the Belgian minister of Asylum and Migration announced that she intended to discuss the return of Afghans with the Taliban-regime, more specifically the identification and issuing of identity-documents

⁴³⁸ Act of 16 May 2024 regarding the competences on the national territory of the European boarder and costal guard, available in Dutch and French [here](#); Royal Decree of 15 May implementing Article 4(3) of the Act of May 16, 2024, on the powers of members of the European Border and Coast Guard on national territory, available in Dutch and French [here](#).

⁴³⁹ EMN, *Frontex officers begin operations at Brussels Airport*, 8 September 2025, available in English [here](#).

⁴⁴⁰ Immigration Office, 'Reimbursement of return expenses', consulted on 3 April 2025, available [here](#).

⁴⁴¹ Immigration Office, *Annual Report 2024*, available in Dutch [here](#) and French [here](#) (p. 85).

⁴⁴² Immigration Office, *Activity Report 2024*, available in Dutch [here](#), 79-82.

to undocumented Afghans.⁴⁴³ The Minister has subsequently led efforts to coordinate European action in this regard, leading to an exploratory mission to Afghanistan in January 2026, to which the Belgian Director General of the Immigration Office participated. A follow-up visit by a Taliban representative to Belgium is planned to discuss practical arrangements. The initiative has been met with criticism and concern by NGO's.⁴⁴⁴

D. Guarantees for vulnerable groups

1. Identification

Indicators: Identification

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum applicants? ☒ Yes ☐ For certain categories ☐ No
 ❖ If for certain categories, specify which:
2. Does the law provide for an identification mechanism for unaccompanied children? ☒ Yes ☐ No

The Aliens Act defines as vulnerable persons: minors (accompanied and unaccompanied), disabled persons, pregnant women, elderly persons, single parents with minor children and persons having suffered torture, rape or other serious forms of psychological, physical or sexual violence.⁴⁴⁵

The Reception Act mentions more profiles, and reflects the non-exhaustive list contained in Article 21 of the recast Reception Conditions Directive, referring to 'children, unaccompanied children, single parents with minor children, pregnant women, disabled persons, victims of human trafficking, elderly persons, persons with serious illness, persons suffering from mental disorders and persons having suffered torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation'.⁴⁴⁶ However, there is no common policy nor practice, both regarding the asylum procedure and reception, to address the situation of all vulnerable applicants.⁴⁴⁷

1.1. Screening of vulnerability

Both the Immigration Office and the CGRS have own arrangements in place for the identification of vulnerable groups.

The Registration Unit of the Immigration Office screens all applicants upon registration on their potential vulnerability and in view of special procedural needs. The employees of the Registration Unit receive training in the detection of vulnerabilities and can ask assistance of the Vulnerability Unit,⁴⁴⁸ which consists of officials who are trained to identify vulnerabilities and to conduct interviews with persons with a vulnerable profile.⁴⁴⁹ The Immigration Office uses a registration form in which it is indicated if a person is a (unaccompanied) minor, + 65 years old, pregnant, a single woman, LGBTI, a victim of trafficking, victim of violence (physical, sexual, psychological), has children, or has medical or psychological problems.⁴⁵⁰

⁴⁴³ VRT News, 'Minister of Asylum and Migration Van Bossuyt wants to talk to Taliban to be able to return more Afghans', 3 October 2025, available in Dutch [here](#).

⁴⁴⁴ VRT News, 'Minister of Asylum and Migration Van Bossuyt wants to talk to Taliban to be able to return more Afghans', 3 October 2025, available in Dutch [here](#); EMN Belgium, Anneleen Van Bossuyt confirms Belgium's participation in exploratory administrative mission to Afghanistan, 24 January 2026, available in English [here](#).

⁴⁴⁵ Article 1(12) Aliens Act.

⁴⁴⁶ Article 36 Reception Act.

⁴⁴⁷ In this regard see: Saroléa, S., Raimondo, F., Crine, Z., 'Exploring Vulnerability's Challenges and Pitfalls in Belgian Asylum System – Research Report on the Legal and Policy Framework and Implementing Practices in Belgium', 2021, available at: <https://tinyurl.com/5n87tacv>.

⁴⁴⁸ Information provided by the Immigration Office in the context of their right of reply, May 2025.

⁴⁴⁹ CBAR-BCHV, *Trauma, geloofwaardigheid en bewijs in de asielprocedure* (Trauma, credibility and proof in the asylum procedure), August 2014, available in Dutch at: <http://bit.ly/1MiiYbk>, 66-69.

⁴⁵⁰ Fedasil, *Study into vulnerable persons with specific reception needs*, February 2017, available at: <http://bit.ly/2jA2Yhj>.

These categories offer a broader definition than the one provided in the Aliens Act and the Reception Act. The form further offers an empty space for additional information, often used in practice to indicate urgent needs, e.g. medical needs.

At the CGRS level, the identification and assessment processes is not limited to detecting vulnerabilities as such but rather lies in identifying and assessing the need for special procedural guarantees arising from one or more vulnerabilities (see [Special procedural guarantees](#)). Two vulnerability-orientated units have been established that render support to protection officers dealing with such cases:

- ❖ A 'Gender Unit' trained following the EUAA module on Gender, Gender Identity & Sexual Orientation helps ensure that gender-related applications for international protection are adequately addressed. Gender-related asylum applications include claims based on sexual orientation, gender identity or sexual characteristics (LGBTI), fear of undergoing Female Genital Mutilation (FGM), honour crimes, forced marriages, domestic violence, sexual violence;⁴⁵¹
- ❖ A 'Minors Unit', headed by an appointed coordinator, ensures a harmonised approach, information exchange and exchange of best practices. Unaccompanied minors are only interviewed by specially trained protection officers, who follow the EUAA training module on Interviewing Children.⁴⁵²

Since 2023, the CGRS is implementing a project with financial support from the EU Asylum, Migration and Integration Fund (AMIF) which particularly addresses vulnerabilities and special procedural needs of a medical or psychological nature⁴⁵³. The project examines possibilities regarding early identification and provision of information to applicants with medical and/or psychological vulnerabilities, the development of trainings and tools for protection officers and the elaboration of the possibility for the CGRS to request medical recommendations from a healthcare professional. In the context of this project and with input from the Superior Health Council and the medical service of Fedasil, the CGRS published recommendations on the use of medical elements in the asylum procedure in July 2024. The recommendations enumerate the situations in which elements relating to the medical situation of the applicant can be relevant, and contains recommendations related to the form and content of the medical reports that are drawn up.⁴⁵⁴ The CGRS has organised several online information sessions for professionals in the (mental) health care sector and other stakeholders to inform about these recommendations and gather input for further finetuning. Further, the CGRS compiled several practical information sheets for its protection officers. These sheets address emotional and physical reactions related to trauma that may occur among applicants and that can affect the personal interview. In addition, the CGRS has developed two internal workshops for protection officers: one focusing on the practical application of the information sheets, and another on the interpretation of medical and psychological documents submitted during the asylum procedure. The CGRS also regularly organizes information sessions for protection officers, to which external experts are invited to speak on topics related to vulnerability in the asylum procedure. Finally, the CGRS coordinates two thematic working groups aimed at improving the participation of applicants with physical and/or mental vulnerabilities during the personal interview and at strengthening the framework used to assess their applications. The CGRS aims to continue this work within the framework of a new AMIF-funded project in 2026–2027.⁴⁵⁵

At the moment of registration, unaccompanied children applying for asylum are handed the brochure 'Guide for the unaccompanied Minor who applies for asylum in Belgium', published by the CGRS in different languages. The Aliens Act also has specific provisions on the procedures for unaccompanied children when they do not apply for asylum. Unaccompanied children should always be accompanied by

⁴⁵¹ Information provided by the CGRS, 21 December 2022.

⁴⁵² Information provided by the CGRS, 24 August 2017.

⁴⁵³ CGRS, 'CGRS Project 'Vulnerability and asylum: applicants for international protection'', available in English [here](#).

⁴⁵⁴ CGRS, Recommendations on the use of medical elements in the context of an application for international protection, June 2024 (updated October 2024), available in Dutch [here](#) and in French [here](#).

⁴⁵⁵ Information provided by the CGRS, April 2026.

their guardians during interviews. In contrast, accompanied children who apply separately or who request to be heard by the CGRS during the procedure of their parents should only be accompanied by the lawyer and person of trust during the first interview. If there are more interviews at a later stage, the CGRS can also interview the child alone.⁴⁵⁶

1.2. Age assessment of unaccompanied children

The Guardianship service has the general mission to streamline a system of tutors (guardians) intended to find a durable solution for unaccompanied children who are not EU citizens in Belgium, whether they apply for asylum or not (see [Legal representation of unaccompanied children](#)). The service must first check the identity of the person who declares or is presumed below 18. If the Guardianship service itself or any other public authority responsible for migration and asylum, such as the Immigration Office, has any doubt about the person concerned being underage, a medical age assessment can be ordered at the expense of the authority applying for it.⁴⁵⁷

Age assessment in Belgium consists of scans of a person's teeth, wrist, and clavicle. These scans determine the developmental stages of a person's bones and teeth. Thus, when the applicant's age is unknown, it is estimated by comparing their development stage to that of persons in the reference study population.⁴⁵⁸ Following critiques around the accuracy of the medical test to establish the age of non-Western children by order of Physicians,⁴⁵⁹ a margin of error of 2 years is considered.

An applicant may challenge an age assessment before the Council of State through a non-suspensive appeal. However, the court is not competent to review elements such as the reliability of the medical examination results or the evidentiary value of identity documents. It can only check if the competent authorities had the right to conduct an age assessment according to the law. This procedure is lengthy, often taking longer than a year, so the person often becomes an adult before the Council of State has reached a final decision. Accordingly, the procedure is not an effective appeal and has been met with criticism.⁴⁶⁰

The systematic use of medical tests in the context of the age assessment procedure and the prevalence of this method over other methods to determine the age of self-declared minors, has been subject to criticism for a long time.⁴⁶¹ In 2022, an expert committee tasked with the evaluation of the medical methods used during the age assessment published 17 proposals on optimising these methods and on how to come to a uniform age assessment procedure.⁴⁶²

Different courts have recently confirmed that age assessments cannot solely be based on medical tests, and that these should even only have a subsidiary role in the age assessment procedure. If an original birth certificate is produced, the authenticity of which is not questioned, the Court of First Instance in Liège found that the results of the medical tests, due to their unreliability, cannot prevail above the information in the birth certificate.⁴⁶³ The Court of First Instance of Namur confirmed that, when several official identity documents all indicate the same date of birth, they have more evidential value than the results of the medical tests. The court again refers to the unreliable character of the tests.⁴⁶⁴ Finally, the Council of State stated in 2024 that age determination based on medical tests should be thoroughly motivated. In this

⁴⁵⁶ Article 57/1(3) Aliens Act.

⁴⁵⁷ Article 7 UAM Guardianship Act.

⁴⁵⁸ Myria, *Contact Meeting September: answer provided by Guardianship Service*, 15 September 2021, available in French and Dutch at: <https://bit.ly/3AMqXOR>.

⁴⁵⁹ Order of Physicians, *Age assessment tests for foreign unaccompanied minors*, 20 February 2010, available in French at: <http://bit.ly/1MBTGpj> and Dutch at: <http://bit.ly/1HiSvex>.

⁴⁶⁰ Platform Kinderen op de vlucht, *Leeftijdsschatting van NBMV in vraag: probleemstelling, analyse en aanbevelingen*, September 2017, available in Dutch at: <http://bit.ly/2GyEJsd>.

⁴⁶¹ See inter alia previous updates to this country report, available [here](#).

⁴⁶² De Tobel, J. & Thevissen, P., *Adviesraad medische leeftijdsonderzoeken*, 30 June 2022.

⁴⁶³ Court of First Instance Liège, Decision n° 22/1560/B of 16 June 2023, available in French [here](#).

⁴⁶⁴ Court of First Instance Namur, Decision n° 24/147/B of 17 April 2024, available in French [here](#).

case, the medical report on which the determination was based did not clearly explain how the different medical tests, which each led to different results, were combined to arrive at the final age determination.⁴⁶⁵

On 6 March 2025, the European Court of Human Rights found a violation of Article 8 ECHR on the grounds that the age assessment procedure in Belgium lacks adequate procedural safeguards. The Court held that the applicant had not been given the opportunity to consult with a guardian or legal representative before undergoing the medical examinations and that she had been insufficiently informed about the tests and the necessity of her explicit and informed consent. Moreover, the authorities had failed to assess whether alternative, less intrusive methods could have been used which could have allowed for a preliminary assessment of her age based on other available evidence.⁴⁶⁶ Following this judgment, as of April 2025, a representative of the Guardianship service is present in the registration centre for asylum applications. In case of doubt about an applicant being underage, they will question the applicant, verify available documents and other elements and ask the applicant to sign an attestation indicating that they have been informed about the age doubt, the medical age assessment and the possibility to refuse this. In case of refusal, the Guardianship service bases the age assessment on other elements in the file, such as declarations made before the Immigration Office or in another country, as well as the assessment made by the representative of the Guardianship service (visible aspects, alias, ...).⁴⁶⁷

In 2025, 3,328 unaccompanied children were registered in the country, a decrease of 18% compared to 2024.⁴⁶⁸ 1,673 applicants declared themselves unaccompanied minor on the moment of their application for international protection, a decrease of 35,5% compared to 2024.⁴⁶⁹ The top 5 nationalities (among those applying for asylum) were⁴⁷⁰:

Unaccompanied children applying for asylum: 2025	
Country	Number
Eritrea	595
Afghanistan	306
Guinea	139
DRC	77
Palestine	73

Source: Immigration Office⁴⁷¹

In 1,647 cases (around half of the cases – this relates to all registered unaccompanied children, not only those applying for asylum), doubt was expressed about the age of the declared minors. In 1,224 cases, an age assessment was conducted. Of these assessments, 973 found the declared minor to be over 18 years old, 282 under 18 years old.⁴⁷²

⁴⁶⁵ Council of State, Decision n° 260.988 of 10 Octobre 2024, available in French [here](#).

⁴⁶⁶ ECtHR, Decision n° 47836/21 of 6 March 2025, available in French [here](#).

⁴⁶⁷ Myria, *Contact Meeting November 2025*, available in French and Dutch [here](#).

⁴⁶⁸ Myria, *Contact Meeting January 2026*, p. 46-47, available in Dutch and French [here](#).

⁴⁶⁹ Immigration Office, *Applicants for International Protection – Monthly Statistics, December 2025*, available in Dutch [here](#) and in French [here](#), 7-9.

⁴⁷⁰ 400 persons with the Ukrainian nationality were registered as an unaccompanied minor in 2025; Myria, *Contact Meeting January 2026*, p. 46-47, available in Dutch and French [here](#).

⁴⁷¹ Immigration Office, *Applicants for International Protection – Monthly Statistics, December 2025*, available in Dutch [here](#) and in French [here](#), 7-9.

⁴⁷² Myria, *Contact Meeting January 2026*, p. 46-47, available in Dutch and French [here](#).

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people?
☒ Yes ☐ For certain categories ☐ No
- ❖ If for certain categories, specify which:

The Immigration Office and the CGRS are required to assess whether an applicant for international protection has special procedural needs and to take these into account by providing appropriate support throughout the procedure, insofar as such needs have been sufficiently substantiated and where the applicant's rights would otherwise be adversely affected or where the applicant would be unable to comply with the obligations imposed on them.⁴⁷³ Such special procedural safeguards may, broadly speaking, relate to:

- ❖ the planning of the personal interview (e.g. the prioritisation or postponement of the personal interview due to pregnancy, post-operative recovery or severe psychological fragility);
- ❖ the circumstances and setting in which the personal interview is conducted (e.g. handling of the case by specialised protection officers, presence of a person of trust, or the provision of a sign-language interpreter for hearing-impaired applicants);
- ❖ time limits for processing the application and taking a decision (e.g. granting additional time to collect relevant elements in support of the application where individual and personal vulnerabilities may affect the applicant's ability to participate fully and effectively in the procedure);
- ❖ the type of procedure applied (e.g. the discontinuation of an accelerated or border procedure due to special procedural needs, in particular where these arise from torture, rape or other serious forms of psychological, physical or sexual violence that are incompatible with shortened processing time limits or with a situation of detention);
- ❖ the administrative processing of the application (e.g. the separation of the application from that of a partner or an accompanied minor due to intra-familial violence or individual asylum grounds, and in light of the best interests of the child);
- ❖ the assessment of the need for international protection (including, for example, the sharing of the burden of proof in accordance with the individual situation and personal circumstances of the applicant).

With the exception of certain categories of applicants, such as minors—who automatically benefit from standard procedural safeguards—the need for special procedural guarantees is assessed on a case-by-case basis. This assessment primarily relies on indications relating to the applicant's personal situation and circumstances. Relevant information is drawn from the administrative file, the questionnaire on specific procedural needs, and any additional elements or documents submitted by the applicant or other actors involved in the procedure, such as lawyers, guardians, or social assistants. The determination of whether special procedural guarantees apply rests with the Immigration Office and the CGRS, and this decision is not subject to appeal.⁴⁷⁴

Applicants are informed at the outset of the asylum procedure of the possibility to indicate specific procedural needs and are asked to complete a questionnaire identifying elements that should be taken into account to enable them to present their case under appropriate conditions.⁴⁷⁵ In addition, a doctor appointed by the Immigration Office can recommend procedural needs based on a medical examination, although such examinations are not mandatory and no statistical data is available regarding their use in practice.⁴⁷⁶

⁴⁷³ Article 48/9, § 4 Aliens Act.

⁴⁷⁴ Article 48/9(4) Aliens Act.

⁴⁷⁵ Article 48/9(1) Aliens Act; Immigration Office, 'Information brochure – International protection in Belgium', available in English [here](#), p. 16.

⁴⁷⁶ Article 48/9(2) Aliens Act.

The assessment of procedural needs is conceived as an ongoing process. While identification is intended to occur as early as possible, applicants and those supporting them may raise such needs at any stage of the procedure. At the CGRS level, evaluations typically take place at three key moments: upon transfer of the file, during the personal interview, and at the decision-making stage. These assessments may occur within varying timeframes.⁴⁷⁷

If special procedural needs were not identified at the beginning of the procedure, the applicant may still submit a written note to the CGRS outlining the relevant elements. However, this does not oblige the CGRS to reopen or restart the examination of the application.⁴⁷⁸ Applicants may further support their claims by submitting medical or psychological reports attesting to their needs, often related to trauma.

Reception centres also play a role in identifying potential needs by assessing applicants and proactively looking for signs of vulnerability. Where such needs are identified, and with the applicant's consent, the centres may make recommendations to the Immigration Office and/or the CGRS.⁴⁷⁹

Certain applicants – especially extremely vulnerable persons – are not capable of communicating their needs correctly; some are even not capable of identifying these needs for themselves. Many do not know how the procedure will continue, what questions will be asked, and what needs may arise. It is, therefore, crucial that adequate measures are adopted from the outset to prepare, guide and provide information to all applicants, including those who – at first sight – do not seem to have any special needs or do not indicate to have any.

2.1. Adequate support during the interview

Specific procedural needs that have been observed in practice include the need to conduct the interview in rooms at ground level in cases where the applicant has a physical disability,⁴⁸⁰ to organise several breaks during the interview, to postpone the interview after the birth of a child, the request to be assisted by an interpreter of a certain gender or the provision of a sign-language interpreter for hearing-impaired applicants etc. Overall, when specific procedural needs are identified, the measures mainly consist of hearing the person concerned in an appropriate manner and providing them with the opportunity to take a break at any time during the interview. The assistance of an interpreter during a personal interview has also been described in some decisions as a special procedural need. In practice, however, this is not the case since one is entitled to an interpreter during every asylum procedure described in Article 51/4 of the Aliens Act.

The above examples demonstrate that the CGRS makes efforts to meet specific special procedural needs. However, certain limits have been noted in practice. As an example, in the case of a minor who had reached the age of 18 during the asylum procedure, special assistance was no longer attributed to him.⁴⁸¹ In a judgment of 22 October 2020, the CALL annulled a decision of the CGRS in a case concerning a woman with serious psychological problems. Based on the psychological reports provided by the applicant and mentioning, *inter alia*, symptoms of post-traumatic stress disorder, the CGRS had decided she had particular procedural needs. During the personal interview, the woman frequently said she felt unwell and wanted a break. Each time, a break was allowed. However, the interview lasted 6 hours, whereas the internal charter of the CGRS prescribes a personal interview of 4 hours, in exceptional cases, to be prolonged with a maximum of 30 minutes. The CALL judged that given the psychological vulnerability of the woman, a personal interview of 6 hours was inadequate to assess the credibility of her story correctly.⁴⁸² In a 2019 case, references to anxiety attacks, psychological issues, and physical injuries

⁴⁷⁷ Myria, *Contact meeting*, 18 April 2018, available in Dutch at: <https://bit.ly/2sIMaXC>, para. 56; information confirmed by the CGRS in December 2022.

⁴⁷⁸ Article 48/9(3) Aliens Act.

⁴⁷⁹ Article 22(1/1) Aliens Act.

⁴⁸⁰ CALL, Decision No 214.454, 20 December 2018; CALL Decision No 215.972, 30 January 2019; CALL, Decision No 213 350, 30 November 2018.

⁴⁸¹ CALL, Decision No 217807, 28 February 2019.

⁴⁸² CALL, Decision No 242762, 22 October 2020.

in medical documents were deemed insufficient by the Immigration Office to establish that the applicant was unfit for interview. The CGRS similarly found no specific needs during the interview and considered the medical evidence outdated, a position later upheld by the CALL.⁴⁸³ Recently, the CALL confirmed that, despite evidence of serious psychological problems and an aborted interview, the authorities could lawfully terminate the procedure where the applicant failed to submit written statements within the prescribed time limit, as the medical documents did not demonstrate an inability to do so.⁴⁸⁴

The law on guardianship of unaccompanied minors contains general provisions on the protection of unaccompanied minors and on the role of the guardian. Based on this law, the Guardianship Unit of the Federal Public Service of Justice has established a hotline that operates 24/7 to notify the detection of unaccompanied children so that the necessary arrangements can be made.⁴⁸⁵ For unaccompanied minors, the specific procedural needs mainly consist of a guardian's assistance, an interview conducted by a protection officer trained in child protection and the fact that the CGRS considers the age and level of maturity when evaluating the applicant's declarations.⁴⁸⁶

Since 2018, the CALL is taking steps towards a more child-friendly justice. In a judgment of June 2018, the CALL tried to make the decision as understandable as possible by adapting the language of the judgement to the 13-year-old concerned Iraqi boy who had made his own request for international protection.⁴⁸⁷ The language of the judgment was adjusted to such an extent that the minor could, even without the assistance of an adult, understand the reasoning of the judgment. In 2024, in collaboration with a doctoral research at the University of Ghent, the CALL started a pilot project with a court room specifically designed for unaccompanied minors, with adapted furnishings and which offers more privacy. The lawyer of the minor and the representative of the CGRS plead while being seated. The pilot was running from December 2024 until May 2025, and the use of the adapted court room has been continued afterwards. In the context of the same doctoral research, a co-creative video was also developed that explains the asylum appeal procedure through the eyes of young people, and is available in 7 languages.⁴⁸⁸ Also, since December 2024, unaccompanied minors receive an adapted convocation for the court hearing at the CALL. The language in the letter is adapted to minors, explains what happens on the day of the hearing and informs the minor that apart from their lawyer and guardian they can bring a person of trust.⁴⁸⁹

In gender-related asylum claims, the official of the Immigration Office must check if the asylum applicant opposes being assigned a protection officer of the other sex.⁴⁹⁰

2.2. Exemption from special procedures

If the CGRS decides that the applicant has special procedural needs, in particular in the case of torture, rape or other serious forms of violence, which are incompatible with the accelerated or border procedures, it can decide not to apply those procedures.⁴⁹¹

⁴⁸³ CALL, Decision No 217.807, 28 February 2019.

⁴⁸⁴ CALL, Decision No 337 985, 17 December 2025, available in Dutch [here](#).

⁴⁸⁵ Program Law (I) (art. 479), 24 December 2002 – Title XIII – Chapter VI: Guardianship of unaccompanied minors.

⁴⁸⁶ CALL, Decision No 216062, 30 January 2019; CALL, Decision No 215.418, 21 January 2019; CALL, Decision No 214735, 7 January 2019; CALL, Decision No 228246, 30 October 2019.

⁴⁸⁷ CALL, 28 June 2018, No 206213, <https://bit.ly/2sUvOvj>. In its communication on the official website, the CALL makes specific reference to the guidelines for a child-friendly justice: <https://bit.ly/2CO2oDh>.

⁴⁸⁸ Ghent University, *Co-creative video explains the asylum appeal procedure through the eyes of young people*, 20 November 2025, available in English [here](#).

⁴⁸⁹ CALL, 'Adapted convocation letters and a court room tailor-made for minors', 2 December 2024, available in Dutch [here](#) and in French [here](#).

⁴⁹⁰ Article 8 Royal Decree on Immigration Office Procedure.

⁴⁹¹ Article 48/9(5) Aliens Act.

Although unaccompanied children are not detained, they are not exempted from the accelerated procedure in the law. However, the accelerated procedure is not applied to unaccompanied children.⁴⁹²

3. Use of medical reports

Indicators: Use of Medical Reports

1. Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm?
☒ Yes ☐ In some cases ☐ No
2. Are medical reports taken into account when assessing the credibility of the applicant's statements?
☒ Yes ☐ No

3.1. Mental state and credibility

If an asylum applicant has psychological problems that could influence the results of the interview or hinder its realisation, the CGRS expects the asylum applicant and/or their lawyer to provide a medical attestation justifying their inability to recount their story in a coherent and precise way without contradictions. Although an attestation of a psychological problem will never suffice for the CGRS to grant a protection status, it must always be considered in determining the protection needs. There is not yet a standardised procedure for this kind of case, but the CGRS evaluates on a case-by-case basis if an interview is possible or if special arrangements need to be made.⁴⁹³ In such cases, the applicant will be asked – through the intermediary of his lawyer – to answer specific questions in writing to provide the CGRS with all the elements necessary to process the asylum application. In such cases, the CALL has referred to UNHCR's Handbook on Procedures and Criteria for Determining the Status of Refugees, which recommends adapting the fact-finding methodology to the seriousness of the applicant's medical condition; to reduce the burden of proof normally placed on the applicant and to rely on other sources to obtain information that the applicant cannot provide.⁴⁹⁴

The NGO Nansen has expressed concern that measures addressing special procedural needs are insufficiently tailored to the credibility assessment. It argues for an adapted approach to credibility evaluation for applicants affected by trauma, including reducing the burden of proof placed on applicants, giving greater weight to objective elements of the case, and exercising particular caution when considering negative credibility findings in situations involving applicants affected by trauma.⁴⁹⁵

3.2. Medical evidence of past persecution or serious harm

The Aliens Act provides the possibility for the CGRS to request a medical report relating to indications of acts of torture or serious harm suffered in the past if the CGRS considers it relevant to the case. It can request such a medical examination as soon as possible by a doctor assigned by the CGRS. In the medical report, a clear difference should be made between objective observations and those based on the declarations of the applicant. The report can only be sent to the CGRS with the applicant's consent.⁴⁹⁶ However, refusal to undergo a medical examination shall not prevent the CGRS from deciding on the asylum application.⁴⁹⁷ The CGRS does not make use of this possibility, but examines in what way it could do so in the future in the context of a pilot project that started in 2023 (see [Screening of vulnerability](#)).⁴⁹⁸

⁴⁹² Myria, *Contact meeting*, 16 January 2019, available in Dutch at: <https://bit.ly/2HeyRXu>, para 290.

⁴⁹³ Myria, *Contact meeting*, 18 January 2017, available at: <http://bit.ly/2kx93eZ>, para 25.

⁴⁹⁴ CALL, Decision No 222091, 28 May 2019.

⁴⁹⁵ Nansen, *Vulnerability and special procedural needs*, 2021/6, available in Dutch [here](#).

⁴⁹⁶ Article 48/8(1) Aliens Act.

⁴⁹⁷ Article 48/8(3) Aliens Act.

⁴⁹⁸ Myria, *Contact meeting*, 16 January 2019, available in Dutch at: <https://bit.ly/2HeyRXu>, para 300; based on the experience of Vluchtelingenwerk Vlaanderen, this possibility has still not been used up until March 2025.

If no such request is made by the CGRS and the applicant declares to have a medical problem, the CGRS should inform them of the possibility of providing such a report on their initiative and expenses. In this case, the medical report should be sent to the CGRS as soon as possible, and the CGRS can request advice concerning the report from a doctor they appointed.⁴⁹⁹ The CGRS should evaluate the report together with all the other elements of the case.⁵⁰⁰

In practice, medical reports demonstrating physical harm as evidence of past persecution or inhuman treatment are regularly put aside by the CGRS, arguing that the report does not allow to determine the exact cause of the harm, their perpetrator or the reasons behind it and therefore lacks decisive value.⁵⁰¹ However, in some cases, the CALL requested the CGRS to examine further the circumstances surrounding the physical harm experienced by an asylum applicant. In the presence of physical scars, for example, the burden of proof is reversed, and the CGRS is obliged to look further into the causes of persecution or serious harm.⁵⁰²

In March 2019, the Council of State annulled a judgment of the CALL because it had not sufficiently considered the medical attestations that were provided. In that case, the medical certificates submitted by the applicant in the context of his subsequent application included findings of physical and psychological injuries which may have resulted from ill-treatment linked to the state of slavery. While the CALL had ruled that the evidence provided did not restore the credibility of the applicants account of his status as a slave, the Council of State found that the administrative judge did not carry out a detailed examination of the risk of persecution and violated the rights guaranteed by Articles 3 and 4 ECHR.⁵⁰³

Furthermore, there is an overall exception when it comes to the risks of female genital mutilation. In such cases, the asylum applicant must prove through a medical attestation that she has already been subject to female genital mutilation. In asylum procedures related to a minor daughter who hasn't been subject to FGM yet, a medical attestation proving so must be provided. The aim of this "FGM follow-up" is to ensure that they do not undergo FGM after being granted refugee status by Belgium. Previously, a new medical attestation had to be provided to the CGRS every year to keep the protection status. In 2024, the CGRS changed its policy due to the difficulty some teenage girls have in visiting a doctor every year, and the psychological implications of this annual visit for some of them. Consequently, a medical certificate confirming that the girl has not undergone FGM now only needs to be provided every three years.⁵⁰⁴

Some NGOs, such as 'Constats' or 'Exil', deliver free medical examinations and attestations. Constats examines the physical and psychological consequences of torture and other cruel, inhuman and degrading treatments or punishments over asylum applicants and records them in a detailed report, following the directives of the Istanbul protocol, which can be used as support in the asylum procedure. 'Exil' offers medical, psychiatric, psychological, psychotherapeutic and/or fascia-therapeutic consultations to victims of human rights violations and torture.

Applications for protection based on medical reasons have been removed from the asylum procedure and replaced with a separate procedure that entails fewer procedural guarantees: the so-called 'medical regularisation procedure' (see [Medical regularisation](#)). In cases where return to the country of origin would

⁴⁹⁹ Article 48/8(2) Aliens Act.

⁵⁰⁰ Article 48/8(4) Aliens Act.

⁵⁰¹ See for example CALL, Decision No 64 786, 13 July 2011. In this case, the doctor himself mentioned in his medical report that the injuries were 'most probably' inflicted by torture, but the CGRS found this insufficient as evidence since the other declarations were considered to be not credible. The proven hypo-reaction, which a psychologist determined to be also 'possibly' caused by a traumatic experience, was not accepted as an explanation for the incoherencies in the declarations. The CALL agrees that the medical reports in themselves are not sufficient proof to cast out any doubt on the causes of the harm undergone, but states that the presence of the physical scars as such are sufficient reason already to apply the reversal of the burden of proof in case of past persecution or serious harm and urges the CGRS to conduct additional research into the circumstances surrounding their causes.

⁵⁰² Article 48/7 Aliens Act.

⁵⁰³ Council of State, Judgment No 244 033, 26 March 2019, available in French at: <https://bit.ly/2uWoO57>.

⁵⁰⁴ CGRS, Change in frequency of "FGM monitoring", available in English [here](#).

create a risk of inhuman or degrading treatment resulting from the deterioration of the health of the person concerned – e.g. due to a lack of access to appropriate medical treatment – an application should be lodged with the Immigration Office instead of the CGRS.⁵⁰⁵ In the latter, a standardised medical form has to be filled out and communicated before the request is considered admissible and examined on its merits. A refusal can further only be subjected to an annulment (and suspension) appeal.

4. Legal representation of unaccompanied children

Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children?

☒ Yes

☐ No

Every unaccompanied child who applies for asylum or is otherwise detected on the territory or at the border has to be referred to the Guardianship service.⁵⁰⁶ The Guardianship service is currently attached to the Federal Public Service Justice, in order to ensure its independence from other instances such as the Immigration Office, which is part of the Federal Public Service Internal Affairs. In March 2026, the government has approved the governance model of the future new Federal Public Service (FOD / SPF) Migration, which will fall under the authority of the Minister for Asylum and Migration.⁵⁰⁷ The Guardianship is supposed to resort under this new FPS Migration. Concerns have been raised, among others by guardians, on the independence of the service and the impact on the trust of the minors in their legal representatives.⁵⁰⁸

Once identified as an unaccompanied child, the applicant will be assigned a guardian. The guardian represents their pupil in legal acts and is responsible for ensuring that all necessary steps are taken during their stay in Belgium. The guardian has to arrange for the child's accommodation and ensure that they receive the necessary medical and psychological care, attend school etc. The guardian has to see to the child's asylum or other residence procedures, represent and assist them in these and other legal procedures, and, if necessary, find a lawyer. During an ongoing asylum procedure, it is legally possible to cumulate the specific procedures directed at finding a durable solution for unaccompanied children (family reunification, return or right to reside in Belgium).⁵⁰⁹ In practice, the Immigration Office often postpones the specific procedure while awaiting the results of the asylum procedure.

The guardian also has to help in tracing the parents or legal guardians. If that has not been done yet, the guardian can also introduce an asylum application for their pupil.⁵¹⁰ It should be noted, however, that a pending asylum procedure in practice could cause other procedures for finding a durable solution to be temporarily suspended until a final decision is taken on the asylum application. In that case Belgian authorities are not allowed to contact the authorities of the country of origin to assess whether return or family reunification is possible.

The guardian has to attend the different interviews at the Immigration Office and the CGRS and should inform the child of the decisions taken in their regard in an understandable manner and language. In case of an unfavourable decision, the guardian should explain appeal possibilities and request the child to provide arguments. They should also contact the lawyer to prepare the appeal and the social worker in the reception centre to prepare for possible consequences of the decision on the child's right to reception.⁵¹¹

⁵⁰⁵ Article 9-ter Aliens Act.

⁵⁰⁶ Article 479 Title XIII, Chapter VI of Programme Law of 24 December 2002 (UAM Guardianship Law).

⁵⁰⁷ News.Belgium, *Governance Model of the new Federal Public Service Migration*, 27 March 2026, available in Dutch and French [here](#).

⁵⁰⁸ Federal Parliament, Committee on Home Affairs, Security, Migration, and Administrative Affairs, 12 November 2025, available in Dutch and French [here](#), Question 15.

⁵⁰⁹ Article 61/15 Aliens Act.

⁵¹⁰ Article 479(9)(12) UAM Guardianship Law.

⁵¹¹ Article 11 UAM Guardianship Law; 9 Royal Decree Immigration Office Asylum Procedure; Article 14 Royal Decree CGRS Procedure; Guardianship Service, *General guidelines for guardians of unaccompanied children*, 2 December 2013, available in Dutch at: <http://bit.ly/2FFW1GG>.

If necessary, a provisional guardian can be appointed immediately upon notice to the Guardianship Service; for instance, when an unaccompanied child is detained, the Guardianship Service's directing manager or deputy shall take on guardianship.⁵¹²

At the end of 2025, there were 3,335 guardianships ongoing, by 691 guardians (539 volunteer guardians, 50 employee-guardians, 102 others).⁵¹³ One guardian can take on several guardianships.

Whereas in previous years, the Guardianship Service was confronted with a lack of guardians for unaccompanied minors, it reported in November 2025 that there is no longer a waiting list for the appointment of a guardian.⁵¹⁴ This is due to both a decrease in the number of non-accompanied minors arriving in Belgium, partnerships with NGO's and successful campaigns by the Guardianship Service to try and find more guardians.⁵¹⁵ As a result, the Guardianship Service is able to assign a guardian within the legal timeframe of eight weeks.

E. Subsequent applications

Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? ☒ Yes ☐ No
2. Is a removal order suspended during the examination of a first subsequent application?
 - ❖ At first instance ☒ Yes ☐ No
 - ❖ At the appeal stage ☒ Yes ☐ No
3. Is a removal order suspended during the examination of a second, third, subsequent application?
 - ❖ At first instance ☐ Yes ☒ No
 - ❖ At the appeal stage Not in all cases

1. Definition of 'subsequent application'

Traditionally, an application was considered as a 'subsequent application' when it was made after one or more previous application(s) made in Belgium that resulted in a final negative decision. A new law of 14 July 2025 has broadened the scope of the definition of 'subsequent application'. As of 2 August 2025, applications made by applicants having received a final negative or positive decision on a previous application for international protection in another EU member state are also to be considered as 'subsequent applications'.⁵¹⁶ This law change has important consequences for the applicants involved, such as the possibility to limit their reception rights and ban their access to the labour market during the admissibility phase of the procedure (see below). In practice, the law changes indeed led to a quasi-systematic refusal of reception to persons, including to families with children and other vulnerable applicants, applying in Belgium after having previously received a positive decision in another EU member state ("M-status applicants"⁵¹⁷) (see [Right to reception: subsequent applications](#)).

On 26 February 2026, the Constitutional Court has temporarily suspended the new stipulations and has referred the case to the Court of Justice of the European Union for a preliminary ruling on the question

⁵¹² Article 479(6) UAM Guardianship Law.

⁵¹³ Myria, *Contact Meeting* January 2026, available in Dutch and French [here](#).

⁵¹⁴ VRT NWS, 'Waiting list for guardians for non-accompanied minors has disappeared', 20 November 2024, available in Dutch [here](#).

⁵¹⁵ Myria, *Contact Meeting* November 2025, available in French and Dutch [here](#), p. 51.

⁵¹⁶ Article 50 §5 Aliens Act, introduced by article 2 of the Act of 14 July 2025 modifying the Act of 15 December 1980 with regard to the processing of a subsequent application for international protection, available in Dutch and French [here](#).

⁵¹⁷ In this context, applicants with a previous final positive decision in another EU member state are consistently referred to as "M-status applicants", referring to the code "M" attributed to these applicants in the Eurodac database.

whether an application by an applicant with international protection in another EU member state can be treated as a “subsequent application”.⁵¹⁸ Nevertheless, the Minister of Asylum and Migration has announced that the practice of treating applications by persons having received a final (positive or negative) decision in another member state, including the refusal of reception, will be continued. As for persons having received a previous final negative decision in another member state, this continued practice is based on the CJUE *Khan Yunis* ruling.⁵¹⁹ As for persons having received a previous final positive decision in another EU member state (“M-status applicants”), the Minister states that regardless the decision of the Constitutional Court, the Aliens Act provides for another legal basis to continue treating these as “subsequent applications” and refusing reception to the applicants involved.⁵²⁰ However, according to several NGO’s, the legal basis the Minister refers to is exactly the one that had been questioned by the Constitutional Court and referred to the Court of Justice for further clarification. The organisations lodged an appeal at the Council of State requesting for the suspension in extreme urgency of the instruction of the Minister to continue this practice regarding M-status applicants. On 27 March 2026, the Council of State indeed suspended the Minister’s instruction.⁵²¹ After this suspension and increasing political pressure, the Minister withdrew her instruction.⁵²² However, she stated that the Council of State supposedly still allows Fedasil to continue to refuse reception conditions to M-status applicants on an individual basis. The Minister established new ‘working arrangements’ with her departments, which are intended to comply with the ruling.⁵²³ At the time of writing it is unclear what legal basis Fedasil could use to refuse reception conditions, given the fact that the Constitutional Court found it to be uncertain if M-status applicants can be refused reception conditions in the first place. Because of these legal uncertainties, and the impact of this policy on Fedasil working conditions, 500 Fedasil employees signed and published an open letter denouncing Van Bossuyt’s policy. The signatories “request” the Minister “to respect the court rulings and to provide shelter to those who are still being denied their rights today”.⁵²⁴

2. Procedure

The Immigration Office is competent for registering subsequent applications, i.e., the asylum applicant’s declaration on new elements and the reasons why they could not invoke them earlier and transmit the claim ‘without delay’ to the CGRS.⁵²⁵ Applicants receive an “annexe 26quinquies” as proof of the registration of their subsequent application.

It is not always possible for the Immigration Office to deduct from the databases those applicants who have previously received a final negative decision in another EU-member state. When this cannot be determined on the moment of the registration, the applicant receives an annexe 26 and the case is treated according to the rules applicable to a general asylum procedure. It is not possible to change the procedure once it is later established that the applicant had previously received a final negative decision in another EU member state.⁵²⁶

After the application is transmitted, the CGRS first decides on the **Admissibility** of the claim by determining whether there are new elements which significantly add to the likelihood of the applicant qualifying for

⁵¹⁸ Constitutional Court, judgment n° 23/2026 of 26 February 2026, available in Dutch [here](#) and in French [here](#); Court of Justice Cause list numbers 8548.

⁵¹⁹ Court of Justice of the EU, C-123/23 en C-202/23, (*Khan Yunis en Baabda*), 19 December 2024, available [here](#).

⁵²⁰ Minister for Asylum and Migration Anneleen Van Bossuyt, *Van Bossuyt continues reception stop for those who already have protection in the EU*, 4 March 2026, available in Dutch [here](#).

⁵²¹ Council of State, Belga, *Council of State also suspends minister Van Bossuyt’s controversial migration regulation*, 27 March 2026, available in English [here](#).

⁵²² Anneleen Van Bossuyt, *Federal Chamber of Representatives CRIV 56 PLEN 106*, 2 April 2026, p. 54, available in French and Dutch [here](#).

⁵²³ VRT NWS, *Belgium to continue to deny board and lodging to asylum seekers with protection elsewhere in the EU, if justified*, 2 April 2026, available in English [here](#).

⁵²⁴ Belga News Agency, ‘Staff of federal asylum agency denounce Migration minister’s policy’, 3 April 2026, available in English [here](#).

⁵²⁵ Article 51/8 Aliens Act.

⁵²⁶ Information provided by the Immigration Office, March 2026.

international protection. If the previous application was terminated based on implicit withdrawal, the claim is deemed admissible.⁵²⁷

The CGRS should take this decision within 10 working days after receiving the application from the Immigration Office. If the person is in detention, this decision should be taken within 2 working days.⁵²⁸ The decision is generally taken based on of the administrative file, without an interview.⁵²⁹

If the CGRS declares the application admissible, this has important consequences for the applicant involved, such as that they obtain access to the labour market and that their right to reception conditions are no longer be limited. After the admissibility decision, the CGRS can examine the merits under the [Accelerated Procedure](#). The final decision should in that case be made within 15 working days.⁵³⁰ Generally, this delay is not respected. The CGRS indicates that it cannot decide within this strict legal deadline but stresses that treating subsequent applications is a priority.⁵³¹ In March 2026, the average processing time of a subsequent application after its transmission to the CGRS was 28 days.⁵³²

If the subsequent application is dismissed as inadmissible, the CGRS should determine whether the applicant's removal would lead to direct or indirect *refoulement*.⁵³³

An appeal to the CALL against an inadmissibility decision should be made within 10 days, or 5 days when the applicant is in detention.⁵³⁴ The appeal has an automatic suspensive effect, except where:⁵³⁵

- a. The CGRS deems that there is no risk of direct or indirect *refoulement*; and
- b. The application is either (i) a second application within one year from the final decision on the previous application and made from detention or (ii) a third or further application.

Legal assistance is arranged in the same way as concerning first asylum applications. However, in practice, some asylum applicants or lawyers have experienced difficulties obtaining legal aid assignments because these applicants are generally not accommodated in a reception centre, which makes the proof of their lack of income more burdensome (see [Legal assistance](#)).

An applicant does not have a right to remain on the territory even before the CGRS decides on admissibility in cases where:⁵³⁶

- a. The application is a third application; and
- b. The applicant remains without interruption in detention since their second application; and
- c. The CGRS has decided in the previous procedure concerning the second application that removal would not amount to direct or indirect *refoulement*.

In principle, all applicants for international protection, including subsequent applicants, have the right to access reception conditions during the examination of their case. However, the Reception Act allows the possibility to refuse reception to subsequent applicants until their asylum application is deemed admissible by the CGRS. Although the Reception Act explicitly states that decisions which limit or withdraw the right to reception should be in line with the principle of proportionality, individually motivated and based on the particular situation of the person concerned, Fedasil almost systematically refuses to assign a reception place to subsequent applicants until their asylum application is declared admissible by the CGRS (see [Right to reception: subsequent applications](#)).

⁵²⁷ Art. 57/6/2 Aliens Act; art. 57/6/5 §1 Aliens Act.

⁵²⁸ Article 57/6, §3 (4)-(5) Aliens Act.

⁵²⁹ CGRS, *Subsequent applications*, available in English [here](#).

⁵³⁰ Article 57/6/1 §1 (2) Aliens Act.

⁵³¹ Myria, Contact meeting 15 June 2022, available in Dutch and French at: <https://bit.ly/3ZHDEVL>.

⁵³² Information provided by the CGRS, March 2026.

⁵³³ Article 57/6/2(2) Aliens Act. See for an application: CALL, *Specific questions concerning Afghanistan*, 20 October 2022, available in Dutch and French [here](#).

⁵³⁴ Article 39/57 Aliens Act.

⁵³⁵ Article 39/70 Aliens Act.

⁵³⁶ Article 57/6/2(3) Aliens Act.

A total of 6,865 applicants lodged subsequent applications in 2025. In 3,042 cases, a subsequent application was declared inadmissible.

Subsequent applicants by 5 main countries of origin: 2025	
Country	Number
Afghanistan	1,549
Palestine	581
Moldova	415
Congo (DRC)	301
Turkey	266

Source: CGRS, *Asylum Statistics December 2025*, p. 6, available in English [here](#).

F. The safe country concepts

Indicators: Safe Country Concepts

- | | |
|--|---|
| 1. Does national legislation allow for the use of 'safe country of origin' concept? | ☒ Yes ☐ No |
| ❖ Is there a national list of safe countries of origin? | ☒ Yes ☐ No |
| ❖ Is the safe country of origin concept used in practice? | ☒ Yes ☐ No |
| 2. Does national legislation allow for the use of 'safe third country' concept? | ☒ Yes ☐ No |
| ❖ Is the safe third country concept used in practice? | ☐ Yes ☒ No |
| 3. Does national legislation allow for the use of 'first country of asylum' concept? | ☒ Yes ☐ No |

1. Safe country of origin

The safe country of origin concept was introduced in the Aliens Act in 2012. Applications from safe countries of origin are examined under the [Accelerated Procedure](#).⁵³⁷ Applicants from safe countries of origin face a higher burden of proof to refute the presumption of the safety of their country of origin: they must present serious reasons explaining why their country cannot be considered safe in their situation.

According to the law, countries can be considered safe if the rule of law in a democratic system and the prevailing political circumstances allow concluding that, in a general and durable manner, there is no persecution or real risk of serious harm, taking into consideration the laws and regulations and the legal practice in that country, the respect for the fundamental rights and freedoms of the ECHR, the principle of non-*refoulement* and the availability of an effective remedy against violations of these rights and principles.⁵³⁸

After receiving detailed advice from the CGRS, the government approves the list of safe countries of origin upon the proposal of the Minister for Asylum and Migration and the Minister of Foreign Affairs. The list must be reviewed annually and can be adjusted.⁵³⁹ Belgium approved an updated list of safe countries of origin that is applicable as of 15 December 2025. The following countries are currently considered safe countries of origin: Albania, Bosnia and Herzegovina, the Republic of North-Macedonia, Kosovo, Montenegro, Serbia and Morocco.⁵⁴⁰ India and Moldova were removed from the list, whereas Morocco was added despite the advice of the CGRS that did not list Morocco as a safe country of origin. As a motivation, the government referred, among other things, to the fact the analysis by the CGRS regarding the situation in Morocco dates from 2021 and would thus be outdated, the protection rate having evolved

⁵³⁷ Article 57/6/1(1)(b) Aliens Act.

⁵³⁸ Article 57/6/1(3) Aliens Act.

⁵³⁹ Article 57/6/1 Aliens Act.

⁵⁴⁰ Royal Decree of 3 December 2025, available in French and Dutch [here](#).

from 21% in 2021 to 10% in 2024; as well as to the fact that Morocco is included as a safe country of origin in the EU Commission's proposal for an amended Regulation for the establishment of a list of safe countries of origin at Union level⁵⁴¹, and the fact that 11 other EU Member States have included Morocco in their list of safe countries of origin.⁵⁴² Since the advice of the CGRS is not publicly available, it is not possible to determine whether the government has taken its content into sufficient consideration.

In 2024, a total of 1,912 persons from safe countries of origin applied for asylum. No official total number was provided for 2025. The breakdown per nationality was as follows:

Country	2017	2018	2019	2020	2021	2022	2023	2024	2025
Kosovo	320	242	194	70	164	160	113	167	210
Albania	882	668	680	447	588	595	405	354	265
FYROM / North Macedonia	251	194	190	89	177	195	218	215	100
India	52	81	46	18	16	31	29	20	N/A
Bosnia-Herzegovina	44	23	45	34	72	104	56	59	40
Montenegro	5	8	20	5	9	9	13	15	25
Serbia	232	198	220	134	150	203	145	177	145
Georgia	468	695	563	266	593	1,026	911 ⁵⁴³	N/A	N/A
Moldova	N/A	N/A	N/A	N/A	N/A	N/A	N/A	905	N/A
Total	2,722	2,804	2,521	1,329	2,362	2,323	1,890	1,912	N/A

Source: Eurostat, *Asylum applicants by type, citizenship, age and sex - annual aggregated data*, available in English [here](#).

2. Safe third country

Following the reform that entered into force on 22 March 2018, the Aliens Act contains the 'safe third country' concept⁵⁴⁴ as a ground for inadmissibility.⁵⁴⁵ The CGRS has already stated that it will only apply this concept exceptionally and that there will not be a list of safe third countries. In 2021, this concept was used in 13 cases, primarily for people having received international protection status in Switzerland.⁵⁴⁶ In 2025, the concept was applied 17 times, mostly regarding applicants from Armenia, Palestine, Congo (DRC), Afghanistan and Eritrea.⁵⁴⁷ The information on which country was considered the 'safe third country' for these applicants was not provided.

2.1. Safety criteria

A country may be considered as a safe third country where the following principles apply:⁵⁴⁸

1. Life and liberty are not threatened for reasons of race, religion, nationality, membership of a particular social group or political opinion;
2. There is no risk of serious harm;

⁵⁴¹ European Commission, Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2024/1348 as regards the establishment of a list of safe countries of origin at Union level, 16 April 2025, available in English [here](#).

⁵⁴² Motivation contained in the Royal Decree of 3 December 2025, available in French and Dutch [here](#).

⁵⁴³ The following table includes data collected for Georgia, although Georgia is no longer considered a safe country of origin as of April 2023, the data for Georgia in this table covers the period 01/2023-04/2023.

⁵⁴⁴ Article 57/6/6 Aliens Act.

⁵⁴⁵ Article 57/6(3)(2) Aliens Act.

⁵⁴⁶ Myria, Contact meeting 19 January 2022, available in French and Dutch at: <https://bit.ly/3sy9SFN>, 37.

⁵⁴⁷ Information provided by the CGRS, March 2026.

⁵⁴⁸ Article 57/6/6(1) Aliens Act.

3. The principle of *non-refoulement* is respected;
4. The prohibition of expulsion in violation of the prohibition of torture and other cruel, inhuman or degrading treatment is complied with; and
5. The applicant has the possibility to request refugee status and, if found to be a refugee, to receive protection in accordance with the Refugee Convention.

2.2. Connection criteria

A third country can only be regarded as a safe third country if the applicant has such a relationship with the third country based on which it can reasonably be expected of them to return to that country and to have access thereto.⁵⁴⁹ The existence of a connection should be assessed based on 'all relevant facts and circumstances, which may include the nature, duration and circumstances of previous stay'.⁵⁵⁰

The Explanatory Memorandum to the Law of 21 November 2017 gives examples of links, such as a previous stay in a third country (e.g. a long visit) or a family bond. The Explanatory Memorandum also states that for efficiency, only a minimum check of access is required: it is sufficient that the authorities suspect that the applicant will be admitted to the territory of the third country concerned. In this regard, the Explanatory Memorandum states that recast Asylum Procedures Directive does not demonstrate that the 'access' element should already be examined when applying the safe third country concept. 'For reasons of efficiency', the legislator opted to consider this additional condition when examining whether a particular third country can be considered safe for the applicant. It is, therefore, necessary to be able to assume that the applicant will be given access to the territory of the third country concerned.

3. First country of asylum

Following the 2017 reform, the concept of 'first country of asylum' is defined in Article 57/6(3)(1) of the Aliens Act as a ground for inadmissibility. A country can be considered as a first country of asylum where the asylum applicant is recognised as a refugee and may still enjoy such protection, or otherwise benefits from 'other real protection' in that country, including *non-refoulement*, provided that they can again have access to the territory of that country.

This first country of asylum concept has been mainly applied to refuse asylum applications from Tibetans having lived in India before coming to Belgium. However, India is not a signatory to the Refugee Convention. In the past, Rwandans and Congolese with refugee status in another African country had been refused international protection on this ground, but this practice has been halted due to some judgments of the CALL considering this protection status ineffective and/or inaccessible.⁵⁵¹ The CALL has repeatedly refused to refer a preliminary question to the CJEU on the interpretation of the concept of 'real protection'.

The CGRS has confirmed it also applies the concept in other situations, e.g. in the case of Syrian refugees from a non-specified country from the Middle East (probably Jordan) because it was accepted that it was possible to return to that country, they had a residence permit there and because of their socio-economic situation.⁵⁵²

In all of these legal provisions concerning the existence of a safe country as an inadmissibility ground or reason to reject the claim on the merits, a presumption is introduced to the effect that there is no need for international protection. This seems to exonerate the CGRS of its share in the burden of proof and its obligation to further motivate its decision. The burden of proof of the contrary – that the country of origin is not safe or that there is no effectively accessible international protection available – is put completely on the asylum applicant.

⁵⁴⁹ Article 57/6(2) Aliens Act.

⁵⁵⁰ *Ibid.*

⁵⁵¹ See e.g. CALL, Decision No 129 911, 23 September 2014; No 123 682, 8 May 2014.

⁵⁵² Myria, *Contact meeting*, 19 April 2016, available at: <http://bit.ly/2jGUHTW>, para 28.

In 2025, the application of the first country of asylum led to the inadmissibility of the asylum application in 10 cases, mostly regarding applicants from Palestine, Afghanistan, China and India.⁵⁵³ The information on which country was considered the ‘first country of asylum’ for these applicants was not provided.

G. Information for asylum applicants and access to NGOs and UNHCR

1. Provision of information on the procedure

Indicators: Information on the Procedure

- | | | | |
|---|---|---|-----------------------------|
| 1. Is sufficient information provided to asylum applicants on the procedures, their rights and obligations in practice? | ☐ Yes | ☒ With difficulty | ☐ No |
| 2. Is tailored information provided to unaccompanied children? | ☒ Yes | ☐ No | |

1.1. Content of information

The Royal Decree on Immigration Office Procedure stipulates that an information brochure is to be handed to the asylum applicant when they introduce the asylum application. The brochure is to be in a language the asylum applicant can reasonably be expected to understand. It should at least contain information about the asylum procedure, the application of the Dublin III Regulation, the eligibility criteria of the Refugee Convention and of subsidiary protection status, access to legal assistance, the possibility for children to be assisted during the interview, reception accommodation, the obligation to cooperate, the existence of organisations that assist asylum applicants and migrants and the contact details of the UNHCR representative in Belgium.⁵⁵⁴

1.2. Information provision tools

On the day of making the asylum application at the Immigration Office, applicants receive an extensive brochure at the Immigration Office.⁵⁵⁵ A brochure entitled ‘Asylum in Belgium’, published by the CGRS and the reception agency Fedasil, explaining the different steps in the asylum procedure, the reception structures and rights and obligations of the asylum applicants, is distributed at the dispatching desk of Fedasil, where people are designated to a reception place.⁵⁵⁶ In the context of the reception crisis, persons who don’t receive accommodation are not automatically provided with this information. Although the Immigration Office, on the moment of registration of the asylum application, hands out flyers of the reception agency Fedasil containing information on the ways one can register on the reception waiting list and for homelessness accommodation, civil society organisations observe that persons not accessing the Fedasil reception network after their application clearly lack information on the asylum procedure and on their access to essential services and rights, such as accommodation, medical care and legal support.⁵⁵⁷

Leaflets on some specific topics are published on the CGRS website, such as a brochure on ‘Women, girls and Asylum in Belgium’ and a brochure explaining the asylum procedure for unaccompanied and accompanied minors.⁵⁵⁸ The Guardianship Service has also developed a brochure on assistance to unaccompanied children, available in 35 languages⁵⁵⁹, as well as video’s on topics such as the role of the guardian and the age assessment procedure, also available in several languages.⁵⁶⁰ A doctoral research

⁵⁵³ Information provided by the CGRS, March 2026.

⁵⁵⁴ Articles 2-3 Royal Decree on Immigration Office Procedure.

⁵⁵⁵ See brochure in multiple languages, available [here](#).

⁵⁵⁶ CGRS and Fedasil, Asylum in Belgium: Information brochure for asylum applicants regarding the asylum procedure and reception provided in Belgium, available at: <http://bit.ly/2kvQCpP>.

⁵⁵⁷ Vluchtelingenwerk Vlaanderen, *Startpunt Quarterly Reports 2025*, available in English [here](#).

⁵⁵⁸ CGRS, *Publications*, available at: <http://bit.ly/2kvQCpP>.

⁵⁵⁹ The leaflets can be consulted [here](#).

⁵⁶⁰ The videos can be consulted [here](#).

by the University of Ghent led to the development of a co-creative video that explains the asylum appeal procedure through the eyes of young people, and is available in 7 languages.⁵⁶¹

Since 2019, a website www.fedasilinfo.be, maintained by Fedasil is available in 14 languages, some of which also include an audio version. Eight main topics are addressed: asylum and procedure, accommodation, living in Belgium, return, work, unaccompanied minors, health and learning. The website can only be reached if one connects with a Belgian IP address.

Since 2021, a website www.asyluminbelgium.be maintained by the CGRS, provides information – tailored to the needs of asylum applicants – on the asylum procedure in Belgium in nine languages. It aims to reach as many asylum applicants as possible and inform them correctly about their rights and obligations during the asylum procedure. All texts are audio-supported so that an asylum applicant who is unable or less able to read has access to all the information. The website also presents videos, through which the viewer can follow the itinerary of Zana, a refugee, who testifies about her itinerary from the beginning of her asylum application until the moment she receives a decision. This video testimony helps asylum applicants in an accessible way to visualise the different stages they will go through.

In 2024, the Immigration Office also launched a website www.asylumregistration.be, on which applicants can find practical information on the different steps of the registration process such as the security check and fingerprinting, in 16 different languages via text, audio and videos.

In September 2023, Fedasil reopened their Info Point, an information centre where applicants for international protection, migrants in transit and undocumented persons can get information about the asylum procedure, medical aid, legal advice etc.⁵⁶² In 2025, the Infopunt received 10,945 visitors, the vast majority of whom were asylum seekers in their first asylum procedure, living in a public space (street, train station...) seeking information about accommodation and access to medical care.⁵⁶³

Since 2020, Fedasil also has a mobile and multilingual team ‘Reach Out’, that actively approaches and informs migrants – whether or not they have applied for international protection - who are not staying in the Fedasil reception network. They inform them about their rights in Belgium, their reception options, social support, protection options in Belgium and possibilities of return.⁵⁶⁴

2. Access to NGOs and UNHCR

Indicators: Access to NGOs and UNHCR

1. Do asylum applicants located at the border have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No
2. Do asylum applicants in detention centres have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No
3. Do asylum applicants accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No

Individuals applying for asylum at the border are placed in detention, which affects their possibility to access NGOs and UNHCR. The Move coalition⁵⁶⁵ visits every closed centre on a weekly basis. Their visitors provide preliminary socio-legal support and try to ensure that a lawyer is appointed to applicants

⁵⁶¹ Ghent University, *Co-creative video explains the asylum appeal procedure through the eyes of young people*, 20 November 2025, available in English [here](#).

⁵⁶² Fedasil, ‘Ouverture du Point Info à Bordet’, 29 September 2023, available in French [here](#).

⁵⁶³ Information provided by Fedasil, March 2026.

⁵⁶⁴ Fedasil, ‘Reach Out – Informing migrants who are difficultly accessible’, available in Dutch [here](#) and in French [here](#).

⁵⁶⁵ A coalition of 4 NGOs (JRS, Caritas, Ciré, Vluchtelingenwerk Vlaanderen) working on the topic of administrative detention: <https://movecoalition.be/>.

in closed centres. Each of these visitors receives an accreditation by the Immigration Office, allowing them to visit the detention centres. This right to access the centres is, however, not enshrined in law.

Asylum applicants on the territory have easy access to NGOs. Specialised national, Flemish and French-speaking NGOs such as [Vluchtelingenwerk Vlaanderen](#), Coordination and Initiatives for Refugees and Aliens ([Ciré](#)), Association for Aliens Law ([ADDE](#)), [JRS Belgium](#), [Caritas International](#), [Nansen](#), [SISA](#) – to name only some – as well as [Myria](#) have developed a whole range of useful and qualitative sources of information and tools, accessible on their respective websites⁵⁶⁶ or through their first-line legal assistance helpdesks. In light of an increased information need for the numerous applicants who do not receive access to a reception place in the context of the reception crisis, several NGO's have set up mostly volunteer-based mobile information activities, targeting asylum applicants who have recently arrived and who are refused access to a reception centre.⁵⁶⁷

According to the Reception Act, reception facilities should ensure that residents have access to legal advice, and to this end, they can also make arrangements with NGOs.⁵⁶⁸ However, there is no structured approach to this, so it depends on the reception centre. Currently, no information regarding such arrangements is available.

Regarding the role of UNHCR in the Belgian asylum procedure, the law foresees that UNHCR may inspect all documents, including confidential documents, contained in the files relating to the application for international protection, throughout the course of the procedure with the exception of the procedure before the Council of State.⁵⁶⁹ It may further give an oral or written opinion to the Minister in so far as this opinion concerns the competence to determine the State responsible for the processing of an application for international protection, and to the CGRS, on his own initiative or at his request. If the CGRS deviates from this opinion, the decision must explicitly state the reasons for the deviation.⁵⁷⁰ UNHCR also has access to administrative detention centres.⁵⁷¹

H. Differential treatment of specific nationalities in the procedure

Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? ☐ Yes ☒ No
❖ If yes, specify which:
2. Are applications from specific nationalities considered manifestly unfounded? ☒ Yes ☐ No
❖ If yes, specify which: Albania, Bosnia-Herzegovina, North-Macedonia, Kosovo, Montenegro, Serbia and Morocco

The CGRS uses the accelerated procedure for nationals of safe countries of origin. The list has been renewed by the Royal Decree of 5 December 2025 (see [Safe country of origin](#)).

Afghanistan: After the takeover by the Taliban in August 2021, the CGRS changed its policy with regards to Afghan applicants for international protection. Various 'profiles at risk' qualify for refugee status, including journalists, human rights activists, political opponents and critics of the Taliban regime, people occupying certain functions under the previous government, staff members of the previous foreign military troops or foreign organisations, certain minorities, members of the LGBT community and other people opposing the conservative religious norms and values fostered by the Taliban rules, isolated minors or

⁵⁶⁶ See for example: [Ciré](#), *Outils pédagogiques*, available in French [here](#); [ADDE](#), *Fiches pratiques, guides et outils pédagogiques*, available in French [here](#).

⁵⁶⁷ [Vluchtelingenwerk Vlaanderen](#), *Startpunt*, available [here](#); Law Students with Refugees: <https://lawstudentswithrefugees.be/>; Umbrella Refugee Committee, *Refugee Mobile teams in Brussels*, available [here](#).

⁵⁶⁸ Article 33 Reception Act.

⁵⁶⁹ Article 57/23 bis Aliens Act.

⁵⁷⁰ *Ibid.*

⁵⁷¹ Article 44 Royal Decree on Closed Centres.

women not supported by a family network, family members of specific profiles at risk.⁵⁷² As the CGRS evaluates that there is no longer a real risk of falling victim to indiscriminate violence in Afghanistan, subsidiary protection status is no longer granted based on the security situation.⁵⁷³ This policy was still applied in 2025 and resulted in decreasing protection rates.⁵⁷⁴ In 2025, the protection rate for Afghans was 43%, only 1 person was granted subsidiary protection.⁵⁷⁵ Afghanistan remained the main country of origin of applicants for international protection in 2025.⁵⁷⁶

Although single Afghan women are systematically granted refugee status by the CGRS, it has been observed that the Immigration Office refuses applications for humanitarian visa by unmarried adult Afghan sisters of beneficiaries of international protection in Belgium who apply for such a visa parallel with a request for family reunification by other family members such as their parents (so-called 'hybrid requests' – see [Humanitarian visa](#)). The refusals are in some cases motivated on the grounds that these women do not prove a risk of persecution by the Taliban, don't provide proof that they are completely isolated or that there is no male chaperone who can assist them when they leave the house, that even though it is prohibited to work outside of the house in certain parts of Afghanistan, they could in some situations work inside the house to generate an income, ...⁵⁷⁷

The past years, Fedasil was the only entity organising voluntary returns to Afghanistan, given that IOM had suspended its voluntary return programme in August 2021. However, IOM has recently decided to consider individual requests for voluntary return, if there is a clear voluntary basis and the safety of the person can be guaranteed and if there is an agreement between the respective authorities. Up until March 2026, no voluntary returns from Belgium to Afghanistan had yet been assisted by IOM.⁵⁷⁸ The Belgian authorities do not organise forced returns to Afghanistan. However, in 2025 the Minister of Asylum and Migration announced that she intended to discuss the return of Afghans with the Taliban-regime, more specifically the identification and issuing of identity-documents to undocumented Afghans.⁵⁷⁹ The Minister has subsequently led efforts to coordinate European action in this regard, leading to an exploratory mission to Afghanistan in January 2026, to which the Belgian Director General of the Immigration Office participated. A follow-up visit by a Taliban representative to Belgium is planned to discuss practical arrangements. The initiative has been met with criticism and concern by NGO's.⁵⁸⁰

Burundi: In two judgments by the General Assembly (all 20 judges united), the CALL restricted its previous case law on asylum applications by Burundian applicants.⁵⁸¹ It was decided that a risk for serious issues upon return exists mainly for persons with specific profiles, such as members of the opposition, leaders or members of civil society organisations or persons who have been condemned for their implication in the coup in 2015. Certain behaviours by applications, such as political activities developed during the stay abroad, are also determining. The mere fact of residing or having applied for asylum in Belgium does not in itself constitutes a sufficient reason to deduct a risk of persecution in Burundi, although certain factors can be considered as aggravating, such as the applicant's ethnicity, the fact that the Burundian authorities are aware of the application for international protection, ties with opposition

⁵⁷² CGRS, 'Afghanistan: New Policy', 2 March 2022, available in English: <https://bit.ly/35H5ple>.

⁵⁷³ CGRS, 'Afghanistan: New Policy', 2 March 2022, available in English: <https://bit.ly/35H5ple>.

⁵⁷⁴ For detailed information on this policy, reactions by other actors and protection rates, see previous updates to this report available [here](#).

⁵⁷⁵ CGRS, Asylum statistics December 2025, p. 10, available in English [here](#).

⁵⁷⁶ This is the case if subsequent applications for international protection are taken into consideration. If only first applications for international protection are considered, Afghanistan was the third country of origin, after Palestine and Eritrea. CGRS, Asylum Statistics December 2025, available in English [here](#), p. 6.

⁵⁷⁷ Based on signals received by Vluchtelingenwerk Vlaanderen, author of the AIDA report.

⁵⁷⁸ Information provided by IOM Belgium & Luxembourg, March 2026.

⁵⁷⁹ VRT News, 'Minister of Asylum and Migration Van Bossuyt wants to talk to Taliban to be able to return more Afghans', 3 October 2025, available in Dutch [here](#).

⁵⁸⁰ EMN Belgium, Anneleen Van Bossuyt confirms Belgium's participation in exploratory administrative mission to Afghanistan, 24 January 2026, available in English [here](#).

⁵⁸¹ CALL, Decision n° 336.435 of 21 November 2025, available in French [here](#); CALL, Decision n° of 21 November 2025, available in Dutch [here](#).

members, prior issues with the authorities and the behaviours and activities of the applicant in Belgium. In 2025, the protection rate for Burundian applicants was 38%⁵⁸², compared to 89% in 2024.⁵⁸³

Iran: As of 15 January 2026, the CGRS has temporarily suspended decision-making in Iranian files until it has sufficient objective information to accurately assess the security situation.⁵⁸⁴

Lebanon: As of 31 March 2026, the CGRS has temporarily suspended the notification of decisions granting or rejecting subsidiary protection status to Lebanese applicants, due to the unstable situation in Lebanon.⁵⁸⁵

Palestine: In 2025, the recognition rate for Palestinian applications was 65%, all positive decisions being the attribution of refugee status. For applicants from Gaza, regardless of an UNRWA registration, the refugee status is granted. Applicants from the West Bank and East-Jerusalem are granted the refugee status since UNRWA protection is deemed insufficient; the situation of applicants who are not UNRWA-registered is individually examined, but the CGRS is prudent. In January 2026, the CGRS announced that there is moratorium on decision-making regarding non-UNRWA registered applicants from the West-Bank.⁵⁸⁶ UNRWA-registered applicants from Lebanon, Syria and Jordan are granted the refugee status; the situation of non-UNRWA registered applicants from these regions is examined on an individual basis.⁵⁸⁷

The legislative changes in 2025 defining applications for international protection of beneficiaries of protection in another EU Member State (“M-status”-applications) as ‘subsequent applications’ and the limitation of reception conditions for this category of applicants has significantly impacted Palestinian applicants, since Palestinians with an international protection status in Greece constitute the biggest group of applicants with M-status (see [Subsequent applications](#)). In January 2026, 1,373 files of Palestinian applicants were pending at the CGRS, 917 of which were M-status applications.⁵⁸⁸

Syria: From 1 November 2025 onwards, the CGRS has resumed decision-making in Syrian files after a year of suspension since the fall of the Assad-regime in December 2024.⁵⁸⁹ 4,050 files concerning 5,400 persons were pending at the moment of resuming. In pending cases, applicants are invited for an interview at the CGRS, regardless of whether an interview had been conducted prior to the suspension of decisions. Decisions depend on the profile of the applicant and the security analysis of their region. The CGRS does not consider the security situation in any region in Syria to be such that people there run a real risk of serious harm, so no subsidiary protection status on the basis of article 15(c) EU Qualification Directive is currently granted.⁵⁹⁰

Ukraine: Following the activation of the European Temporary Protection Directive through the Council of the European Union decision of 4 March 2022, Ukrainian refugees can register for the granting of temporary protection status. More information about this status, the procedure and the content of the temporary protection is provided in the section on [‘temporary protection’](#). Ukrainian nationals who do not fall within the scope of temporary protection, can apply for international protection following the general international protection procedure. The Dublin procedure is applied to these applicants.⁵⁹¹ However, on the level of the CGRS, the treatment of these requests for international protection is frozen as of February 2022, up until the time of writing (March 2026). In January 2026, 372 Ukrainian applications were ‘on hold’

⁵⁸² CGRS, Asylum statistics December 2025, p. 10, available in English [here](#).

⁵⁸³ CGRS, Asylum statistics December 2024, p. 10, available in English [here](#).

⁵⁸⁴ CGRS, Temporary suspension of the processing of Iranian cases, 15 January 2026, available in English [here](#).

⁵⁸⁵ CGRS, *Temporary suspension of the processing of Lebanese cases*, 31 March 2026, available in English [here](#).

⁵⁸⁶ Myria, *Contact Meeting January 2026*, available in French and Dutch [here](#), p. 21.

⁵⁸⁷ Myria, *Contact Meeting September 2025*, available in French and Dutch [here](#).

⁵⁸⁸ Myria, *Contact Meeting January 2026*, available in French and Dutch [here](#), p. 21.

⁵⁸⁹ CGRS, *CGRS set to resume procession of Syrian dossiers*, available in English [here](#).

⁵⁹⁰ Myria, *Contact meeting November 2025*, available in French and Dutch [here](#), p. 12-15.

⁵⁹¹ Myria, *Contact meeting November 2025*, available in French and Dutch [here](#), p. 6.

on the level of the CGRS. In a few cases, applicants have summoned the CGRS to take a decision, which has led to both positive and negative decisions.⁵⁹²

⁵⁹² Myria, *Contact meeting November 2025*, available in French and Dutch [here](#), p. 21.

Reception Conditions

Short overview of the reception system

Fedasil – the Federal agency for the reception of asylum seekers – is responsible for the reception of applicants for international protection and certain other categories of people. Persons who are entitled to and who are in need of reception benefit from material assistance in the context of the reception network of Fedasil and its partners (i.e. accommodation, meals, clothing, medical, social and psychological assistance, a daily allowance – pocket money – and access to legal assistance and services such as interpreting and training). If the international protection applicants decide not to be accommodated by Fedasil, they are not entitled to these forms of material assistance, except for medical assistance.

At the end of 2025, the Fedasil reception network consisted of 34,878 reception places in total.⁵⁹³ The network comprises collective and individual reception structures. It consists of a 'first phase' where applicants for international protection are accommodated for the first days/weeks of their procedure. After this short period, applicants are transferred to a more definitive place in the second phase of the reception network that corresponds to their needs. At the end of 2025, the first phase had 2,618 places in 12 different reception structures and the second phase 32,260 places.⁵⁹⁴ Collective reception (29,916 places at the end of 2025, including first phase places) consists of reception centres managed by Fedasil, the Belgian Red Cross or other entities. Individual reception (4,562 places at the end of 2025) comprises housing managed by the Public Social Welfare Centre ('local reception initiatives' or LRI; 3,868 places at the end of 2025) or NGOs. The current reception model, the implementation of which started in 2016, generally assigns people to collective reception centres (87% of the places).⁵⁹⁵ Only applicants with specific vulnerabilities or reception needs are directly transferred to specialised NGO reception structures or individual structures.

The reception centres in the network of Fedasil are 'open', meaning the residents are free to leave the centre whenever they want. Only in the context of the border procedure (see [Border procedure](#)) and for persons applying for international protection while staying in a closed detention centre, the procedure for international protection will be conducted in the context of a closed detention centre. These closed centres are managed by the Immigration Office (see [Detention of asylum applicants](#)).

The right to reception ends once the procedure for international protection is completed. In the event of a positive decision, beneficiaries of international protection receive a residence permit and may start to look for their own accommodation. They are entitled to remain at the reception structure for an (extendable) additional two months to allow them to find suitable accommodation. They may request assistance from a Public Social Welfare Centre (PSWC). However, due to issues on the Belgian housing market, many beneficiaries encounter difficulties to find adequate housing within the timeframe of this transit period. Following a final negative decision, the applicant receives an order to leave the territory. The right to reception ends 30 calendar days after this final negative decision. During this time, third country nationals are invited to go to one of the five Fedasil centres with 'open return places' (400 places in total), where possibilities for voluntary return are discussed.⁵⁹⁶ In case applicants refuse to cooperate with their voluntary return, the Immigration Office can initiate a procedure of forced return, including the transfer of the person concerned to a closed centre. Closed centres are managed by the Immigration office. (See [End of the right to reception](#))

Since September 2021 and up until the time of writing (March 2026), the reception network is under a lot of pressure and is unable to accommodate all applicants for international protection. Families and children get priority, while single men are systematically refused access to a reception place on the day of their

⁵⁹³ Information provided by Fedasil, March 2026.

⁵⁹⁴ Information provided by Fedasil, March 2026.

⁵⁹⁵ Information provided by Fedasil in March 2026.

⁵⁹⁶ The end of material reception conditions is further explained in the Fedasil Instruction of 20 July 2024, 'Material reception conditions – right, withdrawal and extension of material reception conditions' available in Dutch [here](#).

application (see [2021 – 2025: reception crisis](#)). In May 2026 1,127 persons were on the waiting list to get access to reception.⁵⁹⁷

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law allow for access to material reception conditions for asylum applicants in the following stages of the asylum procedure?

❖ Regular procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Dublin procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Admissibility procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ Border procedure	☐ Yes	☒ Reduced material conditions	☐ No
❖ Accelerated procedure	☒ Yes	☐ Reduced material conditions	☐ No
❖ First appeal	☒ Yes	☐ Reduced material conditions	☐ No
❖ Onward appeal	☐ Yes	☒ Reduced material conditions	☐ No
❖ Subsequent application	☐ Yes	☒ Reduced material conditions	☐ No

2. Is there a requirement in the law that only asylum applicants who lack resources are entitled to material reception conditions? ☒ Yes ☐ No

1.1. Right to shelter and assignment to a centre

According to the Reception Act,⁵⁹⁸ every applicant has the right to material reception conditions ensuring a dignified standard of living from the moment of making an application for international protection.⁵⁹⁹

There is no limit to this right connected to the nationality of the applicants in the Reception Act. Applicants from safe countries of origin will have a reception place assigned to them. EU citizens applying for international protection and their family members are entitled to reception as well, although in practice they are not accommodated by Fedasil (see [Differential Treatment of Specific Nationalities in Reception](#)). This means that they need to secure housing with their own means. EU citizens applying for international protection can challenge the formal refusal decision of Fedasil (known as ‘non-designation of a code 207’) before the Labour Court.

No material reception conditions, except for medical care, are due to a person with sufficient financial resources. Expenses that have been provided in the context of reception can also be recovered in such cases.⁶⁰⁰ Fedasil can check on the quarterly income of working applicants and can claim a financial contribution directly from the resident (see [Reduction or withdrawal of reception due to a professional income](#)).⁶⁰¹

The Aliens Act provides that ‘registration’ and ‘lodging’ of the application for international protection are two different steps in the asylum procedure.⁶⁰² The Reception Act, however, now clearly provides that an applicant has the right to shelter from the moment they make the application for international protection, and not only from the moment the application is registered,⁶⁰³ in line with the recast Reception Conditions Directive.

⁵⁹⁷ Fedasil, ‘Reception network for applicants in Belgium’, 1 May 2026, available in Dutch [here](#).

⁵⁹⁸ Law of 12 January 2007 regarding the reception of asylum applicants and other categories of aliens, available in [French](#) and in [Dutch](#).

⁵⁹⁹ Article 3 Reception Act.

⁶⁰⁰ Article 35/1 and 35/2 Reception Act.

⁶⁰¹ Royal Decree of 16 April 2024 on the allocation of material assistance to asylum applicants receiving professional income and other categories of income (“Royal Decree Cumul”), available in [French](#) and in [Dutch](#).

⁶⁰² Article 50/1 Aliens Act.

⁶⁰³ Article 6(1) Reception Act.

Applicants who receive direct access to the reception network on the day of registering their application at the Immigration Office (mostly families, unaccompanied minors and applicants with a specific vulnerability) receive the address of a centre in the 'first phase' of the reception network after having finished the registration procedure and are expected to find their way to this reception centre. The next day, they visit the 'arrival centre' of Fedasil ('Petit Château' or 'Klein Kasteeltje') for an intake procedure. Because of the ongoing shortage of reception places (see below), single men are systematically denied access to reception on the day of their application for international protection. These applicants are instructed by the Immigration Office to register on Fedasil's waiting list. Once they are eligible for a reception place, they receive an invitation via e-mail to come to the 'arrival centre' for the intake procedure. The average waiting time for persons registered on this waiting list was 59 days in 2025.⁶⁰⁴ During this period they have no access to material reception conditions, apart from medical reimbursements.

During the intake procedure, applicants undergo a medical screening and can get vaccinated (optional) and must undergo a tuberculosis test (compulsory). Therefore, applicants who are on the waiting list for reception do not undergo a medical screening on the day of their application, leading to increased health risks. Fedasil assesses any specific reception needs that might arise (e.g. medical needs). Afterwards, applicants are first accommodated in one of the 11 first-phase reception centres (with a total capacity of 2,529 places in 2025).⁶⁰⁵ Once a place in a second phase reception structure becomes available, the person is moved to the new reception place. Due to the shortage of reception places, the average stay in a first phase reception places rose to 53 days in 2025, compared to 49 days in 2024.⁶⁰⁶

Applicants who stay at private addresses and indicate they do not need material assistance will only be entitled to medical care (to be requested to Fedasil via an online 'requisitorium'; see [Health care](#)). Their right to have the assistance of a pro bono lawyer may also be affected if they live with someone who has sufficient means (see [Legal Assistance](#)). When the need arises, these applicants can always opt for material aid again if their procedure is still pending.

Constraints in accessing accommodation

2021 – 2026: shortage of reception places & systematic denial of reception for male applicants for international protection

Since September 2021, the reception network is under enormous pressure and Fedasil is unable to provide all applicants with a reception place. Therefore, priority is given to those applicants considered 'vulnerable' (families, children, single women, etc.). Unless they present an exceptional (medical) vulnerability⁶⁰⁷, single male applicants are almost systematically not considered as vulnerable and are thus denied access to a reception place. There are no clear criteria to assess when a single man would be considered as vulnerable. In 2025, Fedasil did not provide accommodation to 7.015 single male applicants with a right to reception.⁶⁰⁸

Since May 2022 and until the time of writing this report (March 2026), single male applicants for international protection are systematically deprived of their right to reception. After registering their application for international protection, single men with a need for accommodation are not given an individually motivated decision that refuses them a reception place.⁶⁰⁹ They are merely informed about the shortage of places and instructed to register themselves on a waiting list of Fedasil.⁶¹⁰ In May 2026,

⁶⁰⁴ Information provided by Fedasil, April 2026.

⁶⁰⁵ Information provided by Fedasil, April 2026.

⁶⁰⁶ Information provided by Fedasil, April 2026.

⁶⁰⁷ Federal Parliament, 'Committee on Internal Affairs, Security, Migration and Governance: CRIV 55 COM 1184, 4 October 2023, available in Dutch [here](#), 8.

⁶⁰⁸ Information provided by Fedasil, April 2026.

⁶⁰⁹ Chamber of Representatives, Nicole de Moor, CRIV 55 COM 1010, 1 March 2023, available in Dutch and French [here](#), 26.

⁶¹⁰ Fedasil, 'Register for reception', last consulted on 26 March 2025, available [here](#); the waiting list can be accessed online [here](#).

1,127 single men were on the waiting list.⁶¹¹ To offset the impact of the shortage of Fedasil reception places, the federal government finances 2,000 places within the Brussels network of homelessness shelters (the so-called 'Brussels Deal'). However, applicants on the waiting list are not automatically directed to these places. Apart from issues with the accessibility of these places – persons should register for this homelessness accommodation themselves through systems that contain high thresholds for them, such as calling a registration hotline in a language they do not master or registering online while not all of the applicants can easily use such online systems – there is still a large shortage of places for all destitute applicants for international protection. Therefore, the Brussels Deal is not an adequate solution for applicants on the Fedasil waiting list. In 2025, the average waiting time on the waiting list for reception was 59 days.⁶¹² During the waiting period, the applicants are left to fend for themselves, many living in extremely precarious conditions (see Consequences on the applicants' livelihoods). This has been confirmed by the European Court of Human Rights in *M.V. and Others v. Belgium*.⁶¹³ Belgium was found to violate article 3 of the European Convention on Human Rights with regards to four applicants for international protection. They were not provided access to material reception conditions and had to sleep rough between 111 and 338 days. The Court found that the applicants had thus been victims of degrading treatment that had entailed a lack of respect for their dignity. A level of severity sufficient to engage Article 3 of the Convention had been exceeded as a result of those living conditions, together with the lack of an appropriate response from the Belgian authorities. The past two years, multiple legal procedures have been initiated in order to force the Belgian government to respect the international and national obligation to provide reception to people asking for international protection (see [Legal proceedings](#)). However, since August 2023 single men on the waiting list can no longer obtain a reception place through litigation. Fedasil no longer respects court decisions, hereby rendering the available legal remedy ineffective.

In February 2025, a new government was installed. Since then, the new Minister for Asylum and Migration has repeatedly stated that “no applicant for international protection should sleep on the streets”, asserting that the waiting list would therefore no longer be necessary. She further maintains that applicants who are not accommodated by Fedasil can instead find shelter within the Brussels network for homeless persons.⁶¹⁴ According to the Minister, the Brussels Deal adequately meets the housing needs of the fewer than 2,000 applicants currently on the Fedasil waiting list. However, this position is not supported by observations from civil society, nor does it correspond with information provided by Fedasil.⁶¹⁵ Furthermore, it also disregards the fact that Fedasil has no legal basis for refusing accommodation to these single men. Moreover, the reception agency cannot shift its statutory responsibilities onto civil society actors.

Once the shortage of reception places is resolved and the number of applicants has significantly decreased, the government plans to drastically reduce the number of reception places. In a first phase, it has already closed emergency accommodation in hotels (NOC's).⁶¹⁶ The last hotel was closed in the beginning of January 2026. According to the Minister this was possible due to a sharp decline of applications for international protection in Belgium.⁶¹⁷ In a second phase, the government intends to close all Local Reception Initiatives (LRIs), which it considers to be a pull factor. This substantial reduction in reception capacity would result in an 83% budget cut for Fedasil. These plans have been strongly criticized by civil society. Commenting on these budget plans, the Court of Auditors noted that “the

⁶¹¹ Fedasil, 'Reception network for applicants', 1 February 2026, available in Dutch [here](#).

⁶¹² Information provided by Fedasil, April 2026.

⁶¹³ ECHR 9 April 2026, 52836/22, 57898/22, 3913/23 et al., *M.V. and others v. Belgium*, available [here](#).

⁶¹⁴ Chamber of Representatives, Anneleen van Bossuyt, CRIV 56 COM 186, 17 September 2025, available in Dutch and French, [here](#), 12.

⁶¹⁵ For example, the website www.fedasilinfo.be states that “Currently, Fedasil cannot give shelter to all asylum seekers. Vulnerable people, women and children are given priority. If you don't get shelter, you can register on the waiting list” and Samusocial, 'An alarming turning point: Samusocial must refuse shelter to women with children and to victims of domestic violence', 9 September 2025, available in Dutch and French [here](#).

⁶¹⁶ VRT NWS, 'Hotel accommodation for asylum seekers to be gradually phased out', 20 October 2025, available [here](#).

⁶¹⁷ Anneleen Van Bossuyt, 'Hotel accommodation for asylum seekers completely closed - Minister Van Bossuyt: 'I am doing what I promised.'', 16 January 2026, available [here](#).

international context has a significant impact on the number of asylum applications. As a result, forecasts covering a period of more than two years are insufficiently reliable. The Court of Auditors also noted that the government's calculation is insufficiently substantiated".⁶¹⁸ Despite these criticisms, the government continues to plan for a decrease of the Fedasil budget with the Agency's budget decreasing with €126,735,000 in 2026 compared to last year. Commenting on the 2026 budget, the Court of Auditors has again voiced its concerns on the extent to which Fedasil will be able to meet its future obligations with the resources provided.⁶¹⁹

Year	2024	2025	2026	2027	2028	2029
Fedasil budget (in euros)	929.166.000	828.940.000	702.205.000	546.298.000	372.298.000	261.298.000

The shortage of reception places also impacted access to the procedure for international protection in 2022 and 2023 (see [Registration of the asylum application](#)). In 2024 and 2025 the access to the procedure for international protection was guaranteed.

Consequences on the applicants' livelihoods

Applicants without access to the reception network often endure months of homelessness. Many sleep on the streets, relying on sleeping bags, mattresses, and blankets provided by humanitarian organisations and concerned citizens, who also distribute food and warm drinks. Between 2022 and 2025, several informal tent camps and squats emerged in Brussels, with a particularly high-profile wave of squats in 2023 that attracted significant media attention.⁶²⁰

To address the shortage of reception places, in 2022 the federal government allocated funding for 2,000 places within the Brussels Capital Region's homeless shelter network, a measure commonly known as 'the Brussels Deal' (discussed above).⁶²¹ The government claims that applicants unable to secure Fedasil accommodation should be able to find shelter within this system. However, in practice, as stated above, this measure does not provide a solution for all applicants in need of reception. These places are difficult to access. People must register for homelessness accommodation themselves. The registration systems often have high barriers. For example, people may need to call a hotline in a language they do not speak well. Others must register online, even though not everyone can easily use digital systems. In addition to these barriers, there is also a serious shortage of places. There are not enough places for all destitute applicants. In addition, these places are open to everyone in need of accommodation, so applicants for international protection are not given priority. Throughout 2025, the shelter network operated at full capacity, requiring the implementation of a waiting list for this network as well. Because multiple humanitarian organisations manage the shelters, waiting times vary, as does the length of stay, which can range from a single night to several weeks. For example, NGO Belrefugees provides accommodation for 28 days and had an average waiting time of 16 to 24 days. Samusocial on the other hand provides

⁶¹⁸ Court of Auditors, 'Comments and remarks on the draft state budget for the 2025 financial year', 15 May 2025, available in Dutch [here](#), 63.

⁶¹⁹ "The Council of Ministers meeting of 14 February 2025 decided to tighten asylum policy. This stricter approach is expected to generate savings of €688 million by 2029. By reducing inflows, the government aims to gradually and carefully scale down the asylum reception network (€538 million). In addition, by organising more efficient returns (outflows), less reception capacity will be needed and the associated costs can be reduced (€150 million). Both savings measures are fully attributed to Fedasil. (...) Furthermore, the Court of Audit notes that the number of applications for international protection (inflows) strongly depends on the international context. In 2025, the number of applications (34,439) fell by 5,176 (-13.1%) compared to 2024 (39,615). This overall decline is largely due to fewer applications from Syrians (-4,163, -74.1%) and Palestinians (-2,297, -40.4%), respectively as a result of the removal of the former Syrian president and the ceasefire in Gaza. The international context therefore represents a factor that is difficult to predict and that will partly determine the extent to which Fedasil will be able to meet its future obligations with the resources provided".

⁶²⁰ For further details see: AIDA, Country Report Belgium, 2023 update.

⁶²¹ VRT NWS, 'Brussels receives 20 million euros as compensation for homeless shelters', 13 December 2022, available in Dutch [here](#).

accommodation for one night which is only accessible through an online platform or a telephone hotline. Samusocial states that only one third of the single men requesting a place to sleep receives a positive answer.⁶²² Regardless of the organisation providing shelter, once the maximum stay is reached, individuals must leave the network and re-register on the waiting list to access the homeless shelter network again. The ngo Vluchtelingenwerk Vlaanderen, in the context of its field work providing legal information to applicants having been denied reception, very regularly encounters applicants who have tried to apply for homelessness accommodation for days or even weeks, without success.⁶²³ Consequently, applicants denied Fedasil accommodation face a high risk of destitution unless they can secure housing on their own. In September 2025, Samusocial published a press release. In this statement, they explained that they had begun refusing shelter to single women. They stated this decision was a result of federal migration policy.⁶²⁴ Since May 2023, several humanitarian NGO's publish an overview of the non-reception policy. The latest version was released in April 2026 and covers the period between June and December 2025.⁶²⁵

Medical organisations have denounced the dire medical situation for destitute applicants for international protection on multiple occasions. Although Fedasil remains responsible for the reimbursement of medical costs, the group of applicants deprived of reception in the context of the reception crisis encountered many difficulties accessing medical aid through the online 'requisitorium' (see [Health care](#)). Language barriers, lack of access to internet and urgent and complex medical needs because of precarious living situations, were some of the reasons why this group had difficulties accessing medical aid via this system.

To make medical care more accessible for applicants for international protection outside of the Fedasil reception network, Croix-Rouge provides medical consultations in a 'Refugee Medical Point' (RMP). Of all the visitors to the RMP, 95% were applicants for international protection without Fedasil accommodation.⁶²⁶ Humanitarian organisations providing medical care, such as the medical services at the Humanitarian HUB ran by MSF and Doctors of the World (MdM), registered an increase in the ratio of applicants for international protection on their entire visitors' population.⁶²⁷ These services indicate that many of the health problems treated among applicants for international protection are directly related to their dire living situations and the lack of access to preventive and curative health care: skin diseases, digestive issues and dental problems, joint problems and mental health problems.⁶²⁸ They also treat several contagious diseases that would usually be prevented or cured when people would undergo a medical examination on the moment of entering the Fedasil reception network, such as diphtheria, scabies, tuberculosis and measles.⁶²⁹ MSF teams also observed a marked deterioration in the mental health of applicants for international protection living on the streets. Main diagnoses identified are: psychotic disorders, post-traumatic stress and depression. These disorders are exacerbated by the insecurity and uncertainty associated with the lack of housing. In some cases, this can lead to suicidal thoughts or suicide attempts.

Access to legal assistance and information

The shortage of reception places has severely hindered access to legal assistance for applicants sleeping rough. After the registration of their application, single men are automatically left on the streets without any information about their rights – including the right to legal assistance – nor any practical indications

⁶²² Samusocial, 'Greater fairness and accessibility: Samusocial's initial findings on its new accommodation allocation system', 4 March 2025, available in French [here](#).

⁶²³ Based on the observations of Vluchtelingenwerk Vlaanderen, the organization responsible for writing this report, in the context of its legal helpdesk for asylum applicants.

⁶²⁴ Samusocial, 'An alarming turning point: Samusocial must refuse shelter to women with children and to victims of domestic violence', 9 September 2025, available in Dutch and French [here](#)

⁶²⁵ Doctors without Borders, 'Restricted access to reception undermines health and dignity', 28 April 2026, available [here](#).

⁶²⁶ Information provided by Croix Rouge, April 2026.

⁶²⁷ Ibidem.

⁶²⁸ Ibidem 11.

⁶²⁹ Ibidem.

on accessing the legal assistance they are entitled to. As a result, they are unable to challenge the violation of their right to a reception place. Most applicants lack information on the course of the procedure for international protection. This can result in missing their first interview, potentially leading to the closure of their procedure. Many go to their interview uninformed and unprepared.

Several NGO's try to mitigate this issue by providing legal information and ensuring access to lawyers to victims of the reception crisis. SISA, the social and administrative information service of the NGO BelRefugees, has been providing legal information and assistance to migrants living in precarious situations for a long time and continues to do so in the context of the shortage reception places. Whereas SISA is accessible for all persons living in precarious situations and having questions about migration, the share of applicants of international protection among the total amount of visitors was on average 76% in 2025.⁶³⁰ In April 2022, a legal helpdesk was set up by the NGO Vluchtelingenwerk Vlaanderen, a consortium of law firms and the Bureau of legal aid of Brussels (Barreau de Bruxelles). In this 'first-line' helpdesk, volunteers provide information about the procedure for international protection to applicants without access to a reception place, help them with registering on Fedasil's waiting list and finding their way to emergency accommodation and other humanitarian services. Through this helpdesk, a 'second-line' lawyer is appointed for further legal support in their asylum procedure. To this purpose, a collaboration has been set up with different bureaus of legal aid in Gent, Antwerp, Leuven, Limburg and Brussels, so as to ensure the swift designation of a lawyer. Between April 2022 and March 2025, 12,083 individual applicants came to the legal helpdesk.⁶³¹ Between July and December 2025, the helpdesk received 4,014 visitors.⁶³² The demand for shelter is their most pressing concern, with 488 visitors stating that they were homeless at the time of their visit. These were mainly people who had only just lodged an application for international protection and had not yet gained access to the Fedasil shelter network. More than a quarter of homeless visitors are also unaware of the waiting list for shelter, so the Legal Helpdesk assists with registration on the waiting list.

In September 2023, Fedasil reopened their Info Point, an information centre where applicants for international protection, migrants in transit and undocumented persons can get information about the asylum procedure, medical aid, legal advice etc.⁶³³ Although the Info Point does not serve as a point of access to reception for those excluded in the context of the reception crisis, it can provide this group with information and help them, for example, to fill out the medical requisitorium that allows them to get medical costs reimbursed (see [Health care](#)). In 2025, the Info Point welcomed 10,945 visitors. 79% are single men, and of the total amount of visitors 87% have an ongoing asylum procedure. On average, half of the visitors indicated that they were sleeping rough.⁶³⁴ The most common questions concern shelter, assistance with medical care, and legal aid.⁶³⁵

Legal proceedings

In the past two years, multiple legal procedures have been initiated to force the Belgian government to respect the international and national obligation to provide reception to people asking for international protection. In [individual procedures](#) initiated by lawyers of applicants being denied reception, Fedasil has been condemned at least 11,030 times by Labour Courts for violation of the right to reception.⁶³⁶ Similarly, the European Court of Human rights (ECtHR) has indicated 2,286 interim measures to the Belgian state, ordering to provide shelter to the persons involved. On 13 March 2026, 5 of these interim measures were

⁶³⁰ Belrefugees, 'Service d'Information Sociojuridique et Administrative', 16 December 2025, available in French [here](#).

⁶³¹ Information about the Legal Helpdesk is provided by Vluchtelingenwerk Vlaanderen, author of the AIDA report. For more information, contact info@vluchtelingenwerk.be.

⁶³² One person can visit multiple times.

⁶³³ Fedasil, 'Ouverture du Point Info à Bordet', 29 September 2023, available in French [here](#).

⁶³⁴ Information provided by Fedasil, April 2026.

⁶³⁵ Fedasil, 'The Fedasil Info Point celebrates its second anniversary', 26 September 2025, available [here](#).

⁶³⁶ Fedasil, 'Contact Meeting International Protection', 19 November 2025, available in French and Dutch [here](#), 38.

still active.⁶³⁷ A consortium of NGO's has also initiated several [collective procedures](#), asking Belgian courts to condemn the violation of the right to reception and the right to asylum.⁶³⁸

- *Individual legal proceedings*

From the early stage of the reception crisis, lawyers started legal procedures to challenge the violation of the right to reception of their clients, often through 'unilateral request' (non-contradictory procedure in extreme urgency) lodged before the presidents of the Labour courts. In many of these cases, courts confirmed the right to reception to the applicants, ordering Fedasil (and later also the Belgian State, being declared responsible *in solidum*) to give them immediate access to a reception place, on penalty of a fine of € 100 to € 250 per working day it fails to respect the court decision. As of January 2025, Fedasil has been condemned by Belgian labour courts 11,030 times since the start of the reception crisis.⁶³⁹ The theoretical amount of these fines is estimated to be well above 100 million euros. However, Fedasil does not pay these fines. This is a policy openly assumed by the Minister for Asylum & Migration who stated that "she cannot and will not pay these penalties".⁶⁴⁰ This overt disregard for the rule of law led to severe criticism by the judiciary in an open letter in September 2025.⁶⁴¹ After some time, an individual court decision becomes inactive. Therefore, on 12 September 2025 Fedasil was due to pay 6.7 million euros in 527 individual files.⁶⁴²

The wide amount of case proceedings and convictions against Fedasil has so far had a limited impact in practice, with less results registered in the latter phases of the reception crisis. While at the beginning of the reception crisis, applicants who received a positive court decision were given an appointment for accommodation within a week, the waiting time for persons having received a positive court order soon started increasing, to reach several months. As a result, applicants started introducing requests for interim measures at the European Court of Human Rights.⁶⁴³ The first interim measure was granted on 31 October 2022.⁶⁴⁴ On 23 December 2024, the ECtHR had granted 2,285 interim measures in this context.⁶⁴⁵ Although the interim measures were effective in the beginning, leading to an invitation to access the reception network within a short period, the waiting time increased for this group of applicants as well.

In July 2023, Fedasil announced it would no longer give priority to persons having received a positive court order: every applicant in need of reception is requested to register on a waiting list, after which they will be invited in a chronological order based on the date on which they have lodged their application.⁶⁴⁶ This practice was still applied in 2025.⁶⁴⁷ The practice renders the available legal remedies at the domestic and European level practically ineffective. The *Camara v. Belgium* case resulted in a judgement of the European Court of Human Rights, in which the ECtHR found that Belgium was violating Article 6 of the European Convention on Human Rights and observed 'a systemic failure on the part of the Belgian authorities to enforce final court decisions relating to the reception of applicants for international

⁶³⁷ Ibidem.

⁶³⁸ The Brussels Times, 'Tribunal of first instance condemns Belgium for reception crisis', 5 July 2023, available [here](#).

⁶³⁹ Fedasil, 'Contact Meeting International Protection', 19 November 2025, available in French and Dutch [here](#), 38.

⁶⁴⁰ N-VA, 'Penalty imposed on Fedasil halved under Minister Van Bossuyt', 7 February 2026, available [here](#).

⁶⁴¹ Board of Procurators General, Board of Courts and Tribunals, and the Court of Cassation, 'Judiciary: 'Court rulings are binding – even for ministers'', 1 October 2025, available in French [here](#).

⁶⁴² Anneleen van Bossuyt, 'Federal Chamber of Representatives – written questions and answers', 2 October 2025, available in French and Dutch [here](#), 447.

⁶⁴³ HLN, 'Europees Mensenrechtenhof verzoekt België opnieuw onderdak te geven aan asielzoekers', 16 December 2022, available in Dutch [here](#).

⁶⁴⁴ De Standaard, 'Mensenrechtenhof beveelt België asielzoeker onderdak te geven', 3 november 2022, available in Dutch [here](#).

⁶⁴⁵ Fedasil, 'Contact Meeting International Protection', 19 November 2025, available in French and Dutch [here](#), 38.

⁶⁴⁶ Myria, 'Contact Meeting International Protection', 20 September 2023, available in French and Dutch [here](#), 48; Federal Parliament, 'Committee on Internal Affairs, Security, Migration and Governance: CRIV COM 1154', 12 July 2023, 9 available in French and Dutch [here](#); and Myria, 'Contact Meeting International Protection', 21 June 2023, available in French and Dutch [here](#), 28.

⁶⁴⁷ Based on information obtained by Vluchtelingenwerk Vlaanderen, author of the AIDA report.

protection'.⁶⁴⁸ The failure of the Belgian government to comply with the rule of law has been largely criticised on both the national and international level (see [International reaction](#)).

Several lawyers have tried to force Fedasil and the Belgian state to respect the court decisions by claiming the penalties imposed by the courts in case of non-respect of the court decisions. However, Fedasil has until now refused to pay. The Minister for Asylum and Migration has confirmed this policy on several occasions.⁶⁴⁹ Lawyers have thus taken further legal steps in order to force the payment of the penalties by Fedasil and the Belgian state by the confiscation and public sale of goods of Fedasil and of the cabinets of the Secretary of State and the prime minister.⁶⁵⁰ However, the possibilities of confiscating public goods are strongly limited by Belgian law in order to not hinder the functioning of these services, making the enforcement of the judicial convictions very difficult in practice. In one mediatised case, four applicants managed to obtain a compensation of €40.000. In this case, the applicants claimed the penalty from the Belgian Buildings Agency which is led by another federal minister than Anneleen Van Bossuyt. In April 2026 this minister, Vanessa Matz, decided to pay the penalty of €40.000 to these four applicants. This is the only known case in which penalties were paid. The Minister for Asylum and Migration Anneleen Van Bossuyt repeatedly states that she 'cannot and will not pay any penalty'.⁶⁵¹

- *Collective legal proceedings*

On 29 June 2023, the court of First Instance of Brussels (French-speaking) condemned the Belgian State and Fedasil on the merits for their persistent misconduct in violating the right to international protection and the right to reception, as well as for not respecting judicial decisions.⁶⁵² The appeal was introduced by a group of 10 NGO's. The court found that the Belgian state violated the right to asylum by restricting access to asylum procedure. The court held that the right to apply for asylum may not be unlawfully prevented or delayed. The fact that the Belgian state is doing its best to organise the situation and does not intend to prevent the exercise of this right is irrelevant in this regard. The court finds that the Belgian state was in violation of the abovementioned obligations.

With regards to Fedasil, the court found that the Federal Agency violated the right to reception. According to the court, it is not in doubt that the right to reception has been violated since the summer of 2021. The fact that there is a waiting list for reception sufficiently demonstrates this violation, according to the court. The Belgian state and Fedasil argued that there is force majeure that makes guaranteeing the right to shelter impossible. The court concludes that there is no force majeure. Therefore, saturation of the shelter network does not relieve the state of its obligations.

In several judgements preceding this decision on the merits, Fedasil was forced to pay a penalty fee for every day that it violated the right to reception. The Reception Agency did not pay a single penalty fee and did not respect the right to reception either. This led to extensive legal proceedings in which the court of First Instance and the court of Appeal upheld the initial decisions and even increased the penalty fee that Fedasil was due. Because the Agency did not respect these judgements, the court of Appeal stated that Fedasil 'deliberately and manifestly disregards the initial judgement of the 19 January 2022' (for more information see AIDA update on 2024).

⁶⁴⁸ ECHR, 'Camara v. Belgium', 18 July 2023, available [here](#), §118.

⁶⁴⁹ Van Bossuyt, 'Committee on Internal Affairs, Security, Migration and Governance: CRIV COM 56 COM 089', 26 February 2025, available in French and Dutch [here](#), 30 and De Standaard, 'Minister of Asylum and Migration Anneleen Van Bossuyt', 18 March 2025, available in Dutch [here](#).

⁶⁵⁰ VRT NWS, 'Dwangsommen niet betaald? Rechter laat nu ook spullen van Fedasil in beslag nemen', 20 januari 2023, available in Dutch [here](#); VRT NWS, 'Dwangsommen blijven staatssecretaris De Moor (CD&V) in de nek hijgen', 1 February 2023, available in Dutch [here](#); VRT NWS, 'Deurwaarder neemt diepvriezer en koffiemachine kabinet-De Moor in beslag', 11 January 2024, available [here](#).

⁶⁵¹ Van Bossuyt, 'Committee on Internal Affairs, Security, Migration and Governance: CRIV COM 56 COM 355', 22 April 2026, available in French and Dutch [here](#), 37.

⁶⁵² Brussels Court of First Instance, '2022/4618/A', 29 June 2023, available in French [here](#).

Despite these judgements, Fedasil has continued to violate the right to reception up until the time of writing.⁶⁵³ This has been confirmed by Fedasil in several official communications.⁶⁵⁴ Fedasil has not yet paid the penalty fees that are due, hereby violating legal judgements.⁶⁵⁵ The ten NGOs have sought to enforce payment of these penalties, but so far without success. Legal proceedings regarding the payment of these penalties are currently pending. In total, the NGOs are claiming €2.9 million in unpaid penalty fees. The courts have ruled that the NGOs may seize individual bank accounts held by Fedasil. Following such a seizure, the Agency is given the opportunity to demonstrate why the specific account in question is essential for the public service it provides. Concerning the first account that was seized, the court of Appeal found in November 2025 that this particular account was indeed crucial for Fedasil's public service functions.

(Inter)national reaction

On 13 December 2022, the then Commissioner for Human Rights for the Council of Europe Dunja Mijatovic sent a letter to the Belgian secretary of state for asylum and migration expressing her concern about the deteriorating reception crisis in Belgium.⁶⁵⁶ In August 2023, the Commissioner repeated that 'the lack of accommodation has serious consequences for the human rights of people applying for asylum in Belgium, including from the perspective of their right to health'.⁶⁵⁷

On 23 July 2025 the Dutch Council of State ruled that the Netherlands can no longer transfer single men to Belgium in the context of the Dublin Regulation.⁶⁵⁸ Because of the systemic shortage of reception places, the principle of mutual trust towards Belgium no longer applies in the case of single male applicants for international protection.

During 2023, 2024 and 2025, several institutions, courts and civil society organizations underlined their concern regarding the deterioration of the reception conditions in Belgium. These include:

- A letter to the Belgian Government sent on 30 March 2023 by four UN Special Rapporteurs;⁶⁵⁹
- An open letter sent in September 2023 by several Belgian human rights institutions calling the rapporteurs and representatives of various European institutions and the United Nations to examine the situation in Belgium (which, however, received very little response);⁶⁶⁰
- A statement published in October 2023,⁶⁶¹ and an international campaign launched in December 2023,⁶⁶² by Amnesty International, urging the Belgian authorities to take all possible measures to respect, protect and fulfil the rights of asylum applicants and to comply with the court rulings ordering Belgium to provide adequate accommodation;
- A statement published by UNHCR in November 2023, expressing their concern on the reception crisis. The Agency stated that "through collective and coordinated action by all actors, immediate

⁶⁵³ The Brussels Times, 'Despite 6,000 convictions, Belgium still refuses to tackle reception crisis', 23 January 2023, available [here](#).

⁶⁵⁴ Fedasil, 'Reception of asylum seekers: key figures of 2024', 22 January 2025, available [here](#); Fedasil, 'Opening of Temporary Centers', 5 November 2024, available [here](#) and Fedasil 'Annual Report of 2023', 18 July 2024, available [here](#).

⁶⁵⁵ Fedasil, 'Inbeslagname goederen bij Fedasil', 20 January 2023, available in Dutch at: <https://bit.ly/3yWVbyy>.

⁶⁵⁶ Dunja Mijatovic, 'Letter to Belgium concerning reception of applicants for international protection', CommHR/DM/sf 040-2022', 13 December 2022, available [here](#).

⁶⁵⁷ Associated Press, 'Belgium's asylum shelters will no longer take in single men in order to make room for families', 30 August 2023, available [here](#).

⁶⁵⁸ Dutch Council of State, 'The Netherlands can no long transfer single male applicants to Belgium', 23 July 2025, available in Dutch [here](#).

⁶⁵⁹ United Nations, 'AL BEL 1/2023', 30 March 2023, available in French [here](#).

⁶⁶⁰ Myria et al., 'Human Rights Institutions invite Europe and the United Nations to investigate human rights violations', 2 October 2023, available in Dutch [here](#). The letter was sent by the following human rights institutions: Myria Federal Center on Migration, Federal Institute for Human Rights, Federal Ombudsman, Unia, Institute for the Equality of Women and Men, General Delegate for Children's Rights, Kinderrechtencommissariaat and Interfederal Service for Combating Poverty.

⁶⁶¹ Amnesty International, 'Belgium: Urgent Action Needed to End Human Rights Violations against Asylum Applicants', 31 October 2023, available [here](#).

⁶⁶² Amnesty International, 'Urgent Action: Asylum applicants denied shelter', 14 December 2023, available [here](#).

and long-term solutions are at hand to better protect people fleeing war, violence and persecution".⁶⁶³

- A collective memorandum published by the Constitutional Court, the Court of Cassation and the Council of State before the federal elections of June 2024, expressing their serious concern on the state of the rule of law in the context of the reception crisis.⁶⁶⁴
- The publication by the Committee of Ministers of the Council of Europe, in September 2024, and in September 2025 of its findings regarding Belgium's compliance with the *Camara v. Belgium* judgment.⁶⁶⁵ In their latest publication they express concerns "about the steady decline in the number of reception places since the end of 2024, given that in many cases the authorities are unable to offer applicants the reception they are entitled to and that the number of applications for protection and their average processing time remain high". In addition, the Committee noted concerns about the effects of other planned measures, in particular significant reductions in the federal budget for the reception of applicants and the long-term capacity of the reception network, as well as the removal of legal solutions that could help to respond to the crisis".⁶⁶⁶
- Two statements by the Federal Migration Centra (Myria) and the Federal Institute for Human Rights (FIRM) in response to the Committee of Minister's communications.⁶⁶⁷ In their latest statement of September 2025, Myria and FIRM point to "a worrying development: the federal government is consciously and knowingly accepting a situation that has become inhumane and degrading for the individuals concerned and that is unworthy of a state governed by the rule of law. By deciding not to enforce court rulings, the Belgian authorities are undermining the effectiveness of these individuals' legal remedies: they are thus unable to assert their rights".
- Research by Amnesty International, published in April 2025, titled 'Belgium: Unhoused and unheard – How Belgium's persistent failure to provide reception violates asylum seekers' rights'. This paper was meant as a 'a call to action and a damning indictment of how the Belgian authorities continue to enact policies that violate asylum seekers' rights, perpetuate racial discrimination, and create misery and destitution, all while undermining the rule of law'.⁶⁶⁸
- An open letter of the Court of Cassation, the College of Prosecutors General and the College of Courts and Tribunals entitled 'Court rulings are binding – even for ministers'.⁶⁶⁹ In a rare communiqué, the judiciary responds sharply to the disturbing statements made by the Minister for Asylum and Migration indicating that she would not pay any penalties or comply with the judges' decisions on reception. The judiciary states that 'Minister Van Bossuyt's statements are symptomatic of a worrying development in which a member of the executive branch believes he can place himself above the law. This is contrary to the principles of a democratic constitutional state'.

Reception support

In December 2021, the EUAA and Belgium signed their first operating plan, focusing on increasing reception capacity and improving reception quality, in the short and medium term.⁶⁷⁰ Several amendments

⁶⁶³ UNHCR, 'Reception crisis in Belgium is concerning, but solutions are at hand', 30 November 2023, available [here](#).

⁶⁶⁴ Constitutional Court, Council of State and Court of Cassation, 'Common Memorandum', July 2024, available in French [here](#), 7-8.

⁶⁶⁵ Committee of Ministers of the Council of Europe, 'H46-6 Camara c. Belgique (Requête n° 49255/22)', 19 September 2024, available in French [here](#) and 'H46-6 Camara c. Belgique (Requête n° 49255/22)', 17 September 2025 available in French [here](#).

⁶⁶⁶ Committee of Ministers of the Council of Europe, 'H46-6 Camara c. Belgique (Requête n° 49255/22)', 17 September 2025.

⁶⁶⁷ Myria and FIRM, 'Reception crisis: Europe once again points to Belgium's shortcomings', 20 September 2024, available in French [here](#) and 'Reception crisis: Myria and the Federal Institute for Human Rights warn of deterioration in rights', 18 September 2025, available in French [here](#).

⁶⁶⁸ Amnesty International, 'Belgium: Unhoused and unheard – how Belgium's persistent failure to provide reception violates asylum seekers' rights', 2 April 2025, available [here](#).

⁶⁶⁹ Court of Cassation, the College of Prosecutors General and the College of Courts and Tribunals, 'Court rulings are binding – even for ministers', 1 October 2025, available in French [here](#).

⁶⁷⁰ EUAA, 'Belgium: EASO launches operation to support reception authorities', 16 December 2021, available [here](#).

were signed, extending support into 2024.⁶⁷¹ In December 2024, the EUAA and Belgium agreed on an operational plan for 2025-2026, with support with regard to asylum procedures and reception.⁶⁷²
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Throughout 2025, the EUAA deployed 92 experts in Belgium,⁶⁷⁸ mostly external experts (81). The majority of them were asylum procedures experts (23), access to asylum procedures experts (14), along with information and data management experts (7) and programme and project management experts (6).⁶⁷⁹

As of 15 December 2025, a total of 65 EUAA experts were deployed in Belgium, out of which 20 were asylum procedures experts, 14 were access to asylum procedures experts, 6 were information and data management experts and 5 were programme and project management experts.⁶⁸⁰

In 2025:

- 6,093 lodged asylum applications were registered with the support of EUAA personnel in Belgium. 56% of these related to the same 10 citizenships, mainly of nationals from Afghanistan (655), Eritrea (654), Palestine (481), Türkiye (320), Burundi (260), Guinea (233), Democratic Republic of Congo (226), Congo (205), Cameroon (201) and Somalia (187).⁶⁸¹
- the EUAA carried out 828 registrations for temporary protection in Belgium.⁶⁸²
- EUAA caseworkers carried out interviews concerning 1,297 applicants, all of which related to the same 3 citizenships: Palestine (1,220), Syria (36) and Yemen (41).⁶⁸³
- the EUAA delivered 14 training sessions to a total of 148 local staff members.⁶⁸⁴

1.2. Right to reception: subsequent applications

The Reception Act provides the possibility for Fedasil to refuse reception to applicants who lodge a second or further subsequent application for international protection, until their application is deemed admissible by the CGRS.⁶⁸⁵ Between the moment of the subsequent application and the admissibility decision by the CGRS, applicants who are refused reception nevertheless have the right to medical assistance from Fedasil and to free legal representation. Once the CGRS has deemed the application admissible, the right to access reception is reactivated. Applicants for international protection must then present themselves to the Dispatching service at Fedasil's arrival centre to be allocated a reception place.

⁶⁷¹ EUAA, *Operational Plan 2022 agreed by the European Union Agency for Asylum and Belgium, amendment 1*, May 2022, available [here](#), annex 1. EUAA, *Operational Plan 2022-2023 agreed by the European Union Agency for Asylum and Belgium, amendment 1*, November 2022, available [here](#). EUAA, *Operational Plan 2024 agreed by the European Union Agency for Asylum and Belgium, amendment 3*, December 2023, available [here](#).

⁶⁷² EUAA, *Operational Plan 2025-2026 agreed by the European Union Agency for Asylum and Belgium, amendment 3*, December 2024, available [here](#).

⁶⁷³ EUAA, 'Belgium: EASO launches operation to support reception authorities', 16 December 2021, available at: <http://bit.ly/3ZSYoud>.

⁶⁷⁴ EUAA, *Operational Plan 2022 agreed by the European Union Agency for Asylum and Belgium, amendment 1*, May 2022, available at: <https://bit.ly/3YAc0cL>, annex 1.

⁶⁷⁵ EUAA, *Operational Plan 2022-2023 agreed by the European Union Agency for Asylum and Belgium, amendment 1*, November 2022, available at: <https://bit.ly/3Jp4FZo>.

⁶⁷⁶ EUAA, *Operational Plan 2024 agreed by the European Union Agency for Asylum and Belgium, amendment 3*, December 2023, available [here](#).

⁶⁷⁷ EUAA, *Operational Plan 2025-2026 agreed by the European Union Agency for Asylum and Belgium, amendment 3*, December 2024, available [here](#).

⁶⁷⁸ EUAA personnel numbers do not include deployed interpreters by the EUAA in support of asylum and reception activities.

⁶⁷⁹ Information provided by the EUAA, 05 March 2026. In the course of 2025, 11 persons were deployed in Belgium under two different profiles. These cases are reported separately under each category.

⁶⁸⁰ Information provided by the EUAA, 05 March 2026.

⁶⁸¹ Information provided by the EUAA, 05 March 2026.

⁶⁸² Information provided by the EUAA, 05 March 2026.

⁶⁸³ Information provided by the EUAA, 05 March 2026.

⁶⁸⁴ Information provided by the EUAA, 05 March 2026.

⁶⁸⁵ Article 4(1)(3) Reception Act.

If the applicant for international protection has not obtained reception from Fedasil during the first stage of the procedure and the CGRS declares the subsequent application inadmissible, they will not be entitled to reception during the appeal with the CALL.

If, after a final negative decision in the procedure, a request for a prolongation of reception (see [End of the right to reception](#)) was pending or granted and the person lodges a second or further subsequent asylum application, the Dispatching service of Fedasil will take a new decision regarding access to reception conditions in the new procedure. If it decides to refuse reception, the previously pending or granted prolongation is withdrawn. The right to reception is thus linked to the most recent asylum procedure.⁶⁸⁶

In August 2025 the parliament adopted two laws that changed article 50 of the Aliens Act and article 4 of the Reception Act.⁶⁸⁷ In short, the change to the Aliens Act expands the definition of a subsequent application to include those applications made by persons who received a final decision in another EU member state.⁶⁸⁸ The change to the Reception Act introduces an additional ground for reduction of reception conditions based on the fact that an applicant already enjoys international protection in another EU member state (so-called “M-status”).⁶⁸⁹ Based on these amendments, Fedasil refused access to accommodation to 438 applicants with an M-status between 2 August 2025 and 26 February 2026.⁶⁹⁰ Considering this refusal unlawful, these applicants introduced unilateral requests at Labour courts.⁶⁹¹ These courts suspended the refusal decision, instructing Fedasil to provide access to accommodation as soon as possible. Initially, the Minister for Asylum and Migration instructed Fedasil to disregard these rulings and to not provide access to accommodation.⁶⁹² After pressure in media and in political debates, the Minister revised this instruction. Fedasil would be allowed to provide access to accommodation by inviting these applicants for a place in the Dublin centre of Zaventem.⁶⁹³

In February 2026, Fedasil also began refusing access to accommodation to applicants who had already received a final negative decision in another EU Member State.⁶⁹⁴ This situation arises when an applicant is required to return to the Member State where the final negative decision was issued, but the Belgian authorities fail to carry out the transfer within the applicable time limits. As a result, Belgium becomes responsible for examining the application and registers it as a subsequent application, after which Fedasil refuses access to accommodation on the basis of article 4(1)(3) Reception Act.

In parallel with the proceedings before the Labour courts, several affected applicants also lodged a suspensive appeal before the Constitutional court. On 26 February 2026, the Constitutional court suspended both Article 50, §5 of the Aliens Act and Article 4, §1, 5° of the Reception Act.⁶⁹⁵ According to the court, refusing accommodation to applicants with an M-status risked causing irreparable harm. In addition, the court found that it is uncertain whether the current Asylum Procedures Directive and the future Asylum Procedures Regulation allow Member States to register applicants with an M-status as

⁶⁸⁶ Fedasil, Update of instruction – Right to material aid – Subsequent application for international protection, 27 November 2023, available in French [here](#).

⁶⁸⁷ Act of 15 December 1980 on the entry, stay, settlement and removal of foreign nationals with regard to the processing of a subsequent application for international protection, 14 July 2025, available in French [here](#) and Act of 12 January 2007 on the reception of asylum seekers and certain other categories of foreign nationals, 14 July 2025, available in French [here](#).

⁶⁸⁸ Article 50, §5 Aliens Act.

⁶⁸⁹ Article 4, §1, 5° Reception Act.

⁶⁹⁰ Fedasil, ‘Contact Meeting International Protection’, 19 November 2025, available in French and Dutch [here](#), p. 44.

⁶⁹¹ For example: Brussels Labour Court, 25/554/K, 21 August 2025, available in French [here](#) and 25/557/K, 21 August 2025, available in French [here](#).

⁶⁹² RTBF, ‘Families of asylum seekers are once again sleeping on the streets of Brussels’, 20 August 2025, available in French [here](#).

⁶⁹³ Fedasil, ‘Contact Meeting International Protection’, 19 November 2025, available in French and Dutch [here](#), p. 46.

⁶⁹⁴ Information provided by Fedasil in February 2026.

⁶⁹⁵ Constitutional Court, judgement nr. 23/2026, 26 February 2026, available in French [here](#).

subsequent applicants.⁶⁹⁶ The court therefore referred a prejudicial question to the court of Justice of the European Union, asking whether Article 33 of the current Asylum Procedures Directive and Articles 3, 19°, and 55, §2 of the future Asylum Procedures Regulation permit Member States to register applicants with an M-status as subsequent applicants, thereby allowing them to reduce access to material reception conditions on the basis of Article 20, §1(c) of the current Reception Directive.⁶⁹⁷

Following this suspension, the Minister for Asylum and Migration stated that she had identified another legal basis in Belgian legislation that would allow the reduction of access to material reception conditions for applicants with an M-status.⁶⁹⁸ This reasoning relies on a combination of three elements: the definition of a subsequent application in the Aliens Act, Fedasil's possibility to reduce access to material reception conditions for subsequent applicants, and the *Khan Yunis* and *Baabda* judgment of the Court of Justice of the European Union. By combining these elements, the Minister argues that applicants with an M-status can still be registered as subsequent applicants despite the Constitutional Court's suspension. This position has been widely criticized by constitutional law specialists, as well as by Myria, the Federal Institute for the Protection and Promotion of Human Rights, and the High Council of Justice.⁶⁹⁹ According to these critics, Belgian legislation does not contain any additional legal basis that would allow such a policy. Moreover, the Constitutional court had already considered the legal ground relied upon by the Minister when it decided to suspend the amendments to the Aliens Act and the Reception Act. Several NGO's introduced a suspensive appeal at the Council of State asking the Council to suspend the instruction in an urgent procedure. At the end of March, the Council of State suspended the Ministerial instruction ruling that the Minister should have consulted the legislative section of the Council of State on the legal basis of the instruction before implementing it. After this ruling, the Minister maintained her position that Belgian law contains legal grounds allowing Fedasil to continue to refuse reception conditions using individually motivated decisions. At the time of writing (April 2026) it is unclear how Fedasil motivates these decisions.

Article 4 of the Reception Act is aligned with the recast Reception Conditions Directive and explicitly states that decisions which limit or withdraw the right to reception should be in line with the principle of proportionality, individually motivated and based on the individual situation of the person concerned, especially in the case vulnerable persons. Health care and a dignified standard of living should be always ensured. According to the Constitutional Court, the decision to refuse reception in such cases can only be taken in cases of abuse of the asylum procedure, e.g. when the person applies for asylum for the sole purpose of extending the right to reception.⁷⁰⁰ In practice, however, Fedasil almost systematically refuses to assign a reception place to subsequent applicants until their asylum application is declared admissible by the CGRS, mostly through standardised refusal decisions. On multiple occasions, labour tribunals have ordered Fedasil to motivate such decisions individually and consider all case elements.⁷⁰¹ In certain cases, subsequent applicants obtained reception after challenging such decisions before the courts. This means that the access to the right to reception in these cases often depends on whether the applicant is supported by an experienced lawyer. On 22 September 2025 the Court of Cassation ruled that Fedasil

⁶⁹⁶ EMN Belgium, 'Belgian Constitutional Court temporarily suspends stricter reception and family reunification rules', 26 February 2026, available [here](#).

⁶⁹⁷ Constitutional Court, judgement nr. 23/2026, 26 February 2026, p. 51.

⁶⁹⁸ The Brussels Times, 'Beyond belief': Migration minister under fire for ignoring Constitutional Court order', 4 March 2026, available [here](#) and Anneleen Van Bossuyt, 'Van Bossuyt continues to refuse asylum seekers who already have protection in the EU', 4 March 2026, available in Dutch [here](#);

⁶⁹⁹ DeMorgen, 'Constitutional Law specialists warn for the asylum policy of minister Van Bossuyt', 7 March 2026, available in Dutch [here](#); De Standaard, 'Strong reactions to Minister Van Bossuyt's decision on the suspension of reception for asylum seekers already under protection', 4 March 2026, available in Dutch [here](#); Bruzz, 'FIRM concerned about Van Bossuyt ignoring court ruling', 6 March 2026, available in Dutch [here](#) and The High Council for Justice, 'All Court Rulings must be respected and executed', available in French [here](#).

⁷⁰⁰ Constitutional Court, Decision No 95/2014, 30 June 2014.

⁷⁰¹ Labour Court of Brussels, Decision No 21/538/K, 31 August 2021, available in French [here](#); Labour Court of Brussels, Decision No 17/1762/A, 8 February 2018; Labour Court of Brussels, Decision of 17 February 2015, available in French [here](#); Labour Court of Brussels, Decision No 16/1384/A, 14 November 2016; Labour Court of Bruges, Decision No 16/8K, 11 October 2016.

has to explicitly mention how the right to human dignity is preserved for subsequent applicants who do not receive access to accommodation.⁷⁰²

1.3. Right to reception: Dublin procedure

Applicants registered as asylum applicants in another Member State

Right to reception until the moment of the effective transfer

During the examination of the Dublin procedure by the Immigration Office, applicants for international protection are entitled to a reception place. Social assistants in the regular reception centres are required to provide them with information on this procedure and its potential impact on the asylum procedure and reception conditions. Social assistants might also, with the consent of the applicant, inform their lawyer or the Immigration Office directly of any vulnerability or other element that might be relevant in the context of the Dublin procedure.⁷⁰³ If a negative Dublin decision ('annex 26quater': refusal of residence with an order to leave the territory) is issued, applicants have a right to accommodation until the moment of their *effective* transfer to the responsible member state. Applicants with a negative Dublin decision are however a priority group of the proactive return policy.

Consequently, applicants for international protection subject to a negative Dublin decision who are, on the moment of receiving this decision, residing in the reception network are invited to relocate to an 'open return place' or 'Dublin place'. These places are mostly embedded in general centres of the Fedasil reception network. Applicants have 5 working days from the date of the notification of the designation to go the newly designated Dublin place. If they do not wish to go this centre, their right to reception will be suspended (see '[Return track](#)' and [assignment to an open return place](#)).⁷⁰⁴ In that case, their right to material assistance is limited to medical care. Exceptions to the designation of a Dublin-place can be requested in case of medical counter-indications, pregnancy or recent birth.⁷⁰⁵

In the context of a Dublin-place, the applicant is subject to a trajectory of accompaniment with their voluntary return, called 'ICAM' (individual case management), consisting of a series of interviews.⁷⁰⁶ (see [Return track and assignment to an open return place](#)). If the applicant refuses collaboration with voluntary return, they are informed of the fact that the Immigration Office can at any moment proceed with a forced return procedure. If the Immigration Office proceeds to an intervention in the centre in view of a forced return, the management of the centre should be present. In such situations, the person is arrested and transferred to an administrative detention centre operated by the Immigration Office in view of their forced return (see [Detention on the territory](#)).

Applicants can also be assigned to the Dublin centre in Zaventem from the moment of the registration of their application in Belgium.⁷⁰⁷ The aim of this centre is to fast track the Dublin procedure for a specific target group and to provide them with specific information and counselling. Applicants can be directly designated to this reception centre by Fedasil, even before they have received a negative Dublin decision. They are interviewed in the first few days of their arrival in the centre and will on that occasion be informed about the Dublin procedure and the possibility of a voluntary return to the responsible Member State. After this interview, the Belgian Dublin Unit will proceed with the regular Dublin procedure. Once the responsible Member State has agreed to take back the applicant, the Immigration Office will deliver an annex 26quater

⁷⁰² Court of Cassation of Belgium, 'S.23.0030.N', 22 September 2025, available in Dutch [here](#).

⁷⁰³ Fedasil Instruction of 20/07/2024, 'Dublin trajectory – assistance of residents and allocation to a Dublin place', available in [Dutch](#) and in [French](#), 2.

⁷⁰⁴ Fedasil, Instruction on the change of place of mandatory registration of asylum applicants having received a refusal decision following a Dublin take charge, 20 October 2015, available in Dutch at: <http://bit.ly/1MulnwV>. This instruction replaces point 2.2.4. of the Instructions of 15 October 2013.

⁷⁰⁵ Fedasil Instruction of 20/07/2024, 'Dublin trajectory – assistance of residents and allocation to a Dublin place', available in [Dutch](#) and in [French](#); p. 5.

⁷⁰⁶ Fedasil Instruction of 20/07/2024, 'Dublin trajectory – assistance of residents and allocation to a Dublin place', available in [Dutch](#) and in [French](#); p. 7-8.

⁷⁰⁷ Immigration Office, *Open centrum Zaventem*, available in [Dutch](#) and [French](#).

(return decision in the context of the Dublin-procedure) and will proceed with the voluntary return of the applicant. If the applicant does not collaborate with this voluntary return, the Immigration Office can detain the applicant and organise a forced return. In 2024, a total of 1,297 persons was accommodated in the Dublin Centre of Zaventem, with an average stay of 42,4 days. 222 voluntary returns were organised from the centre.⁷⁰⁸ At the time of writing, no statistics were available for 2025.

After the maximum period allowed by the Dublin Regulation to transfer the asylum applicant to the responsible Member State has passed (6 months in principle, possibly extended to maximum 18 months), Belgium becomes responsible for the application by default and a reception place is re-assigned when the person presents themselves to the Immigration Office and their first asylum application is re-opened (see [Dublin](#)).

Dublin Returnees

Depending on the situation of their procedure in Belgium at the moment they left Belgium, applicants who are sent back to Belgium following a Dublin procedure in another country can be considered subsequent applicants (see [Situation of Dublin Returnees](#)). In such a case, they mostly only get shelter after their application for international protection is taken into consideration by the CGRS (see [Right to reception: subsequent applications](#)). Single male applicants who are not considered subsequent applicants suffer the consequences of the ongoing reception crisis, in the context of which they are systematically deprived of shelter for several months before receiving access to the reception network (see [Criteria and Restrictions to Access Reception Conditions](#)). On 23 July 2025 the Dutch Council of State ruled that the Netherlands can no longer transfer single men to Belgium because of the shortage of reception places.⁷⁰⁹ The Council observed that this shortage of reception places is no longer temporary but has become structural. It is also unclear whether this group of asylum seekers can be accommodated in emergency and homeless shelters. Moreover, single men do not have access to effective legal protection because the Belgian authorities do not comply with court rulings and do not pay penalty payments. The indifference of the Belgian authorities to resolve these shortcomings in reception and legal protection leads to the conclusion that, in Belgium, there is a systemic failure for this group of asylum seekers, as they are unable to meet their most basic needs upon return to Belgium. The Council of State therefore ruled that the Dutch asylum services may no longer rely on the principle of mutual trust with regard to Belgium.

1.4. Right to reception: Applicants with a protection status in another EU Member State

In August 2025 the parliament adopted two laws that changed article 50 of the Aliens Act and article 4 of the Reception Act.⁷¹⁰ In short, the change to the Aliens Act expands the definition of a subsequent application to include those applications made by persons who received a final decision in another EU member state.⁷¹¹ The change to the Reception Act introduces an additional ground for reduction of reception conditions based on the fact that an applicant already enjoys international protection in another EU member state (so-called “M-status”).⁷¹² Based on these amendments, Fedasil refused access to accommodation to 438 applicants with an M-status between 2 August 2025 and 26 February 2026.⁷¹³ Because of the close link with the right to reception of subsequent applicants, this matter is further extensively discussed under [Right to reception: subsequent applications](#).

⁷⁰⁸ Information provided by the Immigration Office, March 2025.

⁷⁰⁹ Dutch Council of State, ‘The Netherlands may not return single male asylum seekers to Belgium’, 23 July 2025, available in Dutch [here](#).

⁷¹⁰ Act of 15 December 1980 on the entry, stay, settlement and removal of foreign nationals with regard to the processing of a subsequent application for international protection, 14 July 2025, available in French [here](#) and Act of 12 January 2007 on the reception of asylum seekers and certain other categories of foreign nationals, 14 July 2025, available in French [here](#).

⁷¹¹ Article 50, §5 Aliens Act.

⁷¹² Article 4, §1, 5° Reception Act.

⁷¹³ Fedasil, ‘Contact Meeting International Protection’, 19 November 2025, available in French and Dutch [here](#), p. 44.

1.5. 'Return track' and assignment to an open return place

The law foresees a so-called 'return track' for applicants for international protection.⁷¹⁴ This is a framework for individual counselling on return set up by Fedasil, which promotes voluntary return to avoid forced returns. The return track aims at providing applicants with the necessary information to consider their different options, including the possibility of return, allowing them to take an informed decision on their return.⁷¹⁵

The return track starts with informal counselling, followed by a more formal phase. The informal phase provides information on possibilities of voluntary return and starts from the moment the asylum application is registered. Within 5 working days after a negative first-instance decision on the asylum application by the CGRS has been issued, the applicant is formally offered return assistance. When an appeal is lodged in front of the CALL, the applicant is informed again about their options for return. The return track ends with the transfer to an open return place in one of the five federal reception centres who have such places (400 places in total), when:

(1) The period to introduce an appeal in front of the CALL has expired or a negative appeal decision is taken by the CALL: applicants for international protection may ask Fedasil for a derogation of this rule and thus to stay in their first reception centre in case of:

- ❖ Families with children who are going to school, who receive a negative decision of the CALL between the beginning of April and the end of June;
- ❖ Ex-minors who turn 18 between the beginning of April and the end of June and go to school;
- ❖ A medical problem which prevents the asylum applicant from moving to the open reception place or during the last 2 months of pregnancy until 2 months after giving birth;
- ❖ a family reunification procedure with a Belgian child was initiated;
- ❖ an asylum procedure of a family member that is still pending.

If these derogations are granted, the applicant can stay in the first reception centre until the conditions for the derogation are no longer met, and the return track is continued in this reception centre, albeit in a slightly different format than the track in the context of the open return places.⁷¹⁶ At the end of the derogation, the applicant can ask for a new designation at an open reception centre or simply leave the old centre.

In November 2019, Fedasil published instructions specifically addressed to persons who cannot be accommodated in an open return place due to medical reasons which would render the accommodation inadequate.⁷¹⁷ A specific track has thus been established for them by the 'voluntary return' service of Fedasil. This service foresees the possibility to set up 3 appointments during which possibilities for voluntary return are discussed and which can take place in the reception centre of the asylum applicant, if necessary. The decision to further prolong the right to the reception of the concerned person will depend on their medical situation and cooperation.

(2) The Immigration Office takes a return decision based on the Dublin Regulation: In this situation, derogations from the obligation to go to an open return place are only possible in case of a medical problem which prevents the applicant from moving to the open return place or during the last 2 months of pregnancy until 2 months after giving birth.⁷¹⁸

⁷¹⁴ Article 6/1 Reception Act.

⁷¹⁵ Fedasil Instruction 19 June 2024, *The return track and open return places*, available in Dutch [here](#) and in French [here](#).

⁷¹⁶ Fedasil Instruction 19 June 2024, *The return track and open return places*, available in Dutch [here](#) and in French [here](#); p. 4-5.

⁷¹⁷ Fedasil Instruction, *Instructions on Return assistance – medical exceptions for open return places*, November 2019.

⁷¹⁸ Fedasil Instruction 19 June 2024, *The return track and open return places*, available in Dutch [here](#) and in French [here](#); p. 5.

When this derogation is granted, the applicant can stay in the first reception centre. Their return should be organised there instead of in an open return place.

Unaccompanied minors subject to a negative decision are not transferred to an open return place until adulthood, after which they can apply for an open return place.

Regularly, decisions of transfer to an open return place are challenged before the Labour tribunals by applicants having received an annex 26quater, especially when an appeal against this Dublin decision has been brought before the CALL. According to Belgian law, this latter appeal possibility does not have an automatic suspensive effect (see [Appeal](#)). Consequently, notwithstanding the introduction of this appeal, a return procedure is initiated at the open return place. Lawyers have argued that this return procedure violates the applicants' right to an effective appeal and other fundamental rights. In 2020, Belgian judges referred to the CJEU for a preliminary ruling in several cases to clarify this question of an effective appeal in the context of a Dublin transfer decision.⁷¹⁹ In two orders on request for a preliminary ruling of 26 March 2021, the CJUE has decided that the transfer to an open return place, where the Dublin transfer is being prepared, does not violate the right to an effective appeal, as long as the information provided to the applicants in the context of the return tracks does not put undue pressure on the applicants to abandon their procedural rights.⁷²⁰ Some labour tribunals have nevertheless decided that the return track in open return places violates other fundamental rights – such as the inviolability of the home, Article 3 and 5 ECHR, the right to legal assistance as guaranteed in Article 23(3) Directive 2013/32/EU and Article 6 ECHR – and puts applicants under undue psychological pressure. Therefore, labour tribunals ruled that Fedasil should allow the applicants to remain in their former reception centre for the duration of the appeal procedure before the CALL.⁷²¹

Once a person is transferred to an open return place, an individual case management (ICAM)-trajectory is started by ICAM-coaches of the Immigration Office, who are present in the Fedasil-centres with open return places 2 days a week to this purpose (see [Return procedure](#)). Within 4 working days after their arrival, the social assistant organises a first intake meeting, informing the applicant about the trajectory, the expectations and consequences of e.g. not turning up for ICAM-meetings. During a second meeting, at the latest one week after the intake meeting, the social assistant asks the applicant to choose from different options: return to the responsible Member State with or without support of the Immigration Office, refusing the return, a non-suspensive appeal or voluntary return to the country of origin. If the applicant refuses the return, they are informed of the fact that the Immigration Office can at any moment proceed with a forced return. A third meeting is organised, either to prepare the return if the person agreed with it, or to explain once more the consequences of not collaborating with the return. If the Immigration Office proceeds to an intervention in the centre in view of a forced return, the management of the centre should be present. In such situations, the person is arrested and transferred to an administrative detention centre operated by the Immigration Office in view of their forced return (see [Detention on the territory](#)).

Attendance to the ICAM-interviews is mandatory. If a person does not show up, the Immigration Office notifies Fedasil, which can then limit the right to material assistance.⁷²²

⁷¹⁹ Labour Court Liège, 10 February 2020, N° 2020/CL/3; Labour Tribunal Brabant-Wallon (div. Wavre), 24 July 2020 and CJUE, 22 January 2021, N° C-335/20, available in French [here](#).

⁷²⁰ CJUE, order of 26 March 2021, N° C-134/21, available in English [here](#); CJUE, order of 26 March 2021, N° C-92/21, available in English [here](#).

⁷²¹ An overview of the development of this jurisprudence is available in Dutch [here](#). See also: Labour Court Liège, 19 April 2021, N° 21/12/K, available in Dutch [here](#).

⁷²² Article 4 §1, 2° Reception Act.

1.6. End of the right to reception

The right to material reception ends:⁷²³

- ❖ When a legal stay for more than three months is granted; or
- ❖ Upon notification of a final negative decision.

A final negative decision can consist of one of the following decisions:

- ❖ a negative decision of the CGRS, if no suspensive appeal is filed within the legally prescribed term;
- ❖ a decision of the CALL rejecting an appeal against a negative decision of the CGRS in the context of a suspensive appeal procedure;
- ❖ a decision of inadmissibility by the CGRS of a 2nd or following subsequent application for international protection;
- ❖ the closure of the case (e.g. in case of technical refusal if a person does not show up to an interview without notification) if no suspensive appeal against this decision is filed within the legally prescribed term.

An appeal before the Council of State against a judgment of the CALL refusing to grant international protection does not lead to a right to material assistance until the appeal has been declared admissible. However, if the appeal is directed against a decision of the CALL not granting refugee status but granting subsidiary protection status, the applicant is not granted the right to reception during the entire appeal procedure.⁷²⁴

After the notification of a final negative decision, the applicant benefits from material assistance for 30 more calendar days. During these 30 days, the applicant will be subject to the return track (see '[Return track](#)' and [assignment to an open return place](#)), either in the context of an open return place or in the context of the centre in which they were previously residing. The applicant must leave the centre on the 1st working day after the expiration of this term, unless that day is a Saturday, Sunday or holiday, in which case the departure is postponed until the next working day.⁷²⁵ If the person accepts the transfer to an open return place and they accept to follow the return track, the 30 days start to count from the day they arrive in the open return place. The term of 30 days can be prolonged if the person agrees to collaborate with the return trajectory.⁷²⁶

In case the right to reception ends due to a negative outcome in the asylum procedure, there are some humanitarian reasons and other circumstances which may allow for prolongation of the right to reception conditions, namely:

- ❖ to end the school year (from the beginning of April until the end of June);
- ❖ during the last 2 months of pregnancy until 2 months after giving birth;
- ❖ when a family reunification procedure with a Belgian child has been started;
- ❖ when the person cannot return to their country of origin for reasons beyond their own will;
- ❖ for medical reasons, when an application for legal stay has been made on this ground at the Immigration Office; or
- ❖ whenever respect for human dignity requires it.⁷²⁷

Fedasil has adopted internal instructions about these possibilities and how to end the accommodation in the reception structures in practice.⁷²⁸

⁷²³ Article 6, §1 Reception Act.

⁷²⁴ Article 6, §1, lid 4 Reception Act.

⁷²⁵ Fedasil, Instruction concerning material assistance – right, end and prolongation of material assistance, 11 July 2024, available in Dutch [here](#) and in French [here](#), p. 4.

⁷²⁶ Article 7, §2 Reception Act; Fedasil, Instruction concerning the return track and open return places, 19 June 2024, available in Dutch [here](#) and in French [here](#); p. 5.

⁷²⁷ Article 7 Reception Act.

⁷²⁸ Fedasil, Instruction concerning material assistance – right, end and prolongation of material assistance, 11 July 2024, available in Dutch [here](#) and in French [here](#), p. 4.

In case of a positive outcome of the procedure for international protection, and thus after a decision granting a protection status, or upon receiving another form of legal stay (for example, a medical regularisation procedure – which has been introduced in parallel with an asylum procedure – with a positive outcome and thus a legal stay of more than 3 months), there is a transition phase during which the person can look for another place to live and transit from material aid by Fedasil to social welfare services of the PCSW if necessary.⁷²⁹ People staying in collective structures at the moment of obtaining a positive decision about the residence in Belgium (international protection or other form of legal stay) will be offered the choice between moving to an individual reception structure, or leaving the collective structure within a short time with the support of food cheques with a monthly value of €420 (adult) or €180 (children), for either one or two or four months depending on how quickly they leave the reception centre.⁷³⁰ If there is no place in an individual reception structure, the transition phase will take place in the collective reception centre. For persons who already stay in an individual reception structure, the transition phase happens in this same place. The duration of the transition phase is two months (or 6 months for persons who came to Belgium through the resettlement scheme). In case it is impossible to leave the reception place after two months, up to three requests for extension of the transition phase can be done. In general, prolonging one month is common; in exceptional cases – e.g., finishing the school year from April onwards or having a signed lease that starts after a month – prolongation can be granted for more than a month. A first, and exceptionally second prolongation can be granted on the basis of the steps taken by the persons to secure their own housing. A third prolongation request can exceptionally be granted for reasons linked to human dignity. This transition system is not applicable to unaccompanied minors⁷³¹ or to accompanied children in family context⁷³², to which other transition systems apply.

In 2024, applicants who were granted international protection stayed on average for 115 more days in the reception network.⁷³³

2. Forms and levels of material reception conditions

Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to asylum applicants in individual reception places as of 1 January 2026:
 - ❖ Accommodated single adult € 268-288
 - ❖ Additional adult: € 200-220
 - ❖ Additional children: Depending on the age (see [financial allowances](#))
2. Amount of weekly cash allowance for persons staying in collective centres in 2025:
 - ❖ Adults € 10.3
 - ❖ Children under 12 or older than 12y/o but not going to school € 6.0
 - ❖ Children older than 12 y/o going to school € 10.3
 - ❖ Unaccompanied minors during observation and orientation-phase € 7.2
3. Value of monthly meal vouchers for applicants leaving the reception network voluntarily during the asylum procedure (max. 4 months) in 2025:
 - ❖ Adults € 420
 - ❖ Minors € 180

⁷²⁹ Fedasil, 'Instruction on the transition of material assistance to social welfare services: measures for residents of collective reception structures and accompaniment in the transition phase', 25 July 2024, available in Dutch [here](#) and in French [here](#).

⁷³⁰ Ibid., 3 and 7.

⁷³¹ Fedasil, 'Instruction: transition to social welfare services for unaccompanied minors', 11 March 2024, available in Dutch [here](#) and in French [here](#).

⁷³² Fedasil, 'Instruction: transition to social welfare services – accompanied minors with a residence permit of more than 3 months or with the Belgian nationality, 30 April 2021, available in Dutch [here](#) and in French [here](#).

⁷³³ Information provided by Fedasil, April 2026.

2.1. Material or financial aid?

Since the adoption of the Reception Act in 2007, the system of reception conditions for applicants for international protection has shifted completely from financial assistance to purely material assistance. This includes accommodation, food, clothing, medical, social and psychological help, access to interpretation services and legal representation, access to training, a voluntary return programme, and a small daily allowance (so-called pocket money). Nevertheless, as discussed below, the help can be partially delivered in cash, as is the case in the Local Reception Initiatives (LRI). The Federal Agency for the Reception of Asylum Applicants (Fedasil) coordinates the whole reception structure. Fedasil regularly issues internal instructions on implementing specific rights provided for in the Reception Act, as referred to throughout this report.

Since 2020, Fedasil encourages voluntary departure from the reception centre with support via meal vouchers, aiming to encourage persons with a solution for accommodation outside the reception network (e.g. with friends or family) to leave the centre, all the while supporting them financially through meal vouchers (see [Allowances in case of no material reception](#)).⁷³⁴

2.2. Collective or individual?

The current reception model, the implementation of which started in 2016, generally assigns people to collective reception centres. Only applicants with very specific vulnerabilities or reception needs are directly assigned to specialised 'individual places' in NGO reception structures or Local Reception Initiatives (LRI) managed by the PCSW's in municipalities.⁷³⁵ In 2025, only 13% of the reception network consisted of individual places.⁷³⁶ The current government plans to gradually fade out the individual reception places, and wishes to only provide reception in collective centres. As a result, on 17 March 2025, the new Minister for Asylum and Migration announced that she would end the additional subsidy for new LRI's.⁷³⁷ Several actors have reacted to this measure with criticism, because of the ongoing shortage of reception places and because of the advantages of small-scale local reception.

Collective centres are distributed over the Belgian territory in different types of infrastructure (old military buildings or hospitals or schools, prefabricate buildings, etc.) and vary in terms of capacity (from less than 100 to over 500 places). In collective centres, most reception conditions are delivered in-kind: meals, clothing, access to sanitary facilities, socio-legal support, medical and psychological care, daily allowance ('pocket money'), trainings... In individual reception places, persons are hosted in smaller living units, alone or with a few other persons. Certain services are provided by the NGO or PCSW (socio-legal support, medical and psychological care, information about education or access to training...), and the living unit provides the facilities allowing the person to provide for their own basic daily needs, for which the person gets a weekly allowance.

For the assignment to a specific centre, Fedasil should legally consider the centre's occupation rate, the applicant's family situation, age, health condition,⁷³⁸ vulnerability and the procedural language of their case. There are no monitoring or evaluation reports about the effective assessment of all these elements

⁷³⁴ Fedasil, 'Instruction on the transition of material assistance to social welfare services: measures for residents of collective reception structures and accompaniment in the transition phase', 25 July 2024, available in Dutch [here](#) and in French [here](#), p. 3. Meal vouchers are vouchers that can be used in almost any supermarket to buy food or food-related items. Employees (in all kinds of sectors) often receive meal vouchers as part of their salary as well.

⁷³⁵ Regeerakkoord, 9 October 2014, available at: <http://bit.ly/2k2yJfn>. See also Myria, *Contact meeting*, 21 June 2016, available at: <http://bit.ly/2k3obi9>.

⁷³⁶ Information provided by Fedasil in March 2026: 4,432 individual places on a total of 34,091 reception places.

⁷³⁷ VRT, 'Van Bossuyt ends subsidy for new Local Reception Initiatives (LRI)', 17 March 2025, available in Dutch [here](#).

⁷³⁸ See for example a recent ruling of the Labour court of Liège, 23/1656/A, 24 October 2023, available in French at https://www.agii.be/sites/default/files/20231024_arbrb_luik.pdf. The court finds that given the serious health issues of the applicant, he should be assigned a reception place in a centre with a personal room and access to private sanitary facilities, in Brussels or a city from which Brussels is easily accessible.

in practice. Albeit legally binding criteria, these do not seem to always be taken into consideration. In theory, an applicant for international protection or their social assistants can ask to change centre at any given time during the procedure, based on these criteria. Fedasil itself can also decide to change the location of reception, based on these criteria. Currently, the possibilities to change centre on the applicant's request are limited to the situations enlisted by Fedasil in its internal instructions (see below [Transfers to suitable reception](#)).

According to the law, all applicants for international protection can apply to be transferred to an individual accommodation structure after 6 months in a collective centre.⁷³⁹ Where the person's application for international protection has already been refused at first instance procedure by the CGRS, the transfer will be refused or postponed. However, due to the high occupancy rate of the reception system, transfer applications of applicants whose procedure is still ongoing cannot systematically be answered favourably either.⁷⁴⁰ This means that applicants stay much longer in collective structures (see [Conditions in Reception Facilities](#)). In 2025, no transfers to individual reception centres were granted for persons whose procedure was still ongoing.⁷⁴¹

Specific rules concerning transfer to individual reception structures apply to the following categories:

- ❖ Persons with a high chance of recognition (nationality with recognition rate above 80%) who are still awaiting a decision of the CGRS can ask to be assigned to LRI after a 2-month stay in collective reception centres. In March 2025 nationals of the following countries had a high chance of recognition:⁷⁴²
 - Burundi
 - Eritrea
 - Yemen
 - Syria
 - Libya
- ❖ Persons staying in collective structures when granted a legal stay of more than 3 months (for example, refugee status) have the choice between moving to an individual reception structure for 2 months (can be extended) or leaving the collective structure with support of a meal voucher (see [End of the right to reception](#)).

Persons reaching Belgium through the resettlement scheme and applying for asylum upon arrival are sheltered in one of the 5 collective centres who have places for resettled refugees. In March 2025 the Minister for Asylum & Migration announced that she would stop the Belgian resettlement scheme for as long as there is a shortage of reception places.⁷⁴³

In September 2023, a new centre with 115 places exclusively for resettled refugees opened in Alveringem, the first of its kind. The opening of this centre aims to ensure that the resettlement programme is not hindered by the (lack of) availability of reception places in the regular reception network.⁷⁴⁴ Once persons who arrived through the resettlement scheme obtain international protection, they need to stay in a collective structure for 3 to 6 weeks before they can apply for an individual reception place. They can stay in the individual reception place for a transition period of 6 months, which is longer than the general transition period (see [End of the right to reception](#)). Because the government paused the resettlement programme, the centre is temporarily used as a 'regular' reception centre.⁷⁴⁵

⁷³⁹ Article 12 Reception Act.

⁷⁴⁰ Information provided by Fedasil.

⁷⁴¹ Information provided by Fedasil, April 2026.

⁷⁴² Fedasil, Instruction concerning transfers from collective reception to a Local reception Initiative (LRI) – designation of asylum seekers with a high rate of recognition – update, 9 November 2021, available in Dutch [here](#).

⁷⁴³ VRT, 'Minister Van Bossuyt (N-VA) puts an end to resettlement, the only legal way to come to Belgium', 26 March 2025, available in Dutch [here](#).

⁷⁴⁴ Fedasil, *What is resettlement?*, available in Dutch [here](#) and *Welcome first residents!*, available in Dutch [here](#).

⁷⁴⁵ Information provided by Fedasil, April 2026.

NGOs have requested for an evaluation of the current reception model. An evaluation of the reception model was planned in 2021 but has been postponed and has not started yet on the day of writing (March 2026).⁷⁴⁶

2.3. Transfers to suitable reception facilities

Within 30 days after the arrival in the assigned reception place, an evaluation should be made to see if the individual reception needs of the asylum applicant are met. After that, a regular assessment is made – at least every six months – during the entire stay of the asylum applicant in the reception system.⁷⁴⁷ The Reception Act allows changing an asylum applicant's reception place if the assigned place turns out to be not adapted to the individual needs.⁷⁴⁸ Two instructions of Fedasil enlist specific criteria to be met before a transfer to another, more adapted (individual or collective) place can be allowed.⁷⁴⁹ The request for a transfer can be done either by the asylum applicant or by the reception facility in agreement with the applicant for international protection, but the actual application always needs to be done by the reception facility.

A transfer based on medical reasons can be requested if the place is not adapted to the medical needs of the applicant. This includes when the asylum applicant:

1. has a severe handicap which is incompatible with the assigned place;
2. has limited mobility and there is no possibility to adapt the infrastructure or to get help from family members;
3. has a severe pathology which requires having a hospital nearby;
4. loses their autonomy and has no family member that can help;
5. has a specific medical need;
6. needs to live with a very strict diet (e.g. coeliac, no salt etc.);
7. is in danger because of certain diseases present in the centre, e.g. has a weak immune system;
8. has an addiction and does substitute therapy which necessitates the presence of a pharmacy close-by;
9. has psychiatric problems which are not compatible with the everyday life of a collective reception centre;
10. needs to support a first-degree family member who is in the hospital;
11. is in need of continuous care and needs to be transferred to a care institution.

A transfer based on other grounds than medical reasons can be requested if it is not possible to adapt the assigned place to the individual needs of the applicant and if they meet one of the following criteria:

- ❖ Language of the school of the children: their children went to school in a region speaking a different language for at least three months or they have gained sufficient knowledge of that other language to be able to be taught in that language;
- ❖ A close family member (e.g. partner or minor children) lives in another reception centre on the Belgian territory. The term 'family member' can be broadened if the asylum applicant is categorised as vulnerable;
- ❖ Employment: the asylum applicants has been employed (at least a half-time position and not a student job) for at least one month and has paid contributions. They should not have been excluded from shelter;
- ❖ Training or education: the asylum applicant has subscribed to higher education or to a training provided by VDAB or Forem;

⁷⁴⁶ Information provided by Fedasil, March 2026.

⁷⁴⁷ Royal Decree of 25 April 2007 on the modalities of the assessment of the individual situation of the reception beneficiary.

⁷⁴⁸ Article 22 Reception Act.

⁷⁴⁹ Fedasil, *Instruction on the transfer to an adapted place for medical reasons*, 7 May 2018, available in Dutch [here](#); Fedasil, *Instruction on the transfer to an adapted place for other reasons*, 7 May 2018, available in Dutch [here](#).

- ❖ The asylum applicant feels isolated because they are the only person in the centre belonging to a certain nationality, or they are the only one speaking a certain language, which clearly impacts their psychological wellbeing.

Decisions refusing a transfer can be challenged in front of the Labour Court within 3 months. For example, on 24 October 2023, the Labour tribunal of Liège obliged Fedasil to transfer an applicant with severe medical and psychological issues from a collective centre far away from Brussels – where he needed to be regularly for medical appointments – and where he was housed in a caravan with common sanitation facilities, to a centre with a personal room with own sanitary facilities and closer to or with good connection to Brussels.⁷⁵⁰

2.4. Financial allowances

Pocket money

All applicants, whether in collective or individual reception places, receive a fixed daily amount of pocket money in cash.⁷⁵¹ In 2025, adults and all children from 12 years on who attend school received € 10.3 a week, younger children and children of 12 years of age or older who do not attend school received € 6.0 a week, and unaccompanied children of any age under 18 during the first phase of shelter (in the ‘observation and orientation centres’) receive € 7.2 a week.⁷⁵²

Allowances in individual reception facilities (NGO or LRI)

Asylum applicants in individual NGO or LRI places all receive a weekly amount in cash or in meal vouchers, to provide for material needs autonomously; this ‘weekly allowance’ includes a budget for food⁷⁵³ and personal hygiene and the pocket money. It does not include budget for costs related to e.g. school, public transport, cleaning products, leisure, etc. For 2025, the amounts were as follows on a monthly (4-week) basis.⁷⁵⁴

Category of applicant	Allowance in LRI
Single adult	€ 268-288
Additional adult	€ 200-220
Additional child <3 years	€ 140-160
Additional child 3-12 years	€ 76-92
Additional child 12-18 years	€ 84-100
Single-parent extra allowance	€ 40
Unaccompanied child	€ 268-288

Besides this, the organising authority of the accommodation remains in charge of certain material needs such as transport, clothing, school costs, interpreters, etc. Since the LRI have a lot of autonomy as regards the way they are organised, they can choose autonomously if and how they distribute material aid. This means that asylum applicants might exceptionally receive a financial allowance that equals the social welfare benefit (called ‘social integration’) for nationals, diminished with the rent for the flat or house they are accommodated in and expenses.

⁷⁵⁰ Labour tribunal Liège, decision nr. 23/1656/A of 24 October 2023, available in French [here](#).

⁷⁵¹ Article 34 Reception Act.

⁷⁵² Information provided by Fedasil, April 2026.

⁷⁵³ No food is provided in the context of individual reception facilities; residents need to cook themselves.

⁷⁵⁴ Extrapolated from the weekly amount, times 4: Information provided by Fedasil in April 2026.

Allowances in case of no material reception

Material reception conditions in Belgium are mostly provided in kind in the form of accommodation centres. Therefore, most applicants are assigned to an accommodation centre rendering access to a social welfare allowance impossible. Applicants who are refused access to an accommodation centre, also cannot request a social welfare allowance. Before August 2025, there were some exceptions to this rule that allowed specific categories of applicants to obtain a social welfare allowance:

- ❖ In case of exceptional circumstances Fedasil could choose not to assign an accommodation centre at the moment of the registration of an application.⁷⁵⁵ In this case, the applicant could go to a PCSW and request a social welfare allowance. In practice this exception was used for applicants that could not be suitably accommodated in a collective centre.
- ❖ Applicants could, at any time, request the withdrawal of their designation to an accommodation centre.⁷⁵⁶ If this request was accepted by Fedasil, the applicant could approach a PCSW to apply for a social welfare allowance. In practice, such requests were granted to applicants who had close relatives in Belgium with permanent residence and who were able to provide them with accommodation.

The government wanted to end this system, considering it as a 'pull factor' towards Belgium. Therefore, in August 2025, it adopted a law that deleted these exceptions from the Reception Act.⁷⁵⁷ However, during the legislative train, the Council of State provided a critical advice on this law proposal.⁷⁵⁸ They stated that the deletion of these exceptions limits the forms of material reception conditions that Fedasil can provide to applicants. If the reception Agency would be capable of providing access to accommodation centres for all applicants with a right to reception this would not be an issue. However, in the current context of reception shortages this might be problematic as it limits the legal remedies applicants must successfully obtain to access to material reception conditions. The Council of State expressed doubts about the conformity of this law proposal with articles 17 and 18 of the Reception Directive 2013/33/EU and with article 3 of the European Convention on Human rights.

Despite these fundamental critiques, the government adopted this draft law which entered into force on 2 August 2025. As a result, articles 11, §3, 4° and 13 were deleted from the Reception Act. In the winter of 2025, applicants who were negatively impacted by this law introduced a suspensive appeal at the Constitutional Court. On 26 February 2026, the Constitutional Court suspended the deletion of these articles in the Reception Act.⁷⁵⁹ Following the reasoning of the S.A & R.J. judgement of the CJEU from 1 August 2025⁷⁶⁰, the Court found that removing the possibility for authorities to provide the material assistance to which applicants for international protection are entitled in forms other than in-kind assistance in reception centers could expose the Belgian State to a sufficiently serious breach of Union law. This would particularly affect applicants for international protection who, for one reason or another, cannot receive assistance in kind and would consequently be deprived of their right to live in dignity. After suspension, the Constitutional Court is legally obliged to rule on the merits of the case within a period of three months. At the time of writing (March 2026) no judgement on the merits has been given.

In 2020, Fedasil issued an instruction on 'voluntary departure with support via meal vouchers', aiming to encourage persons with a reception solution outside the reception network (e.g. with friends or family) to leave the centre, all the while supporting them financially with meal vouchers (see [Allowances in case of](#)

⁷⁵⁵ Article 11, §3, 4° Reception Act.

⁷⁵⁶ Article 13 Reception Act.

⁷⁵⁷ Act of 12 January 2007 on the reception of asylum seekers and certain other categories of foreign nationals, 23 July 2025, available in French [here](#).

⁷⁵⁸ Belgian Chamber of Representatives, 'Draft law amending the law of 12 January 2007 on the reception of asylum seekers and certain other categories of foreign nationals', DOC 56 0914/001, 5 June 2025, p. 11-19, available in French and Dutch [here](#).

⁷⁵⁹ Belgian Constitutional Court 26 February 2026, 23/2026, available in French [here](#).

⁷⁶⁰ CJEU 1 August 2025, C-97/24, S.A. en R.J., ECLI:EU:C:2025:594, §37-43.

no material reception).⁷⁶¹ This instruction applies to persons who have an ongoing procedure for international protection and have been staying in the reception network for an uninterrupted period of at least 1 month. Unaccompanied minors can also qualify for the measure under certain conditions (e.g. at least 16 years old and sufficiently autonomous, agreement of the guardian, etc). Persons to who this measure is applied receive biweekly meal vouchers of € 140 per adult and € 60 per minor on an electronic card or in paper format until the end of their right to material aid connected to the ongoing asylum procedure or until their reintegration into the reception network. Except for unaccompanied minors, the application of this measure leads to a designation of a 'Code 207 No-show'. Apart from the meal vouchers, the person no longer receives reimbursement of other costs (such as costs related to school or public transport). Only reimbursement of medical expenses is ensured, as for other persons with a code 207 no-show, via application through the medical *requisitorium* (see [Health care](#)). The instruction stresses that people should be thoroughly informed of all the consequences of subscribing to this system. However, their decision is not final: as long as the asylum procedure is ongoing, they can always apply for a reintegration in the reception network. In 2025, 6,541 applicants in procedure left the reception network voluntarily with support via meal vouchers (545/month on average).

3. Reduction or withdrawal of reception conditions

Indicators: Reduction or Withdrawal of Reception Conditions

1. Does the law provide for the possibility to reduce material reception conditions?
☒ Yes ☐ No
2. Does the legislation provide for the possibility to withdraw material reception conditions?
☒ Yes ☐ No

The law provides for some situations in which reception conditions and material aid can be refused or withdrawn or even – in the case of material aid – recovered from the asylum applicant. Such decisions are only possible for individual reasons related to the asylum applicant.

3.1. Sanctions for violation of house rules

Different limitations to the enjoyment of reception conditions can be imposed for infractions of the house rules of a reception centre. The matter is regulated by two decrees published in 2018:

- ❖ A royal decree on the system and operating rules in reception centres and the modalities for checking the rooms;⁷⁶²
- ❖ A ministerial decree on common house rules in reception centres.⁷⁶³

The Royal decree stipulates the general rules while the Ministerial decree implements them and contains a list of house rules. One part of them is obligatory for all reception facilities; the other part varies depending on the specific reception structure. These rules apply in all reception facilities, except for minors' observation and orientation centres.

The common obligatory house rules include:

- ❖ Respect the infrastructure;
- ❖ No drugs, alcohol and no smoking;
- ❖ Rules related to security;
- ❖ Rules related to cohabitation.

⁷⁶¹ Fedasil Instruction 19 March 2020, 'Voluntary departure for residents of collective centres – support via meal vouchers for persons with own reception solution', available in Dutch [here](#) or in French [here](#). Meal vouchers are vouchers that can be used in almost any supermarket to buy food or food-related items. Employees (in all kinds of sectors) often receive meal vouchers as part of their salary as well.

⁷⁶² Royal Decree on the system and operating rules in reception centres and the modalities for checking rooms, 2 September 2018.

⁷⁶³ Ministerial Decree on house rules in reception centres, 21 September 2018.

Possible sanctions are enumerated in Article 45 of the Reception Act:

1. the formal warning with an entry in the social dossier;
2. the temporary exclusion from the activities organised by the reception structure;
3. the temporary exclusion from the possibility of doing paid community services;
4. the restriction of access to certain services;
5. the obligation to perform tasks of general benefit (in case of non-performance or defective performance this may be considered as a new offence);
6. the temporary suspension or reduction of the daily allowance, with a maximum period of four weeks;
7. the transfer, without delay, of the asylum applicant to another reception structure;
8. the temporary exclusion of the right to material assistance, for a maximum duration of one month;
9. the definitive exclusion of the right to material assistance in a reception structure.

The procedures for applying these sanctions can be found in a Royal Decree.⁷⁶⁴

As a sanction for having seriously violated the house rules and thereby putting others in a dangerous situation or threatening the security in the reception facility, the right to reception can be suspended for a maximum of one month.⁷⁶⁵ This measure was taken against 111 persons in 2025, for an average duration of 20 days. In practice, however, due to the reception crisis, the duration of the exclusion is often longer because single men without special vulnerability do not automatically re-access the reception network, but have to register on the waiting list of Fedasil again and wait for a reception place to be assigned.⁷⁶⁶

The law makes it possible to withdraw reception permanently.⁷⁶⁷ The sanction can only be used for persons, who had been temporarily excluded from reception before, subject to the aforementioned sanction, or in serious cases of physical or sexual violence. 26 applicants were permanently excluded from reception in 2025.⁷⁶⁸

Sanctions are issued by the centre's managing director and must be motivated. The person who received the sanction must be heard before the decision is taken. The sanctions that exclude the asylum applicant from the reception facilities (one month or permanently) must be confirmed within 3 days by the Director-General of Fedasil. If they are not confirmed, the sanction is lifted. During the time of exclusion, the asylum applicant still has the right to medical assistance from Fedasil. Most sanctions can be appealed before the managing authority of that reception centre (the Director-General of Fedasil, the NGO partner or the administrative council of the PCSW). An onward non-suspensive appeal is possible in front of the Labour tribunal.⁷⁶⁹ As with every other administrative or judicial procedure, the asylum applicant is entitled to legal assistance, free of charge if they have no sufficient financial means. In all these cases, the reception conditions will be reinstated as soon as the sanction – mostly temporary – has elapsed. In 2025, 6 requests for revision of the sanction were issued within Fedasil itself, of which 2 were accepted. In addition, 20 appeal procedures against exclusions decisions taken by Fedasil were introduced before Labour tribunals.⁷⁷⁰

In 2018, the Labour Court of Brussels referred questions to the Court of Justice of the European Union concerning the reduction or withdrawal of material reception conditions under the Reception Conditions Directive. In its judgment in *Haqbin v. Fedasil*, the Court held that sanctions for breaches of house rules or violent behavior cannot include the withdrawal of essential reception conditions such as housing, food, or clothing, even temporarily, as Member States must ensure that applicants can continuously meet their

⁷⁶⁴ Royal Decree of 15 May 2014 on the procedures for disciplinary action, sanctions and complaints of residents in reception centres.

⁷⁶⁵ Article 45(8) Reception Act.

⁷⁶⁶ Information provided by Fedasil, April 2026.

⁷⁶⁷ Article 45(9) Reception Act.

⁷⁶⁸ Information provided by Fedasil, April 2026.

⁷⁶⁹ Article 47 Reception Act.

⁷⁷⁰ Information provided by Fedasil, April 2026.

most basic needs and live in dignity.⁷⁷¹ Despite this ruling, Fedasil has continued to apply temporary and, in some cases, definitive exclusions as sanctions for violent behavior. The agency has indicated that it is exploring alternative measures, such as night reception or meal vouchers during exclusion periods, but in practice excluded applicants are generally provided with information on emergency shelters and support services. So far, these alternative measures have not been implemented yet.

3.2. Reduction or withdrawal of reception due to a professional income

The Reception Act allows for reducing or withdrawing the reception of applicants with a professional income, or requesting a contribution to the costs related to their reception.⁷⁷² Since 2024, the Reception Act⁷⁷³ and a Royal Decree nicknamed “Royal Decree Cumul”⁷⁷⁴ provide a contribution scheme and the control mechanisms available to Fedasil for controlling the income of its residents. Using data provided by social security institutions, Fedasil has a detailed overview of the quarterly income of applicants residing in the reception network.⁷⁷⁵ Applicants residing in a reception facility and working as an employee or under an independent status, are obliged to inform their reception centres about all (evolutions in their) professional activities. As a rule, the contribution consists of 50% of the professional gross income. Lower progressive tariffs apply to applicants who contribute spontaneously without waiting to be controlled. In that case they must pay the following contributions of their net income:⁷⁷⁶

❖ Income bracket € 0 - € 264,99 / month:	no contribution
❖ Income bracket € 265 - € 999.99 / month:	35%
❖ Income bracket € 1000 - € 1,499.99 / month:	45%
❖ Income bracket + € 1,500 / month:	50%

The following categories are exempt from contributions:⁷⁷⁷

- ❖ Applicants whose designated reception place has been abrogated;
- ❖ Applicants who have received international protection;
- ❖ Minors who work as a student;
- ❖ Applicants who volunteer.⁷⁷⁸

Applicants who do not pay the progressive contribution voluntarily will receive a notice of default and will be required to pay 50% of their gross salary. If an applicant refuses to pay, Fedasil can force them to leave the reception centre.⁷⁷⁹ Applicants who do not want to pay the contribution can also voluntarily request the abrogation of the designated reception place.⁷⁸⁰ In 2025, Fedasil granted a voluntary abrogation to 268 applicants.⁷⁸¹

The right to reception can also be withdrawn from applicants who have a stable and sustainable professional situation that yields an income higher than the amount of the social welfare benefit they would receive if they would meet the conditions.⁷⁸² In such cases, Fedasil can proceed to an abrogation of the designated reception place (‘code 207’). It can refrain from such an abrogation for reasons related

⁷⁷¹ CJEU 12 November 2019, C-233/18 *Haqbin*, ECLI:EU:C:2019:956.

⁷⁷² Articles 35/1, article 35/2 and article 35/3 Reception Act.

⁷⁷³ Law of 25 May 2024 modifying the law of 12 January 2007 regarding the reception of asylum applicants and other categories of aliens, available in Dutch [here](#) and in French [here](#).

⁷⁷⁴ Royal Decree of 16 April 2024 on the allocation of material assistance to asylum applicants receiving professional income and other categories of income (“Royal Decree Cumul”), available in [French](#) and in [Dutch](#). This new Royal Decree replaces the previous Royal Decree of 12 January 2011.

⁷⁷⁵ Article 35/3 Reception Act; article 12 Royal Decree Cumul.

⁷⁷⁶ Tariffs applicable in March 2025. They are revised on the basis of the wage indexation on a yearly basis, modifications entre into force on 1 January.

⁷⁷⁷ Article 4 §2 Royal Decree Cumul.

⁷⁷⁸ Fedasil Instruction 1 July 2024, *Employment of beneficiaries of reception – cumul of material assistance and professional income*, available in Dutch [here](#) and in French [here](#).

⁷⁷⁹ Article 35/2 Reception Act.

⁷⁸⁰ Fedasil Instruction 1 July 2024, *Employment of beneficiaries of reception – cumul of material assistance and professional income*, available in Dutch [here](#) and in French [here](#), p. 8-10.

⁷⁸¹ Information provided by Fedasil, March 2026.

⁷⁸² Article 9 Royal Decree Cumul. A professional situation of 6 months is considered stable and sustainable.

to the family, social, medical or procedural situation of the applicant.⁷⁸³ No decisions of forced abrogation of the designated reception place were taken in 2025.⁷⁸⁴

In 2025 Fedasil received 8,884 declarations of professional income and ca. €5 million was contributed. In total 14,769 applicants should have paid a contribution, but 10,653 applicants did not pay.⁷⁸⁵ Several applicants appealed this policy at the Labour Court. They argued that they were not informed about their duty to pay the progressive contribution, that they no longer had an income on the moment of the decision, that they could not pay the contribution without a debt repayment plan and that they did not have access to housing outside of the reception network. In several cases the Labour Court found that Fedasil inadequately motivated the decision to withdraw reception conditions. Overall, the Court found that the withdrawal of reception conditions was disproportionate and that the Agency could not ensure the right to human dignity.⁷⁸⁶ In total there were 231 convictions of Fedasil by Labour Courts.⁷⁸⁷

3.3. Other grounds

Under the Article 4(1) of the Reception Act, Fedasil may refuse or withdraw the assignment of a reception place if:

1. Such a place has been abandoned by the asylum applicant. This applies in cases where the asylum applicant is absent for 3 consecutive days without prior notice or for more than 10 nights in one month (with or without prior notice). The asylum applicant is then 'de-registered' from the centre and has the right to ask for a new place. In the context of the reception centre, single male applicants without special vulnerability are in that case not able to re-integrate the reception network due to a lack of places in the context of the current reception crisis. Consequently, they must re-register on the waiting list of Fedasil, which leads to a waiting time of several months before they are able to re-integrate the reception network (see [Criteria and restrictions to access reception conditions](#)).
2. The asylum applicant does not attend interviews or is unwilling to cooperate when asked for additional information in the asylum procedure. This is applied, for example, when an applicant in an open return place does not show up for their ICAM-interview (see ['Return track' and assignment to an open return place](#)).
3. The applicant makes a [Subsequent Application](#).

Article 4(3) of the Reception Act prescribes that the decisions of revocation or limitation of reception conditions should always:

- ❖ be individually motivated;
- ❖ be taken with due regard to the specific situation of the person concerned, in particular where vulnerable persons are concerned, and to the principle of proportionality;
- ❖ to ensure access to medical care and a dignified standard of living.

In practice, however, Fedasil almost systematically refuses to assign a reception place to subsequent applicants until their asylum application is declared admissible by the CGRS, mostly through standardised refusal decisions. On multiple occasions, labour tribunals have ordered Fedasil to motivate such decisions individually and consider all case elements (see [Right to reception: subsequent applications](#)).

⁷⁸³ Article 10 Royal Decree Cumul.

⁷⁸⁴ Information provided by Fedasil, April 2026.

⁷⁸⁵ Information provided by Fedasil, April 2026.

⁷⁸⁶ Vluchtelingenwerk Vlaanderen, "Arbrb Brussels: withdrawal of reception conditions due to non-fulfilment of contribution obligation annulled on grounds of stereotypical reasoning", 28 November 2025, available in [Dutch](#).

⁷⁸⁷ Information provided by Fedasil, April 2026.

4. Freedom of movement

Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of applicants across the territory of the country?
☒ Yes ☐ No
2. Does the law provide for restrictions on freedom of movement? ☐ Yes ☒ No

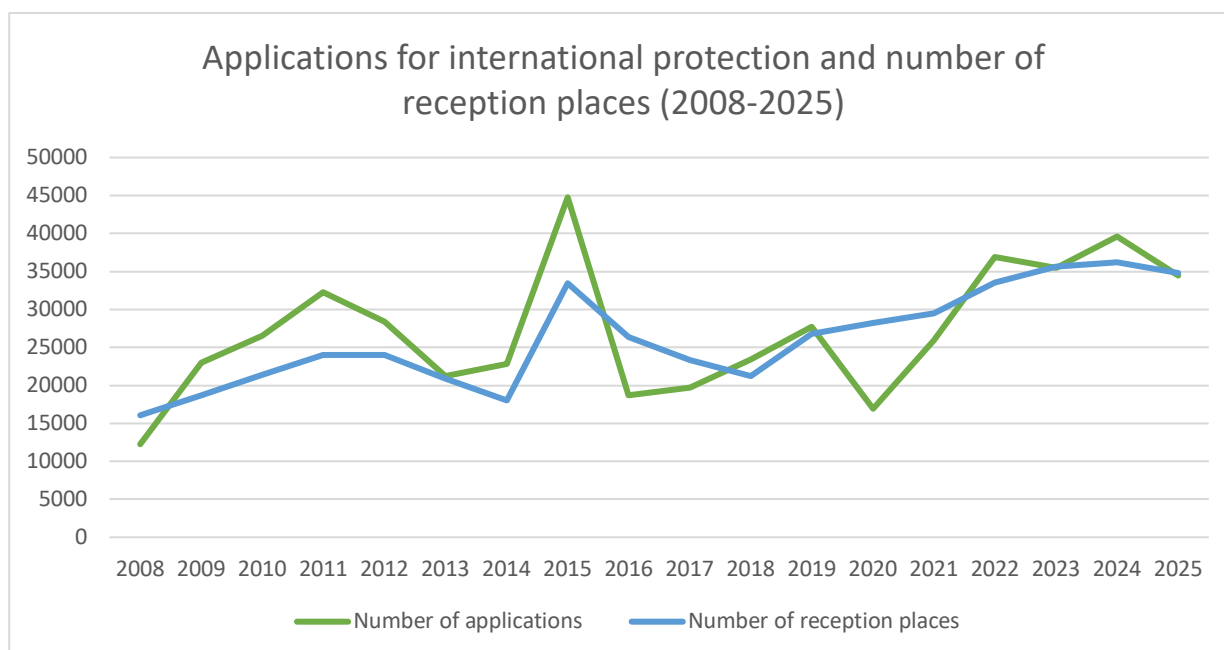
Applicants who stay in an open (collective or individual) reception centre enjoy freedom of movement across the national territory without restrictions. If the asylum application is refused, the rejected asylum applicant is transferred to a so called 'open return place' in a regular centre, where they can enjoy full reception rights until the end of the right to reception and where they also enjoy freedom of movement across the Belgian territory.

On the other hand, an applicant cannot choose their place of reception. As explained in [Criteria and Restrictions to Access Reception Conditions](#), the reception structure is assigned by Fedasil's Dispatching service under a formal decision called 'assignment of a Code 207'. Applicants can only enjoy the material and other provisions they are entitled to in the reception place they are assigned to. If the applicant refuses the place assigned or is absent from the assigned place for 3 consecutive days without prior notice, or is absent for more than 10 nights in one month (with or without prior notice), Fedasil can decide to refuse them material conditions or exclude them from the centre that was assigned to them. In certain situations, applicants have to move from one reception centre to another. This can happen, for instance, when an unaccompanied minor turns 18 years old. Youth protection organisations have criticised the negative impact of such decisions on the wellbeing of the minor, who might have built a support network in a certain place and need to rebuild everything from scratch when they are moved to a centre on the other side of the country when they turn 18 years old. Sometimes the new centre is even located in the other language part of Belgium, due to which they have to continue their schooling in a new language.

B. Housing

Over the course of 2015 – 2024 the reception network has undergone several changes. The number of available places has been very dynamic in this period and is interlinked with the number of applications for international protection in Belgium. After the peak of applicants for international protection in 2015, the capacity peaked at 33,659 places. In 2018, after a steady decrease in the number of international protection applicants, the capacity was reduced to 21,343. This decrease in places was mainly achieved by closing emergency shelter and individual reception facilities. When applications for international protection reached a first peak again in 2019, the reception network had to increase its capacity again in a very short timeframe. The capacity being too limited, the Immigration office was forced to refuse the applications for international protection of asylum applicants and thus their access to the reception system (see [Right to shelter and assignment to a centre](#)). This situation also led to the introduction of new instructions by Fedasil limiting the reception conditions for several categories of asylum applicants (see [and Right to reception: Applicants with a protection status in another EU Member State](#)).⁷⁸⁸

⁷⁸⁸ Fedasil, 'Sluiting 7 centra uitgesteld', 2 October 2018, available in Dutch [here](#); De Morgen, 'Opvangcentra zitten overvol door grotere instroom: tenten voor asielzoekers weer in beeld', 16 November 2018, available in Dutch [here](#); Fedasil, 'Druk op opvangnetwerk steeds hoger', 8 November 2019, available in Dutch [here](#).



Applications for international protection and number of reception places in Belgium (2008 – 2025), based on data from CGRS and Fedasil.

Since September 2021, the reception network has been under enormous pressure, the occupancy rate being at 96% for months (the saturation capacity at 94%) (see [Constraints to the right to shelter](#)). Possibilities of opening new reception places were urgently examined by the Belgian government and Fedasil and several new reception centres – some structural, some emergency shelters opened in the last months. However, these were insufficient to provide reception for all applicants needing shelter.⁷⁸⁹ Difficulties are encountered especially due to the remaining unwillingness of municipalities to accept opening centres on their territory.⁷⁹⁰

In 2025, 997 new collective reception places were created, while 2 231 temporary reception places were closed, resulting in a net decrease of 1 234 places. At the end of 2025, the total reception capacity stood at 34 771 places, compared with 36 211 places at the beginning of the year, representing an overall decrease of 1 440 places.⁷⁹¹ The overall number of places was largely insufficient to provide reception to all asylum applicants in need. The shortage of reception places persisted throughout 2025, with a total of 7,015 persons with a reception need not being able to get a reception place. In the beginning of 2026, 1,345 were registered on the waiting list of Fedasil, waiting to get access to a reception place. The average waiting time is 59 days.⁷⁹²

The new Federal government aims at further decreasing the number of places in the reception network and wants to end accommodation in individual reception places, prioritising reception in collective centres with sober living conditions.⁷⁹³ The Director of Fedasil has warned for this policy, pleading for a flexible

⁷⁸⁹ The Brussels Time, *Closed Hotel Mercure in Evere becomes reception center for asylum applicants*, 9 December 2021, available [here](#); Bruzz, *Gesloten Hotel Mercure in Evere wordt opvangplaats asielzoekers*, 9 December 2021, available [here](#); Bruzz, *Opvangcentrum voor 40 asielzoekers opent in Elsene*, 24 December 2021, available [here](#).

⁷⁹⁰ Examples: De Morgen, *Resistance against reception centre in Jabbeke: 'This is a residential area. All that noise doesn't belong here, right?'*, 22 October 2022, available in Dutch [here](#); VRT Nws, *Municipality of Spa demands via legal penalties reception of less asylum applicants*, 24 december 2021, available in Dutch [here](#); De Tijd, *Mahdi krijgt voorlopig geen grip op opvangcrisis*, 28 October 2021, available [here](#).

⁷⁹¹ Information provided by Fedasil June 2026.

⁷⁹² Fedasil, 'Statistics reception network for asylum seekers in Belgium', 1 March 2026, available in French [here](#).

⁷⁹³ Belgian Federal government agreement 2025-2029, 31 January 2025, available in Dutch [here](#) and in French [here](#).

use of centres by decreasing the number of places without closing down centres (“dynamic buffer policy”).⁷⁹⁴

1. Types of accommodation

Indicators: Types of Accommodation

1. Number of reception centres: 104
2. Total number of places in the reception system: 34,771
3. Total number of places in private accommodation: N/A
4. Type of accommodation most frequently used in a regular procedure:
☒ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☐ Other
5. Type of accommodation most frequently used in an accelerated procedure:
☒ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☐ Other

Accommodation may be collective i.e. a centre, or in individual reception facilities i.e. a house, studio or flat,⁷⁹⁵ depending on the profile of the asylum applicant and the phase of the asylum procedure the asylum applicant is in (see section on [Forms and Levels of Material Reception Conditions](#)).

At the end of 2025, there were 30,267 places in collective reception centres, 4,504 individual reception places (out of which 3,810 LRI's) and 400 open return places. Out of the total of 34,771 places, 2,529 places are in the ‘first phase’ of reception⁷⁹⁶, 32,242 in the ‘second phase’. Applicants stayed an average of 53 days in a ‘first phase’ centre before moving on to a ‘second phase’ reception place.

Due to a lack of reception places in the context of the reception crisis (since 2021 and ongoing in March 2025), Fedasil opened different types of emergency places to ensure reception for families. In that context, 8 ‘emergency shelters’ (NOC's) with a total of 833 places were opened in hotels in Brussels in 2024. The average stay in these NOC's was 63 calendar days.⁷⁹⁷ On 18 January 2026 the Minister for Asylum and Migration declared that she closed the last NOC.⁷⁹⁸ This was a high priority file for the government, since it considered these shelters as pull factors towards Belgium.⁷⁹⁹

The practical organisation and management of the reception centres is done in partnership between government bodies, NGOs and private partners.⁸⁰⁰ In 2024, the 104 main collective reception centres were mainly managed and organised by Fedasil (47 centres, capacity of 12,774 places), Croix Rouge (8,694 places) and Rode Kruis (4,747 places). Some other smaller partners, such as Caritas and Samu Social, manage and organise centres with a total capacity of 1,794 places.⁸⁰¹

Most individual reception places are LRI's (3,810 at the end of 2025), run by local PCSW. Other individual reception places (total of 694 at the end of 2025) are managed by organisations such as Agentschap Opgroei, Caritas, Ciré, Service d'aide aux migrants ([SAM](#)) and the [Municipal Reception Initiative \(Stedelijk Opvanginitiatief - SOI\)](#) in the city of Ghent.⁸⁰²

⁷⁹⁴ De Tijd, ‘Fedasil-director Pieter Spinnenwijn: “We cannot make the same mistake of massively closing asylum centres”’, 26 February 2025, available in Dutch [here](#).

⁷⁹⁵ Article 16, 62 and 64 Reception Act.

⁷⁹⁶ This includes the ‘orientation and observation centres’ where unaccompanied minors are housed the first weeks after their arrival.

⁷⁹⁷ Information provided by Fedasil, April 2026.

⁷⁹⁸ VRT NWS, ‘Last hotel accommodation for asylum seekers closed, some weeks earlier than planned’, 18 January 2026, available in Dutch [here](#).

⁷⁹⁹ VRT NWS, ‘Hotel accommodation for asylum seekers to be gradually phased out’, 20 October 2025, available [here](#).

⁸⁰⁰ Article 62 Reception Act.

⁸⁰¹ Information provided by Fedasil, April 2026.

⁸⁰² Information provided by Fedasil, April 2026.

There are also specialised centres for specific categories of applicants (see [Special Reception Needs](#)).

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

1. Are there instances of asylum applicants not having access to reception accommodation because of a shortage of places? ☒ Yes ☐ No
2. What is the average length of stay of asylum applicants in the reception centres? 480 days⁸⁰³
3. Are unaccompanied children ever accommodated with adults in practice? ☐ Yes ☒ No
4. Are single women and men accommodated separately? ☐ Yes ☒ No

2.1. Overall conditions

The minimum material reception rights for asylum applicants are described in the Reception Act, mainly in a very general way.⁸⁰⁴ Fedasil organises them into 4 categories of services:⁸⁰⁵

- a. 'Bed, bath, bread': the basic needs, that is a place to sleep, meals, sanitary facilities and clothing;
- b. Guidance, including social, legal, linguistic, medical and psychological assistance;
- c. Daily life, including leisure, activities, education, training, work and community services; and
- d. Neighbourhood initiatives.

Many aspects such as the social guidance during transition to financial aid after a person has obtained a legal stay, or the legal guidance during the asylum procedure and the quality norms for reception facilities have, as of 1 January 2025, not yet been regulated by implementing decrees as the law has stipulated. Until then, they are left to be determined by the individual reception facilities themselves or in a more coordinated way by Fedasil instructions. Due to this, as of January 2026, the quality norms for reception facilities are still not available in a public document, although they exist and were updated and agreed upon by all the partners of Fedasil in 2018. They contain minimum social and legal guidance standards, material assistance, infrastructure, contents and safety.

In 2015 Fedasil developed a framework to conduct quality audits based on these uniform standards. Setting minimum standards and an audit mechanism was difficult as different partners, such as the Red Cross, have developed their own norms and standards over the years. Moreover, some partners criticised the possibility to have audits being performed by Fedasil instead of an independent authority.⁸⁰⁶ As of 1 January 2026, these audits are performed by Fedasil and there is still no independent and external monitoring system put in place. The past years, audits were conducted at all levels of the reception system (both by Fedasil and partners, and both in collective and individual shelters): 32 in 2023, 39 in 2024 and 54 in 2025. For 2026, 38 audits are planned, 26 of which in reception centres. The findings are not public and only communicated to the reception facility concerned.⁸⁰⁷

A Royal Decree regulates the system and operating rules in reception centres as well as on the modalities for checking the rooms.⁸⁰⁸ This contains several general rights for the asylum applicant, such as:

- ❖ The right to a private and family life: family members should be accommodated close to each other;
- ❖ The right to be treated in an equal, non-discriminatory and respectful manner;
- ❖ Three meals per day provided either directly by the infrastructure or through other means;

⁸⁰³ Information provided by Fedasil, April 2026.

⁸⁰⁴ Articles 14-35 Reception Act.

⁸⁰⁵ Fedasil, *Stay in a Reception Centre*, available [here](#).

⁸⁰⁶ Court of Auditors, *Opvang van asielzoekers*, October 2017, 47-48.

⁸⁰⁷ Information provided by Fedasil, April 2026.

⁸⁰⁸ Royal Decree on the system and operating rules in reception centres and the modalities for checking rooms, 2 September 2018.

- ❖ The right to be visited by lawyers and representatives of UNHCR. These visits should take place in a separate room allowing for private conversations.

In 2025, the Odisee University College finalised an AMIF funded research project that studies children's rights in the reception network for a period of five years.⁸⁰⁹ One of the main findings is that emotional, physical and sexual safety of children cannot be guaranteed in the reception centers. Moreover, the researchers warn that the situation is going from bad to worse.⁸¹⁰ These findings were confirmed by the Flemish Children's Rights Commissioner. In their yearly report they write that "once again this year, we have received reports regarding the quality of asylum accommodation in our country, including for children and young people. This has been the case for many years running. However, today's reports concern basic needs. Living conditions are often dire: insufficient privacy and security, poor hygiene, inadequate infrastructure, night-time noise, violence, insufficient medical and psychological care, insufficient clothing and food, and insufficient supervision. These structural shortcomings have a serious impact on the well-being of children and young people who are forced to stay – often for long periods – in these collective reception centres".⁸¹¹ Fedasil states that "based on the results of this project, an action plan will be drawn up this year to further strengthen and safeguard the rights and opportunities of minors in reception structures. The proposal includes measures relating to infrastructure, protocols for the prevention and follow-up of unsafe situations, training, coaching and peer support for staff, child participation and external collaboration. This plan has yet to be approved".⁸¹²

Due to the current reception crisis, the reception network has been at full capacity since September 2021. No public documents are available about the impact of the reception crisis on the living conditions in the reception network.

2.2. Shortage of places

Since September 2021 Fedasil can no longer provide a reception place for all applicants for international protection. Despite efforts to create new places, there are not enough places available in the reception network. Fedasil therefore needs to prioritise 'vulnerable' groups. Single men are considered to be the 'least vulnerable' group, due to which they are systematically denied access to the reception network.

The reception crisis persisted throughout 2025, with a total of 10,191 persons with a reception need not granted any reception place; an increase of 1,375 compared to 2023. On 1 March 2026, 1,345 were registered on the waiting list of Fedasil, waiting to get access to a reception place.⁸¹³ The average waiting time is 59 days.⁸¹⁴ (see extensive information on the reception crisis under [Constraints in accessing accommodation](#)).

2.3. Average duration of stay

In 2025, the average length of stay of applicants for international protection in the reception system was 480 days (+- 16 months).⁸¹⁵ Applicants stayed an average of 53 days in a 'first phase' centre before moving on to a 'second phase' reception place. In 2025, certain families needed to be housed in emergency accommodation due to a lack of available places in the normal first phase reception centres. The average stay of families in these emergency centres was 63 days in the NOC's and 91 days in the youth centres, Bredene and Theux (see [Types of accommodation](#)).

⁸⁰⁹ Odisee, 'Being a child in an asylum center', consulted on 17 March 2026, available [here](#).

⁸¹⁰ De Standaard, 'Katja Fournier researched the living conditions in reception centres for five years: "reception centers aggravate the trauma's of asylum seekers"', 11 December 2025, available in Dutch [here](#).

⁸¹¹ Flemish Children's Rights Commissioner, 'Rights on the threshold – yearly report 2024-2025', available in Dutch [here](#), 67 – 69.

⁸¹² Information provided by Fedasil, April 2026.

⁸¹³ Fedasil, 'Reception network for asylum seekers in Belgium', 1 March 2026, available in Dutch [here](#).

⁸¹⁴ Information provided by Fedasil, March 2026.

⁸¹⁵ Information provided by Fedasil, March 2026.

Most applicants stay a considerable part of this period, or all of it, in collective reception centres. The law provides for accommodation to be adapted to the individual situation of the applicant,⁸¹⁶ but in practice places are primarily assigned according to availability and preferences under the reception model introduced in 2015 (see [Forms and Levels of Material Reception Conditions](#)).

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

- | | |
|--|---|
| 1. Does the law allow for access to the labour market for asylum applicants?
❖ If yes, when do asylum applicants have access the labour market? | ☒ Yes ☐ No
4 months |
| 2. Does the law allow access to employment only following a labour market test? | ☐ Yes ☒ No |
| 3. Does the law only allow asylum applicants to work in specific sectors?
❖ If yes, specify which sectors: | ☐ Yes ☒ No |
| 4. Does the law limit asylum applicants' employment to a maximum working time?
❖ If yes, specify the number of days per year | ☐ Yes ☒ No |
| 5. Are there restrictions to accessing employment in practice? | ☒ Yes ☐ No |

Asylum applicants' access to the labour market is regulated by the Law of 9 May 2018⁸¹⁷ and the implementing Royal Decree of 2 September 2018.⁸¹⁸ Asylum applicants who have not yet received a first instance decision on their asylum case within 4 months following the lodging of their asylum application are allowed to work until a decision is taken by the CGRS, or in case of an appeal, until the CALL has notified a negative decision. However, they are not allowed to work during the appeal procedure before the CALL if the procedure at the CGRS did not last longer than 4 months.⁸¹⁹

Asylum applicants who lodge a subsequent asylum application are unable to work until the CGRS declares the application admissible and they receive an orange card.

The right to work is mentioned directly on their attestation of matriculation ('orange card'), so a separate work permit is no longer needed. The asylum applicants can work in the area they choose. Adult asylum applicants who have access to the labour market can register as job applicants at the regional Offices for Employment and are then entitled to a free assistance programme and vocational training. In practice, however, finding a job is difficult during the asylum procedure because of the provisional and precarious residence status, the limited knowledge of the national languages, the fact that many foreign diplomas are not considered equivalent to national diplomas, and labour market discrimination.

If an asylum applicant resides in a reception facility (individual or collective) and is employed, they have an obligation to contribute with a percentage of their income to the reception facility and are excluded from material assistance if their income is higher than the social welfare benefit amounts mentioned above and the working contract is sufficiently stable (see [Reduction or Withdrawal of Reception Conditions](#)).⁸²⁰

Participation of asylum applicants to the Belgian society, including through employment, is indicated as one of the priorities in the management plan of the federal agency for the reception of asylum applicants (Fedasil) for 2021-2026. To this end, Fedasil has created a service 'participation in society' in 2021, that

⁸¹⁶ Articles 11, 22, 28 and 36 Reception Act.

⁸¹⁷ Law of 9 May 2018, Law on the occupation of foreign nationals in a particular situation of residence, available in Dutch at: <https://bit.ly/2XH2Pcb>.

⁸¹⁸ Royal Decree of 2 September 2018, available in Dutch at: <http://bit.ly/3Kc36NH>

⁸¹⁹ Article 18, 3° and Article 19, 3° Royal Decree on Foreign Workers, 2 September 2018.

⁸²⁰ Articles 35/1 Reception Act and Royal Decree, 12 January 2011, on Material Assistance to Asylum Applicants residing in reception facilities and are employed (original amounts without indexation).

aims to support and promote employment of asylum applicants. This service has reinforced its network with organisations working on employment and concluded agreements with specific sectors, such as the construction sector, to promote referrals of asylum sectors to jobs in that sector. In several reception facilities, job days are organised where employers or employment agencies can meet the residents and promote jobs. In certain regions, a project is put in place with coaches who support reception centres in their initiatives concerning employment.⁸²¹ Public employment services, such as VDAB, promote employment of asylum applicants by offering support to employers, such as advise and language coaching on the work floor.⁸²²

Impact of the reception crisis (2021 – 2026)

Single male applicants for international protection who do not receive accommodation, face difficulties obtaining their temporary residence permit (attestation of immatriculation). Most municipalities require a fixed residency to obtain a temporary residence permit. Applicants without accommodation often sleep rough, thereby they are unable to obtain a fixed residency. This in turn makes it impossible for them to apply for a temporary residence permit, hindering their access to the labour market in practice.

Self-employment

Asylum applicants are also eligible for self-employed labour on the condition that they apply for a professional card. Only small-scale and risk-free projects will be admitted in practice.

Volunteering

Asylum applicants are allowed to do voluntary work during their asylum procedure and for as long as they have a right to reception.

Community services

Asylum applicants are also entitled to perform certain community services (maintenance, cleaning) within their reception centre to increase their pocket money.⁸²³

2. Access to education

Indicators: Access to Education

- | | |
|--|---|
| 1. Does the law provide for access to education for asylum-seeking children? | ☒ Yes ☐ No |
| 2. Are children able to access education in practice? | ☒ Yes ☐ No |

Schooling is optional for children between 3 and 5 years old, and mandatory for all children between 5 and 18 in Belgium, irrespective of their residence status. Education is mostly free until 18 years old. Any additional costs related to meals or school visits are paid by Fedasil for asylum applicants staying in a reception centre.

In primary schools (6-12 years old), children of asylum applicants mostly join the general classes of local schools. In secondary schools, classes with adapted course packages and teaching methods – the so-called ‘bridging classes’ (‘DASPA’, in the French Community schools) and ‘reception classes’ (‘OKAN’, in the Flemish Community schools) – are organised for children of newly arrived migrants and asylum applicants. Those children are later integrated in regular classes once they are considered ready for it.

⁸²¹ Fedasil, *Employment of asylum applicants*, available in Dutch and French at: <https://bit.ly/4aygjfk>.

⁸²² VDAB, *Employing asylum applicants*, available in Dutch at: <https://bit.ly/3xd8gWV>; VDAB, *Talent speaking another language*, available in Dutch at: <https://bit.ly/4axOcN0>.

⁸²³ Article 34 Reception Act.

In practice, the capacity of some local schools is not always sufficient to absorb all asylum-seeking children entitled to education. During the school year of 2022-2023, hundreds of non-Dutch speaking children were on a waiting list to get access to the Flemish OKAN-classes.⁸²⁴ These numbers concern all non-Dutch speaking students and not only asylum-seeking children. Although no numbers were available for 2024, several sources reported shortages in certain regions.⁸²⁵

During their stay in a 1st phase reception centre, children of asylum-seeking families and unaccompanied minors do not yet go to school, because the duration of stay in this centre is only supposed to be short and they are likely to have to switch schools after their move to a 2nd phase centre, which is neither in the interest of the child or the school. However, this practice has been criticised since in the context of the reception crisis, that started in 2021 and is ongoing on the moment of writing (March 2026), the average duration of stay in a first phase reception centre has increased up to an average of 53 days (63 days in the NOC's).⁸²⁶

Transfers of families to another reception centre or to a so-called 'open return place' after having received a negative decision might also entail a move to another (sometimes even linguistically different) part of the country, which can have a negative impact on the continuity in education for the children. In that respect, it is noteworthy to recall that courts have endeavoured to guarantee asylum-seeking children the right to education.

In reception centres, all residents can participate in activities encouraging integration and knowledge of the host country. They have the right to attend professional training and education courses.⁸²⁷ The regional Offices for Employment organise professional training for asylum applicants who are allowed to work with the purpose of assisting them in finding a job. Additionally, they can enrol in adult education courses for which a certain level of knowledge of one of the national languages is required, but not all regions equally take charge of the subscription fees and transport costs.

The costs of transportation to school and trainings are in principle paid by the reception centres (this is part of the funding Fedasil gives), although this varies in practice among the different reception facilities.

D. Health care

Indicators: Health Care

1. Is access to emergency healthcare for asylum applicants guaranteed in national legislation?
☒ Yes ☐ No
2. Do asylum applicants have adequate access to health care in practice?
☒ Yes ☐ Limited ☐ No
3. Is specialised treatment for victims of torture or traumatised asylum applicants available in practice?
☐ Yes ☒ Limited ☐ No
4. If material conditions are reduced or withdrawn, are asylum applicants still given access to health care?
☐ Yes ☒ Limited ☐ No

Under the material assistance an asylum applicant is entitled to enjoy the right to medical care necessary to live a life in human dignity.⁸²⁸ This entails all the types of health care enumerated in a list of medical interventions that are taken charge of financially by the National Institute for Health and Disability Insurance (RIZIV/INAMI). For asylum applicants, some exceptions have explicitly been made for

⁸²⁴ Vrt Nws, 'Hundreds of foreign speaking youngsters might wait until September to go to school', 3 April 2023, available in Dutch [here](#).

⁸²⁵ GVA, '200 students on waiting list for OKAN-class in Antwerp: "Every week, 10 extra students are added', 10 May 2024, available in Dutch [here](#); Nieuwsblad, 'Shortage of OKAN-classes in Lier, guardian calls to action: "Education is a right that is currently not respected"', 13 March 2024, available in Dutch [here](#).

⁸²⁶ Information based on complaints Vluchtelingenwerk Vlaanderen has received via its Infolijn, by asylum-seeking families staying in the NOC's, social assistants and schools in Brussels; March 2025.

⁸²⁷ Article 35 Reception Act.

⁸²⁸ Article 23 Reception Act.

interventions not considered to be necessary for a life in human dignity, but they are also entitled to certain interventions that are necessary for such a life albeit not enlisted in the nomenclature.⁸²⁹

In addition to the limitations foreseen in the law, Fedasil often makes other exceptions on the ground that costs are too high and/or depending on the procedural situation of the asylum applicant. For example, the latest treatment for Hepatitis C has an average cost of € 90,000. It is a long treatment that loses its effects when prematurely stopped. Due to uncertainty about the decision that will be taken on the asylum application and thus if the person will be able to continue the treatment in their country of nationality in case of a negative decision, Fedasil often refuses to pay back these expenses even though they are on the RIZIV/INAMI list. In that case, it only pays back expenses for older, cheaper treatment. This depends on the individual medical situation, the advice of the doctors, and the asylum procedure.⁸³⁰

Fedasil refunds the costs of all necessary psychological assistance for asylum applicants, although these costs are not on the RIZIV/INAMI list. As stated above, medical care in LRI is reimbursed by another fund than the other reception facilities. This generates disparities with regard to access to private psychologists.

There are services specialised in the mental health of migrants, such as Solentra⁸³¹ and Ulysse⁸³² but they are not able to cope with the demand. Public centres for mental health care are open to asylum applicants and have adapted rates but mostly lack specific expertise. Additionally, there is a lack of qualified interpreters. The Reception Act allows Fedasil or reception partners to make agreements with specialised services. The Minister allows funding for certain projects or activities by royal decree, but these are always short-term projects or activities, so the sector mainly lacks long-term solutions.⁸³³

Collective centres and individual shelters often work together with specific doctors or medical centres around the centre or reception place. Asylum applicants staying in these places are generally not allowed to visit a doctor other than the one they are referred to by the social assistant, unless they ask for an exception. A doctor recruited by Fedasil is present in only 11 centres of Fedasil.⁸³⁴ This doctor may refer asylum applicants to a specialist where necessary. The other reception centres rely on the system of working with external doctors. Most LRI's (local reception initiatives on the level of the municipalities) also have agreements with local doctors and medical centres, but the costs are not refunded by Fedasil but by the federal Public Planning Service Social Integration (*Programmatorische Federale Overheidsdienst Maatschappelijke Integratie*). This service's decisions are based only on the RIZIV/INAMI list, so for the costs mentioned in the Royal Decree of 2009 but not in the RIZIV/INAMI list the PCSW to which the LRI is connected must make exceptions. Not all PCSW are familiar with the Royal Decree of 2009, however, thereby causing disparities in costs refunded for asylum applicants in LRI and those refunded in other reception places.⁸³⁵

There are a few 'medical places' in the reception network (see [Reception of persons with medical conditions](#)) and two reception centres for traumatised asylum applicants and for applicants with psychological and/or mild psychiatric problems (see [Reception of victims of trafficking and persons affected by traumatic experiences](#)).

When the applicant is not staying in the assigned reception place or when the right to material assistance is reduced or withdrawn as a sanction measure, the right to medical aid will not be affected,⁸³⁶ although accessing medical care can be difficult in practice. Applicants who are not staying in a reception structure

⁸²⁹ Article 24 Reception Act and Royal Decree of 9 April 2007 on Medical Assistance.

⁸³⁰ Court of Auditors, *Opvang van asielzoekers*, October 2017, 57; Myria, *Contact Meeting*, 17 October 2018, available in Dutch [here](#), paras 96-101.

⁸³¹ See: <https://www.solentra.be/en/>

⁸³² See: <https://www.ulyssse-ssm.be/>.

⁸³³ Court of Auditors, *Opvang van asielzoekers*, October 2017, 55-56.

⁸³⁴ Information provided by Fedasil, March 2025.

⁸³⁵ Court of Auditors, *Opvang van asielzoekers*, October 2017, 57-58; Information provided by VVSG, February 2018.

⁸³⁶ Article 45 Reception Act.

(by choice or following a sanction or in the context of the reception crisis) have to ask for a promise of repayment through an online form (*requisitorium*)⁸³⁷ five days before going to a doctor.⁸³⁸ Fedasil stated in March 2024 that it tries to reply one or two days before the date of the appointment. If someone introduces the *requisitorium* within the minimum period of five days before the appointment, Fedasil cannot guarantee a timely reply.⁸³⁹ It can take up to a few weeks before the medical service of Fedasil answers.⁸⁴⁰

Once the asylum application has been refused and the reception rights have ended, the person concerned will only be entitled to emergency medical aid, for which they must refer to the local PCSW.⁸⁴¹

Asylum applicants, unlike nationals, are not required to pay a so-called ‘franchise patient fee’ (*Remgeld / ticket modérateur*), the amount of medical costs a patient needs to pay without being reimbursed by health insurance, unless they have a professional income or receive a financial allowance.

The reception crisis has severely limited the access to reception for single male applicants. As a result, the access to health care and the overall medical situation of destitute applicants are negatively impacted (see [Constraints to the right to shelter](#)).

E. Special reception needs of vulnerable groups

Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice?

☒ Yes

☐ No

The law enumerates as vulnerable persons: minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.⁸⁴² This is a non-exhaustive list, but no other definition of vulnerability is available.

1. Detection of vulnerabilities

On the moment of registration of the asylum application, the Immigration Office registers the elements that indicate a specific vulnerability that has become apparent on the moment of the registration of the asylum application (e.g. indication of (unaccompanied) minor, + 65 years old, pregnant, single woman, LGBTI, victim of trafficking, victim of violence (physical, sexual, psychological), has children, or has medical or affected by psychological issues (for more information see [Guarantees for vulnerable groups](#)) in the administrative file of the applicant. At the Dispatching Desk of Fedasil, the specific situation of the asylum applicant (family situation, age, health, medical condition) should be taken into consideration before assignment to a reception centre, since some are more adapted to specific needs than others.

After the Dispatching Desk receives this information, they categorise the asylum applicants to assign the right reception place and in accordance with reception needs. To that end, they differentiate two categories of special reception needs: medical problems – which are of importance to determine the right reception place (e.g., handicap, psychological problems, pregnancy) – and vulnerable women, for whom a collective centre is not a well-adapted place. Asylum applicants who do not fit these two categories are in general assumed to be able to be accommodated in collective centres. In practice, the categories of the Immigration Office and the Dispatching desk do not match completely, which is why most asylum

⁸³⁷ Available in Dutch, French or English [here](#).

⁸³⁸ Information about this process provided by Fedasil available [here](#).

⁸³⁹ Myria, ‘Contact Meeting International Protection’, March 2024.

⁸⁴⁰ Court of Auditors, *Opvang van asielzoekers*, October 2017, 58.

⁸⁴¹ Articles 57 and 57ter/1 of the Organic Law of 8 July 1976 on the PCSW.

⁸⁴² Article 36(1) Reception Act.

applicants are assigned to a collective centre. Only in a few cases, mostly related to serious health problems, will they be directly assigned to individual housing provided by NGOs or LRI.

In fact, the evaluation of dispatching mostly focuses on medical grounds. A medical worker of the Dispatching desk meets personally with the asylum applicant if the Immigration Office has mentioned that the person showed signs of vulnerability during the registration, if the workers of the dispatching desk notice a medical problem themselves, or if an external organisation draws attention to the specific reception needs of an asylum applicant. In addition, Fedasil's medical staff conducts a medical screening of every newly arrived asylum applicant in order to find an adapted reception centre.⁸⁴³ The obtained medical information is then forwarded to the assigned reception centre. Regarding other vulnerabilities, they are mostly identified by social workers in the reception centres.

A legal mechanism is put in place to assess specific needs of vulnerable persons once they are allocated in the reception facilities. Within 30 calendar days after having been assigned a reception place, the individual situation of the asylum applicant should be examined to determine if the accommodation is adapted to their personal needs. Particular attention must be paid to signs of vulnerability that are not immediately detectable.⁸⁴⁴ A Royal Decree has formalised this evaluation procedure, requiring an interview with a social assistant, followed by a written evaluation report within 30 days, which has to be continuously and permanently updated, and should lead to a conclusion within a maximum of 6 months. The evaluation should contain a conclusion on the adequacy of the accommodation to the individual medical, social and psychological needs, with a recommendation as to appropriate measures to be taken, if any.⁸⁴⁵ A finding of vulnerability may lead to a transfer to more adequate accommodation, if necessary. In practice however, a transfer is often impossible due to insufficient specialised places or political preferences for a collective rather than individual accommodation model. The evaluation mechanism is often insufficiently implemented, if at all, and rarely leads to a transfer to a more adapted place.⁸⁴⁶ Since May 2018, Fedasil issued two instructions about transfers, but due to the current shortage of places, the application of these instructions remains strict.

Fedasil cooperates with GAMS, an organisation that is specialised in prevention against and support in case of female genital mutilation (FGM). In the framework of the project FGM Global Approach, funded by the Asylum, Migration and Integration Fund, they set up a process in the reception centres for early detection of FGM and social, psychological and medical support, and for the protection of girls who are at risk of FGM. In each collective Fedasil centre there is a reference person trained by this organisation. Each social assistant and the medical service of the centre need to conduct the identification within the first 30 days after the person's arrival in the centre. A checklist was created to guide the personnel of the centre through each step of the process. Each victim of FGM should be informed of this but can choose to take part in it or not. These guidelines were created both for collective reception centres and for individual shelters.⁸⁴⁷

2. Specific and adapted places

There are a number of specialised centres or specific individual accommodation facilities for:

- ❖ Unaccompanied minors;
- ❖ Pregnant minors;
- ❖ Vulnerable single women with or without young children;
- ❖ Young single women with children;
- ❖ Minors with behavioural problems (time-out);

⁸⁴³ Information provided by Fedasil, February 2018.

⁸⁴⁴ Article 22 Reception Act.

⁸⁴⁵ Royal Decree of 25 April 2007 on the modalities of the assessment of the individual situation of the reception beneficiary.

⁸⁴⁶ Court of Auditors, *Opvang van asielzoekers*, October 2017, 63.

⁸⁴⁷ Fedasil, Note on the FGM trajectory in the framework of the GAMS project, steps and tasks for implementation within the federal centre, 20 September 2017; GAMS, *Traject VGV*, available in Dutch at: <https://bit.ly/2VGZTe7>

- ❖ Persons with psychological problems;
- ❖ Victims of trafficking (although these places are not managed by Fedasil);
- ❖ Refugees who were resettled;
- ❖ Vulnerable persons who received refugee status or subsidiary protection and who are experiencing problems (linked to their vulnerability) with finding their own house and leaving the shelter.

By the end of 2025, there were 13 reception places specifically aimed at the reception of LGBTI+ applicants.⁸⁴⁸ Other LGBTI+ applicants are housed in the general reception network, either in collective centres or in individual places, according to the needs and places available. Most centres don't have separate rooms available. In certain centres, personnel searches *ad hoc* for a solution, such as accommodating the person in a medical room. LGBTI+ applicants who are considered as extra vulnerable by the dispatching service of Fedasil (such as trans persons) are assigned a place in an LRI if such a place is available.⁸⁴⁹ Fedasil is funding several projects aiming to provide training and sensibilisation about this topic to residents and personnel of reception centres.⁸⁵⁰

2.1. Reception of unaccompanied children

The reception of unaccompanied children⁸⁵¹ follows three phases:⁸⁵²

1. **Observation and Orientation Centres:** Unaccompanied children should in principle first be accommodated in specialised reception facilities: Observation and Orientation Centres (OOC). While in these centres, a decision should be made on which reception facility is most adapted to the specific child's needs.⁸⁵³ At the end of 2025, there were 341 places in OOCs.⁸⁵⁴
2. **Specific places in reception centres:** After the observation and orientation phase, unaccompanied minors are accommodated in specialised centres or individual reception places. At the end of 2025, there was a total of 2,790 special places for unaccompanied minors in the reception network (1,983 in collective centres and 398 individual places).⁸⁵⁵
3. **Individual accommodation:** Once a child – that is at least 15 years old and who is sufficiently mature – receives a positive decision, a transfer can be made to a specialised individual place. They will then have 6 months to prepare for living independently and to look for their own place. This stay can be prolonged until the child reaches the age of 18.

The centre in Rixensart has 50 specific places for unaccompanied minor girls, underage pregnant girls or young mothers with their baby.⁸⁵⁶

Children with behavioural problems or minors who need some time away from their reception place can be temporarily transferred to 'time-out' places.

On 20 December 2025, the occupancy rate of the special places for unaccompanied minors was 75,3%.⁸⁵⁷

2.2. Reception of families

⁸⁴⁸ Information provided by Fedasil, April 2026.

⁸⁴⁹ Information provided by Çavaria, an interest group for LGBTI+, March 2025 (<https://www.cavaria.be/>).

⁸⁵⁰ Çavaria, 'Safer spaces for LGBTI+ asylum seekers', available [here](#) (last consulted on 3 April 2025); Prisme, 'Safe space for LGBTQIA+ asylum seekers', available [here](#) (last consulted on 3 April 2025).

⁸⁵¹ Fedasil, Your rights and obligations as an unaccompanied minor, 2026, available in English [here](#).

⁸⁵² See more information [here](#).

⁸⁵³ Article 41 Reception Act; Royal Decree of 9 April 2007 on the centres for the orientation and observation of unaccompanied minors.

⁸⁵⁴ Information provided by Fedasil, April 2026.

⁸⁵⁵ Information provided by Fedasil, April 2026.

⁸⁵⁶ Information provided by Fedasil, April 2026.

⁸⁵⁷ Information provided by Fedasil, April 2026.

Families with children are as much as possible housed in a family room in the reception centre, guaranteeing more privacy.

Since 2023, Fedasil has been opening temporary shelters in youth centres and tourist accommodation facilities during the winter months to prevent capacity shortages for families with children. For the winter of 2025–2026, the Agency was required to make 863 such additional places available. In 2025 – 2026 capacity remained insufficient despite this measure. Therefore, the Agency opened 8 ‘emergency shelters’ (NOC’s) in budget hotels amounting to 833 places. In January 2026, Fedasil closed the last of these NOC’s. This is mostly because the government perceived this type of accommodation as a pull factor towards Belgium.⁸⁵⁸ On 13 March 2026, Fedasil announced that it would close all temporary places in the youth organisations.⁸⁵⁹

Fedasil also must ensure the reception of families with children without legal stay when the parents cannot guarantee their basic needs.⁸⁶⁰ In practice, these families are sheltered in ‘return houses’ managed by the Immigration Office. Because the focus in these shelters is on return, not many families use this possibility of accommodation based on the Royal Decree of 24 June 2014.

2.3. Reception of victims of trafficking and persons affected by traumatic experiences

In Wallonia, there is a specialised Red Cross reception centre (*Centre d'accueil rapproché pour demandeurs d'asile en souffrance mentale, CARDA*) for traumatised asylum applicants with 40 places. In Flanders, there is a centre for the intensive assistance of asylum applicants with psychological and/or mild psychiatric problems (*Centrum voor Intensieve Begeleiding van Asielzoekers – CIBA*) that provides for an intensive trajectory of maximum 3 months and has 27 places (including 5 for unaccompanied minors and 5 for intensive day care). Neither CIBA nor CARDA have a waiting list in April 2026.⁸⁶¹ There are also specialised centres such as **Payoke, Pagasa, Surya**, which are external to the Fedasil-run reception network, for victims of trafficking. Finally, it is possible to refer people to more specialised institutions such as retirement homes or psychiatric institutions outside the reception network.

For persons with severe psychiatric problems, there are no adapted places within the reception network and insufficient places in specialised care outside of the reception network. Therefore, these applicants usually stay in a normal place or ‘medical place’, that is not adapted to their needs.⁸⁶²

2.4. Reception of persons with medical conditions

Specialised medical reception places or specific medical individual accommodation initiatives can be assigned to:

- ❖ Persons with limited mobility, for example when they are in wheelchairs;
- ❖ Persons who are unable to take care of themselves (prepare food, hygiene, eat, take medication) without help;
- ❖ Persons with a mental or physical disability;
- ❖ Persons who receive medical help in a specific place for example dialysis, chemotherapy;
- ❖ Persons with a serious psychological dysfunction;
- ❖ Persons for whom it is necessary to have adapted conditions of reception due to medical reasons, such as special diet, a private toilet, and a private room.

⁸⁵⁸ The Brussels Times, ‘Brussels’ last remaining asylum seeker hotel closes’, 18 January 2026, available [here](#).

⁸⁵⁹ Fedasil, ‘Closure of the winter reception places’, 13 March 2026, available in Dutch [here](#).

⁸⁶⁰ Article 60 Reception Act and Royal Decree of 24 June 2014, about the conditions and modalities for reception of minors who reside in Belgium illegally with their families.

⁸⁶¹ Information provided by Fedasil, April 2026.

⁸⁶² Information provided by Fedasil, March 2025.

At the end of 2025, 231 medical places were available in collective reception centres, and 174 in individual reception places (10 'high care' places managed by Ciré and 116 individual places managed by other partners). At the end of 2023, a reception centre opened in Grimbergen specifically aimed at persons with medical conditions. Due to the reception crisis, the centre is also housing other persons, so not all medical places there are optimally used. All medical places in this centre are maximally occupied.

The number of medical places is insufficient to assign every person with special medical needs to an adapted reception place. Given that one room sometimes covers several medical places used by family members of the person with medical issues or that one person occupies a room with several medical places, not all specialised medical places are effectively available for people with medical needs. Fedasil indicates that there is an increase of persons with serious mental health issues who need to be housed in a room with maximum 2-3 other residents, rather than 4-6. This can result in a loss of medical places. Due to the shortage of adapted medical places, certain persons with special medical needs are accommodated in normal collective or individual places.⁸⁶³

F. Information for asylum applicants and access to reception centres

1. Provision of information on reception

The Reception Act requires Fedasil to provide the asylum applicant with an information brochure on the rights and obligations of the asylum applicants as well as on the competent authorities and organisations that can provide medical, social and legal assistance, in a language they understand (see section on [Information to Asylum Applicants and Access to NGOs and UNHCR](#)).⁸⁶⁴ The brochure 'Asylum in Belgium', updated in 2025 in collaboration with the EUAA, is available in 14 different languages.⁸⁶⁵

As for the specific rights and obligations concerning reception conditions, the asylum applicant also receives a copy of the house rules available in different languages. According to the Reception Act this should be a general document applicable in all reception facilities and regulated by Royal Decree.⁸⁶⁶ In 2018 a Royal decree and a Ministerial Decree were published to this end. (See [Sanctions for violation of house rules](#)).

This written information, although handed over to every asylum applicant, is not always adequate or sufficient in practice, since some asylum applicants need to have it communicated to them orally in person or have it repeated several times, *inter alia* due to the fact that they are illiterate. Fedasil launched an AMIF-funded project ('AMICA: Adjusting multilingual information provision on communication needs in asylum reception.'⁸⁶⁷) in collaboration with some universities, in the context of which 3 videos about the 'Day 0' (day of registration of the asylum application and first access to the reception network in the arrival centre) were developed that were made available on the Fedasil website in the course of 2022. The website is accessible via QR-codes displayed in and around the arrival centre. Audio-tours in 14 different languages are available in the arrival centre, providing information about this 'Day 0'.⁸⁶⁸

Fedasil also has a website 'Fedasilinfo', which contains information about the asylum procedure, housing, life in Belgium, return, work, unaccompanied minors, health care and education in 14 different languages.⁸⁶⁹

⁸⁶³ Information provided by Fedasil, March 2026.

⁸⁶⁴ Article 14 Reception Act.

⁸⁶⁵ Dutch, French, English, Albanian, Russian, Arabic, Pashtu, Farsi, Portuguese, Spanish, Tigrinya, Somalian, Peul and Lingala, available on the website of Fedasil and of the CGRS. English version available [here](#).

⁸⁶⁶ Article 19 Reception Act.

⁸⁶⁷ More information, see [here](#).

⁸⁶⁸ Myria, 'Contact meeting', 19 January 2022, p. 62 available in French and Dutch [here](#).

⁸⁶⁹ Fedasilinfo, Available [here](#).

For applicants staying outside of the reception network, Fedasil has a physically accessible 'Infopunt' in Brussels, offering information in several language 4 days a week.⁸⁷⁰

Impact of the reception crisis (2021 – 2026)

Single male applicants for international protection who do not receive shelter, do not receive the above information through brochures. The Immigration Office informs them about the waiting list with a general information leaflet about the shortage of places.⁸⁷¹ This leaflet contains a QR-code that directs applicants to the waiting list. Fedasil Infopunt serves as an important information hub for these applicants.

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?
☒ Yes ☐ With limitations ☐ No

The Reception Act provides for a guaranteed access to first- and second-line legal assistance.⁸⁷² In practice most centres refer to the free assistance of lawyers, although some of them provide first-line legal information themselves as well⁸⁷³. Consequently, there are substantial differences between the different reception centres in the way the asylum applicant is assisted in the follow-up of their asylum procedure and in the contact with their lawyers.⁸⁷⁴ Asylum applicants are entitled to public transport tickets to meet with their lawyer at the lawyer's office.

Moreover, lawyers and UNHCR and implementing partners have the right to visit their clients in the reception facilities to be able to advise them. Their access can be refused only in case of security threats. Collective centres also have to make sure that there is a separate room in which private conversations can take place.⁸⁷⁵

In practice, access does not seem to be problematic, but only few lawyers do visit asylum applicants in the centres themselves. UNHCR and other official instances have access to the centres, but for NGOs and volunteer groups access depends on the specific centre. In some reception centres visitors are limited to the visitors' area.

G. Differential treatment of specific nationalities in reception

The Reception Act does not stipulate a difference in treatment concerning reception based on nationality. The Reception Act does not exclude asylum applicants from safe countries of origin and EU citizens.

In practice, EU citizens applying for asylum and their family members are not accommodated by Fedasil. Fedasil argues that EU citizens are legally on the territory since they are exercising their freedom of movement, but the Federal Ombudsman has discarded this argument because it goes against the interpretation of 'legal residence' by the Constitutional Court and violates provisions of the Convention on the Rights of the Child and the constitutional non-discrimination and equality principles, when it considers

⁸⁷⁰ Fedasil, 'The Fedasil Infopoint is one year old', 1 October 2024, available [here](#).

⁸⁷¹ Myria, 'Contact meeting', 21 September 2023, p. 12, available in French and Dutch [here](#).

⁸⁷² Article 33 Reception Act.

⁸⁷³ However, this is not the same as official 'first-line legal assistance' as organised by the Regions through first-line legal services. Social assistance in the reception centres have the responsibility to make residents familiar with the criteria for refugee status and subsidiary protection and understand how the international protection procedure works, that the resident is informed about their personal responsible for their case, that they are entitled to social support and legal assistance and that they have a realistic understanding of the chances of success.

⁸⁷⁴ In the Flemish Red Cross (Rode Kruis) centres, the policy of neutrality is interpreted as reticence to do more than point the asylum applicant to their right to a 'pro-Deo' lawyer and the right to appeal.

⁸⁷⁵ Article 21 Reception Act; Royal Decree on the system and operating rules in reception centres and the modalities for checking rooms, 2 September 2018.

EU families with minor children.⁸⁷⁶ EU citizens applying for asylum can challenge the formal refusal decision of Fedasil (known as 'non-designation of a code 207') before the Labour Court.

In the current reception model, asylum applicants with a nationality which has a recognition rate above 80% are entitled to be transferred from collective asylum centres to individual places after 2 months (see [Forms and levels of material reception conditions](#)). However, due to the reception crisis that is ongoing at the time of writing in March 2026, this measure is currently not applied in practice.

⁸⁷⁶ Federal Ombudsman, *Annual Report 2013*, available in Dutch [here](#), 30-35.

Detention of Asylum Applicants

A. General

Indicators: General Information on Detention⁸⁷⁷

1. Total number of immigration detentions in 2024:	4.804 ⁸⁷⁸
2. Total number of asylum applicants detained in 2025:	N/A ⁸⁷⁹
3. Number of asylum applicants in detention at the end of 2025:	N/A ⁸⁸⁰
4. Number of administrative detention centres:	6
5. Total capacity of detention centres in December 2024:	459

Asylum applicants who arrive at the border are systematically detained before being allowed to enter the territory (see [Border detention](#)).⁸⁸¹ Asylum applicants can also in certain specific cases be detained during their procedure and in the context of the Dublin procedure (see [Grounds for detention](#)). In 2024, the population in the administrative detention centres consisted of 83% men and 17% women in the following procedural situation: 37% persons detained in the context of a border procedure, 12% persons detained in the context of a Dublin procedure or bilateral agreement between EU Member States, 51% undocumented persons.⁸⁸² No data on the number of asylum applicants in administrative detention in 2025 is yet available at the time of writing (April 2026). In 2025, 682 persons applied for asylum at the border.

Belgium has a total of 6 administrative detention centres, commonly referred to as ‘closed centres’, with a total capacity of 459 at the end of 2024:⁸⁸³ the **127bis** repatriation centre; the **‘Caricole’** near Brussels Airport; and 4 ‘Centres for Illegal Aliens’ – as the authorities define them – located in **Bruges** (CIB), in **Merksplas** near Antwerp (CIM), in **Vottem** near Liège (CIV) and in **Holsbeek** (near Leuven).⁸⁸⁴ The decrease in the capacity of the centres in 2024 is primarily the result of staff movements, infrastructure changes, and the growing presence of bedbugs, which makes certain facilities (temporarily) unusable.⁸⁸⁵ Unlike the open reception centres, the detention centres fall under the authority of the Immigration Office.

The government decided on 14 May 2017 to maximise the number of places in existing detention facilities through what was named the ‘Master Plan’. The latest government coalition, that was inaugurated on 3 February 2025, confirmed the goal to double the current detention capacity.⁸⁸⁶ With the construction of two additional administrative detention centres in Zandvliet (144 places) and Jumet (200 places), the construction of a new centre in Jabbeke (112 places) as replacement for the centre in Bruges,⁸⁸⁷ and the

⁸⁷⁷ Information on immigration detention is published in the yearly activity report of the Immigration Office, that is in general only published in the summer of the next year (report on 2025 activities to be expected in summer 2026). Consequently, these data are not yet available for 2025.

⁸⁷⁸ Immigration Office, *Activity report 2024*, available in French [here](#) (p. 86) and in Dutch [here](#) (p. 86).

⁸⁷⁹ This number was not provided the past years.

⁸⁸⁰ This number was not provided the past years. According to the information provided by the Immigration Office in April 2026, 548 requests for protection were submitted from prisons and detention centres throughout 2025. However, this doesn’t take into account the numbers of detainees who applied for asylum at the border (682 in 2025). Furthermore, this concerns the number of requests submitted, not the number of applicants, as some requests may have been submitted by the same person subsequently.

⁸⁸¹ Immigration Office, *Activity report 2024*, available in French [here](#) (p. 86) and in Dutch [here](#) (p. 86).

⁸⁸² Immigration Office, *Activity report 2024*, available in French [here](#) (p. 86) and in Dutch [here](#) (p. 86).

⁸⁸³ For an overview, see *Getting the Voice Out*, ‘What are the detention centres in Belgium?’, available [here](#).

⁸⁸⁴ The capacity in the administrative detention centres is 120 in the 127bis repatriation centre, 114 in Caricole, 112 in Bruges, 142 in Merksplas, 119 in Vottem, and 28 in Holsbeek. Data available on the website of the Immigration Office (in Dutch [here](#) and in French [here](#)), consulted on 21 January 2026.

⁸⁸⁵ Immigration Office, *Activity report 2024*, available in French [here](#) (p. 86) and in Dutch [here](#) (p. 86).

⁸⁸⁶ Accord de coalition fédérale 2025-2029, 31 January 2025, available in French [here](#) (p. 179) and in Dutch [here](#) (p. 175).

⁸⁸⁷ The Government had announced the replacement of the centre in Bruges, as the condition of the current centre is deemed ‘very bad’ (Chamber of Representatives, *Policy Note on asylum and migration*, 4 November 2020, available in Dutch and French at: <https://bit.ly/3sJdgMd>, 34).

creation of a new quick-departure centre in Steenokkerzeel (50 places),⁸⁸⁸ the total detention capacity in Belgium should amount to 1,145 places in 2030.⁸⁸⁹ The building works for the departure centre in Steenokkerzeel have started in August 2025 and are planned to be finished by the end of 2026.⁸⁹⁰ The planning regarding the realisation of the three centres in Zandvliet, Jumet and Jabbeke remains unclear.

B. Legal framework of detention

1. Grounds for detention

Indicators: Grounds for Detention

1. In practice, are most asylum applicants detained
 - ❖ on the territory: ☐ Yes ☒ No
 - ❖ at the border: ☒ Yes ☐ No
2. Are asylum applicants detained in practice during the Dublin procedure?
 - ☒ Frequently ☐ Rarely ☐ Never
3. Are asylum applicants detained during a regular procedure in practice?
 - ☐ Frequently ☒ Rarely ☐ Never

The law contains grounds for detaining asylum applicants during the asylum procedure as set out by Article 8(3) of the recast Reception Conditions Directive.

1.1. Border detention

Article 74/5 of the Aliens Act determines that a third country national who tries to enter the country without the necessary documents and applies for asylum at the border, can be detained while waiting to receive either a denial of entry, or to be granted access to the territory.

Although Article 74/5 Aliens Act also states that a foreigner cannot be maintained for the sole reason that they have submitted an application for international protection, asylum applicants arriving at the border without travel documents are systematically detained. The Immigration Office, in the context of their right to reply to the 2023 and AIDA report updates, noted that in the context of asylum applications at the border, every case is treated, and any detention decision taken, on an individual basis taking into account all elements available in the administrative file and that in case a person is detained when applying for asylum at the border, this is not because they have applied for asylum but because they do not meet the entry requirements. Civil society organisations, however, observed that by far every person applying for asylum at the border is detained, and this based on a decision that contains a mostly standardised

⁸⁸⁸ A proposal to create a new short-stay departure centre in Steenokkerzeel (next to 127bis and Caricole) was made which, according to the government, would make removals more 'humane, comfortable and safe' and promote better care for people who need to be repatriated swiftly.

⁸⁸⁹ As the Secretary of State announced on his website, 22 March 2022, available in Dutch and French, available at: <https://bit.ly/35n68ht>.

⁸⁹⁰ According to "La Régie des Bâtiments", 13 November 2025, in French [here](#) and in Dutch [here](#).

motivation. This issue has been confirmed by the Committee Against Torture (CAT)⁸⁹¹ and by the Belgian Refugee Council NANSEN.⁸⁹²

UNHCR is also concerned that the legal provisions do not sufficiently prevent arbitrary detention at the border. It regretted that, contrary to Article 74/6 of the Aliens Act on detention on the territory, Article 74/5 of the Aliens Act on detention at the border does not contain any guarantees such as the test of necessity, the obligation to consider the possibility of less coercive measures, the need for an individual assessment and an exhaustive list of reasons for detention. UNHCR therefore recommended the incorporation of the same guarantees in Article 74/6 and 74/5 of the Aliens Act. This recommendation has not been taken into account.

1.2. Detention on the territory

On the basis of Article 74/6(1) of the Aliens Act, an asylum applicant may be detained on the territory, where necessary, on the basis of an individualised assessment and where less coercive alternatives cannot effectively be applied:

- a. In order to determine or verify their identity or nationality;
- b. In order to determine the elements on which the asylum application is based, which could not be obtained without detention, in particular where there is a risk of absconding;
- c. When they are detained subject to a return procedure and it can be substantiated on the basis of objective criteria that they are making an asylum application for the sole purpose of delaying or frustrating the enforcement of return;
- d. When protection or national security or public order so requires.

Article 51/5 Aliens Act allows for the detention of asylum applicants during the Dublin procedure if there are indications that another EU Member State might be responsible for handling their asylum claim. An asylum applicant can be detained during the process to determine which Member State is responsible for the application, and after determination, to transfer the person to the responsible Member State. Detention in those cases is only allowed if there is a considerable risk of absconding, and only if the detention is proportionate and no other less coercive measure can effectively be applied

The objective criteria for determining a 'risk of absconding' are set out in Article 1(2) of the Aliens Act, in line with the *Al Chodor* ruling of the CJEU.⁸⁹³ They include situations where the applicant:

1. Has not applied for a permit after irregularly entering the country or has not made an asylum application within the 8-day deadline set out by the law;
2. Has provided false or misleading information or false documents or has resorted to fraud or other illegal means in the context of an asylum procedure or an expulsion or removal procedure;
3. Does not collaborate with the authorities competent for implementing and/or overseeing the provisions of the law;

⁸⁹¹ CAT, Concluding observations on the fourth periodic report of Belgium, 25 August 2021, §29: '*Although the State party explained that minors and their families are not detained at the border, the Committee remains concerned that almost all other applicants for international protection are detained, under Article 74/5 of the Aliens Act, and that this practice is accepted by the Constitutional Court, which considers it necessary for effective border control (decision of 25 February 2021). However, the Committee notes that Article 74/5 of the Aliens Act is intended to transpose into national law Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013, which allows for the detention of applicants only when it proves necessary and on the basis of an individual assessment of each case, if other less coercive measures cannot be applied effectively. The Committee also recalls that the European Court of Human Rights considered the practice of automatic detention at borders in the case *Thimothawes v. Belgium* and ruled that the routine detention of asylum applicants without an individual assessment of their specific needs was problematic (arts. 11 and 16).*'

⁸⁹² NANSEN, *Vulnerabilities in detention : motivation of detention titles*, November 2020, available in French [here](#). '*NANSEN remarque que la mesure de détention ne contient pas de motivation concernant la vulnérabilité dans des cas spécifiques. De plus, aucune évaluation individuelle systématique n'a lieu avant de procéder à la détention ou à la prolongation de la détention, pour déterminer si les principes de proportionnalité et de nécessité sont respectés.*'

⁸⁹³ CJEU, Case C-528/15 *Al Chodor*, Judgment of 15 March 2017.

4. Has declared his intention not to comply or has already resisted compliance with measures including return, Dublin transfer, liberty-restrictive measures or alternatives thereto;
5. Is subject to an entry ban in Belgium or another Member State;
6. Has introduced a new asylum application immediately after being issued a refusal of entry or being returned;
7. After being inquired, has concealed the fact of giving fingerprints in another Dublin State;
8. Has lodged multiple asylum applications in Belgium or one or several other Member States, which have been rejected;
9. After being inquired, has concealed the fact of lodging a prior asylum application in another Dublin State
10. Has declared – or it can be deduced from their files – that he or she has arrived in Belgium for reasons other than those for which he or she applied for asylum or for a permit;
11. Has been fined for lodging a manifestly abusive appeal before the CALL.

Civil society organisations have voiced concerns about the overly broad criteria for the determination of a risk of absconding.⁸⁹⁴ In practice, it has been reported that the third criterion is applied but in combination with other criteria such as the first and seventh, especially for those applicants who conceal that they have applied for asylum in another Member state. Detention orders have also been based on a combination of the criteria in paragraphs 1, 3 and 7; or 2, 4, 8 and 10; or 2, 8 and 9, etc. These criteria to ascertain whether there is a 'risk of absconding' have to be distinguished from the 6 hypotheses set out at Article 51/5 §6 Aliens Act where the asylum applicant is presumed not to collaborate with the authorities and as a consequence, the transfer period to the responsible EU Member State is extended from 6 to 18 months (See [Dublin](#)).

Article 51/5/1 of the Aliens Act implements the relevant articles on detention of the Dublin III Regulation for applicants who did not apply for asylum in Belgium yet could be subject to a take-back decision because of a previous application that was registered in another Member State.

In practice, certain categories of asylum seekers are particularly at risk of being arrested and detained during their asylum procedure. First, this includes individuals who are subject to a transfer decision under the Dublin Regulation. They may be arrested at the Immigration Office when they are invited to go there to receive their *Annex 26quater* (i.e., the decision transferring them to another EU Member State under the Dublin Regulation) or simply to continue the procedure. Secondly, in 2025, civil society organisations and lawyers have observed that an increasing number of people were arrested at the premises of the Immigration Office when they appeared in response to an appointment in connection with a subsequent asylum application. In both situations, case law is not uniform. Depending on the specific circumstances of the case, some courts have found that such practices constitute an unfair strategy intended to mislead the asylum seeker and, as a violation of Article 5 of the ECHR, should result in their release. Some other courts consider that the practise is lawful.⁸⁹⁵

In 2024, 372 people were arrested at the Immigration Office and detained in closed centres, representing 7% of all detainees.⁸⁹⁶ The proportion of asylum seekers in the Dublin procedure and of subsequent asylum applicants within these figures has not been disclosed.⁸⁹⁷

⁸⁹⁴ De Wereld Morgen, 'Nieuw wetsontwerp asielwetgeving betekent grote achteruitgang voor mensen op de vlucht', 3 July 2017, available in Dutch [here](#).

⁸⁹⁵ Move coalition, *Newsletter Detention 2-2025*, May 2025, available in French [here](#) and in Dutch [here](#), p. 3-4; and *Newsletter Detention 3-2025*, September 2025, available in French [here](#) and in Dutch [here](#); *Newsletter Detention 1-2026*, February 2026, available in French [here](#) and in Dutch [here](#).

⁸⁹⁶ Move coalition, *Monitoring report 2024*, January 2026, available in French [here](#) and in Dutch [here](#) (including data for each centre).

⁸⁹⁷ At the time of writing (April 2026), the numbers for the year 2025 have not yet been published by the Immigration Office.

2. Alternatives to detention

Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law?
☒ Reporting duties
☒ Surrendering documents
☐ Financial guarantee
☒ Residence restrictions
☒ Other: Special centres
2. Are alternatives to detention used in practice? ☒ Yes ☐ No
3. Number of migrants subject to alternative measures in 2025: N/A⁸⁹⁸

Articles 74/6 (detention on the territory) and 51/5 (detention under Dublin) of the Aliens Act refer to the need for less coercive alternative measures to be considered before imposing detention. The department of 'Alternatives to Detention' within the Immigration Office is tasked with the development and application of alternative measures to avoid detention of persons in irregular stay.⁸⁹⁹ The main activity of this department consists of the creation of Individual Case Management (ICAM) programs (see below).

On July 2024, a law introducing a 'proactive return policy' entered into force.⁹⁰⁰ Among other things, the bill enshrines in the Aliens Act: 1) the duty to cooperate in the organisation of a transfer, expulsion, return or removal (this comprises forced medical examination in case of refusal); 2) case management by civil servants of the Aliens office in the context of a return or transfer procedure (ICAM procedure); 3) a listing of the preventive measures and the less coercive measures that can be taken by the authorities and 4) banning the detention of families with minor children in closed centres (see below). By doing so, the 'proactive return policy' has established a series of new 'alternatives to detention' next to the existing ones.

For detention at the border, the Aliens Act does not contain any reference to less coercive measures or to an individual assessment or the need to assess the necessity or proportionality of the detention measure prior to applying detention at the border. This contrasts with the case law of the courts, according to which the authorities have an obligation (based on Article 74/5 Alien Act) to seek out less coercive measures applicable to applicants for protection at the border.⁹⁰¹

❖ Delay in leaving the territory

A first alternative to detention consists of the extension of the deadline for voluntarily leaving the territory.⁹⁰² The purpose of this extension is to allow the person to prepare for their departure. As a result, such an extension can only be granted if it is demonstrated that steps are being taken towards voluntary return, and that departure is feasible in a near future.⁹⁰³ The annual report of the Immigration Office of 2024 does not contain any information concerning this measure which leads to the impression that it is not applied in practice any more or in very limited cases. The measure is subject to criticism. The criteria for granting the extension are not clear and fall under the discretionary power of the Minister or his delegate.⁹⁰⁴ Moreover, the possibility to request an extension of the deadline for leaving the territory is not

⁸⁹⁸ In 2021, the number of migrants subject to alternative measures was 178 (information provided by the Immigration Office, February 2022). No data as provided on this the following years.

⁸⁹⁹ Immigration Office, Alternatives to detention, available in Dutch [here](#), in French [here](#) and in English [here](#); consulted on 25 March 2025.

⁹⁰⁰ Chamber of representatives, Law on proactive return policy, 12 May 2024, available in Dutch [here](#) and in French [here](#).

⁹⁰¹ See, *inter alia* : Council Chamber Brussels, 16 April 2024, 24N001537, available [here](#); Council Chamber Brussels, 26 April 2024, available [here](#); Chamber of indictment Brussels, 13 May 2024, 2024/2418, available [here](#); Council Chamber Brussels, 28 May 2024, 24N001855, available [here](#).

⁹⁰² Art. 74/14 Aliens Act.

⁹⁰³ CALL, case n° 175.622 of 30th of September 2016.

⁹⁰⁴ Myria, Nota over het eindverslag van de Commissie belast met de evaluatie van het beleid inzake de vrijwillige terugkeer en de gedwongen verwijdering van vreemdelingen (Commissie Bossuyt), November 2021, available in Dutch at: <https://bit.ly/3wRml8G>, 14.

mentioned in the order to leave the territory but only in the law.⁹⁰⁵ Finally, the MOVE coalition notes that the possibility to postpone departure fails to address the issue of non-removable people⁹⁰⁶.

❖ Deposit

A second alternative available is the payment of a deposit. According to the government, this measure has not proved to be an effective alternative to detention given that it is difficult to determine an appropriate amount to be deposited and because international research confirms that this measure does not constitute an effective incentive for return in practice. As a result, this measure is not applied in practice.

❖ Reporting

After receiving an invite for an interview, families with a duty to report were asked to appear before the Immigration Office. The measure was applied from March until September 2008 but was discontinued after a few months as it bore no results in terms of increased chances of removal. The new law introducing a 'proactive return policy' again introduced the duty to report as both a preventive measure and a less coercive measure to detention (see below).

❖ Home accommodation

Specifically for families with (minor) children, two types of less coercive measures were set up: home accommodation in the context of an agreement under Article 74/9(3) of the Aliens Act and return houses (also called 'family units' or 'FITT' – see below). Currently, the coaching of families to return from their private homes is included in the ICAM coaching trajectories and is applied in a more intensive way.

❖ Return houses

Families with minors can be held in return houses, also called family units or 'FITT'.⁹⁰⁷ In the strict sense, the return houses are considered an alternative to detention since they are considered as open facilities. In practice however, families residing in return houses are subject to freedom of movement restrictions in a way that makes civil society organisations consider the return houses to not meet the conditions of a proper 'alternative to detention'⁹⁰⁸ (see [Return houses](#))

❖ Individual case management (ICAM)

After receiving an order to leave the territory, a migrant will be invited to a series of interviews, during which their file will be discussed with an ICAM-coach. The aim is to steer the person concerned towards a sustainable solution either in their country of origin or in another country where they have the right of residence, or in Belgium, and to put an end to their illegal stay in Belgium. If no options can be identified to obtain a residence permit in Belgium, the person will be guided towards a return procedure.⁹⁰⁹ Attendance to these 'ICAM interviews' is mandatory. Not attending without giving valid justification can be considered as a 'failure to cooperate'⁹¹⁰ with the return procedure which may, eventually, result in detention. The law explicitly states that failure to cooperate with the individual coaching trajectory can lead the Immigration Office to consider a less coercive measure inefficient⁹¹¹ (see [Return procedure](#)) and hence justify the use of detention.

❖ Preventive measures and less coercive measures

The new law introducing a 'proactive return policy' provides for the introduction of three 'preventive measures' which can be imposed during the period of voluntary return: 1) the presentation or deposit of

⁹⁰⁵ *Ibid.*

⁹⁰⁶ The MOVE coalition has written an extensive report about the problem of non-removable persons in Belgian administrative detention centres: MOVE, 'What future for non-removable persons on Belgian soil?', June 2023, available in French (and a short version in Dutch) [here](#).

⁹⁰⁷ This name is often used in practice and refers to the service of the Immigration Office that treats the cases of persons living in the family units.

⁹⁰⁸ Platform of children on the move (Plate-forme mineurs en exil/Platform kinderen op de vlucht), 'Return houses in Belgium: a full-fledged, efficient and child-friendly alternative to detention?', January 2021, available in French [here](#) and in Dutch [here](#).

⁹⁰⁹ Immigration Office, Annual Rapport 2023, available in French [here](#) (p. 63) and in Dutch [here](#) (p. 61).

⁹¹⁰ Article 74/22 §1 4° Alien Act.

⁹¹¹ Article 74/28 §3, al. 3, 2° Aliens Act.

identity or travel documents with the authorities; 2) the obligation to report to the police or the Aliens Office; and 3) house arrest.⁹¹²

In addition, if the person fails to cooperate proactively with their return, the following ‘less coercive measures’ than detention may be used: 1) an obligation to report to the police or the Aliens Office and 2) house arrest.⁹¹³ These less coercive measures can only be applied as an alternative to detention if they are considered to effectively contribute to the removal or transfer of the person concerned. To assess the ‘effectiveness’ of the measure, the person’s past behaviour with regard to the obligation to cooperate as well as his or her family and financial situation will play an important role. In addition, the law lists certain situations in which it is presumed that a less coercive retention measure will not be effective in achieving return, removal or transfer.⁹¹⁴ Since the law entered into force, those measures have not been applied in practice.

3. Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?
☐ Frequently ☒ Rarely ☐ Never
 - ❖ If frequently or rarely, are they only detained in border/transit zones? ☐ Yes ☒ No
 - ❖ Do unaccompanied or separated children who are awaiting or undergoing age assessment continue to be detained during this process? ☒ Yes ☐ No
2. Are asylum seeking children in families detained in practice?
☐ Frequently ☐ Rarely ☒ Never

- ❖ Families with minor children

Since September 2020, the government had already agreed to no longer detain families with children in administrative detention centres, but this practice was not legally enshrined yet. After long political discussions, the prohibition of the detention of (families with) minor children was legally enshrined by the law introducing a ‘proactive return policy’ that entered into force on 20 July 2024.⁹¹⁵ Families with minor children can only be held in ‘return houses’. The rules stipulating the functioning of these return houses need to be further developed through a Royal Decree.⁹¹⁶

The law does not guarantee that families are held together on the basis of the principle of ‘family unity’. As such, it is possible that one adult of the family is detained in an administrative detention centre in order to pressure the family to collaborate with their return.⁹¹⁷ The Council of State has condemned this practice.⁹¹⁸

The prohibition on child detention does also not exclude that persons who arrive at the border and declare themselves as a minor are held there as long as there is a doubt on their minority.⁹¹⁹

⁹¹² Article 74/27 Alien Act.

⁹¹³ Article 74/28 Alien Act.

⁹¹⁴ Article 74/28 Alien Act.

⁹¹⁵ Article 74/9, §1 Aliens Act.

⁹¹⁶ Article 74/8, §2 Aliens Act.

⁹¹⁷ The Immigration Office, in the context of its right to reply to the 2024 AIDA update, notes that a family member is only separated from the family and brought to a closed detention centre based on reasons related to security or public order and to protect the safety of the other family members.

⁹¹⁸ Council of State 28 April 2016, nr. 234.577, available in French [here](#).

⁹¹⁹ Article 41, §1 Reception Act.

In March 2025, the new minister for Asylum and Migration has indicated that the prohibition might be revised during the new legislative period.⁹²⁰ In January 2026, it was confirmed that an evaluation of the return of families detained in return houses will take place in September 2026.⁹²¹

❖ Unaccompanied minors

The detention of unaccompanied children is explicitly prohibited by law.⁹²² Since the entry into force of the Reception Act, unaccompanied children are in principle no longer placed in detention centres.

When they arrive at the border, they are assigned to a so-called Observation and Orientation Centre (OOC) for unaccompanied children.⁹²³ An exception to the legal prohibition to detain unaccompanied children is when the border control officers have doubts as to whether an unaccompanied child arriving at the border is a minor. In such a case, the unaccompanied persons claiming to be minors are held in detention for the duration of their age assessment procedure.⁹²⁴ This can sometimes take more than a week. In 2023, 6 persons (no information as to whether or not they were asylum applicants) declared to be minors while being detained. Four of them were indeed found to be minors after a bone scan and were ultimately released.

There is no similar provision in the law prohibiting the detention of unaccompanied children arrested on the territory during the age determination procedure in case of doubt about their minority. In practice, they are also detained in the detention centres.⁹²⁵

Other vulnerabilities in detention

No other vulnerable categories of asylum applicants are excluded from detention by law. Besides the consideration of the minority of age, no other vulnerability assessment is made before deciding on the detention of asylum applicants, especially at the border.⁹²⁶ This is confirmed by many reports of the Belgian Refugee Council NANSEN⁹²⁷ and by JRS Belgium in a report of 2023.⁹²⁸ The ECtHR has moreover recognised that persons in detention are vulnerable in se.⁹²⁹ The issue is also recognised by the UNHCR and the Committee against Torture which both state that alternatives for detention should be provided for

⁹²⁰ De Standaard, 'Minister of Asylum and Migration Anneleen Van Bossuyt – We might have to revise the prohibition on detention of families with children', 18 March 2025, available in Dutch [here](#): "Return is more easy to organise from a closed centre. Today, we cannot hold families with children in those closed centres. However, if we see in two years that this results in a lack of increase of departures and we see difficulties with returns of families with children, we might have to revise this."

⁹²¹ General Policy Note on Asylum and Migration, 22 January 2026, p. 21, available in French and Dutch [here](#).

⁹²² Article 74/19 Aliens Act.

⁹²³ Article 40, 41, §1 Reception Act.

⁹²⁴ Article 41, §2 Reception Act.

⁹²⁵ Information communicated to Myria during the visit to CIB on 24 May 2019 and during the visit of the centre 127bis on 27 May 2019.

⁹²⁶ The Immigration Office, in the context of its right to reply to the 2023 and 2024 AIDA reports, notes that the police has the necessary knowledge about vulnerabilities and that upon arrival in a detention center, the psycho-medical service proceeds to a medical examination in order to establish vulnerabilities, in which case a follow-up program is put in place.

⁹²⁷ NANSEN, "International protection procedure and border detention", Note 2025-1, July 2025, available in French [here](#); , "'Vulnerabilities in detention and access to the asylum procedure: report', November 2020, available in French <https://tinyurl.com/2k3dh6v5>. heret 'NANSEN emphasises that in practice vulnerability is not an obstacle to detention in closed centres. NANSEN notes that the detention measure does not contain any grounds concerning vulnerability in specific cases. In addition, no systematic individual assessment is carried out before detention or the extension of detention, to determine whether the principles of proportionality and proportionality and necessity are respected. Furthermore, it is not clear to what extent conditions of detention are appropriate when a person is deemed vulnerable. Finally, there does not appear to be an effective procedure for identifying vulnerability in administrative detention and, as a result, many people in vulnerable situations are not identified and their specific needs are therefore not taken into account.' (translated from French): NANSEN, *Vulnerabilities in detention: motivation of detention titles*, November 2020, available in French at <https://tinyurl.com/37fvm5up>.

⁹²⁸ JRS Belgium, « Vulnerabilities in detention », mars 2023, available in French [here](#) and in Dutch [here](#).

⁹²⁹ ECtHR, *Riad and Idiab v. Belgium*, Application No. 29787/03, Judgment of 24 January 2008, §99; ECtHR, *S.D. v. Greece*, Application No. 53541/07, Judgment of 11 June 2009, §47; ECtHR, *Mahmundi v. Greece*, Application No. 14902/10, 31 July 2012, §62.

victims of torture, victims of serious physical, psychological or sexual violence, victims of trafficking, pregnant women, the elderly and persons with disabilities.⁹³⁰ By contrast, under the Reception Act, such individuals are recognised as vulnerable persons whose specific needs must be taken into account.⁹³¹ One of the recommendations of the Move Coalition is to introduce a procedure for the screening of the vulnerability of the persons that will be detained and to attach appropriate consequences to a finding of vulnerability, such as alternatives to detention.⁹³²

4. Duration of detention

Indicators: Duration of Detention

- | | |
|--|--------------------|
| 1. What is the maximum detention period set in the law (incl. extensions): | 6 months |
| 2. In practice, how long in average are asylum applicants detained? | N/A ⁹³³ |

❖ Asylum seekers at the border

Asylum seekers can be detained at the border for an initial period of 2 months, which can under certain conditions be prolonged by consecutive periods of 2 months. The total duration of the detention cannot be longer than 5 months, unless the person poses a risk for public order or national security, in which case the detention can again be prolonged by periods of 1 month up to a maximum of 8 months.⁹³⁴ In practice, however, after a month of detention at the border, the Immigration Office takes a new detention order based on Article 74(6) of the Aliens Act, which allows for longer detention measures in practice. The law establishes that asylum applicants at the border are to be admitted to the territory if the CGRS has not taken a decision within four weeks, or when the CGRS decides that further investigation is necessary.⁹³⁵ However, being admitted to the territory does not automatically mean that the asylum applicant will be released from detention. In those cases, the Immigration Office often takes a new detention decision based on one of the grounds set out in Article 74/6(1) of the Aliens Act, which regulates detention on the territory (see [Detention on the territory](#)).⁹³⁶

Regarding the consequences of the CGRA's failure to comply with the four-week time limit, since a judgment of the CALL sitting in combined chambers on 22 January 2024 — in which the CALL referred several preliminary questions to the CJEU — practice had diverged between the French-speaking and Dutch-speaking chambers of the CALL. The French-speaking chambers systematically annulled any negative decision taken by the CGRA beyond the four-week time limit, whereas the Dutch-speaking chambers did not consider that this should lead to systematic annulment.⁹³⁷ In its *Danané* judgment of 16 April 2026⁹³⁸, the CJEU answered the referred preliminary questions, holding in particular that investigative acts carried out during the border procedure retain their validity in the context of subsequent proceedings. It remains to be seen how this judgment will influence the practice of the national courts.

⁹³⁰ HCR, *Principes directeurs du HCR en matière de détention, ligne directrice 9.1, CPT, fiche thématique Rétention des Migrants*, mars 2017, available at: <https://bit.ly/3l6ej9z>, 33; CPT, *Fiche thématique rétention des migrants*, Mars 2017, <https://rm.coe.int/16806bf13>, 9.

⁹³¹ Article 36 Reception Act.

⁹³² Move Coalition, *Hervorming van het Belgisch Migratiewetboek*, zomer 2021, 18-19, available in Dutch at: <https://rb.gy/psdhxe>.

⁹³³ Average detention periods per closed centre are included in the annual activity report of the Immigration Office (for 2024: Dutch [here](#) p. 88, French [here](#) p. 88). The average of the detention periods in these 6 centres gives an overall average detention period of 42 days in 2024 (36 days in 2023). However, it should be noted that these numbers are influenced by some situations of extremely long detention durations. The median durations are not available.

⁹³⁴ Article 74/5 Aliens Act.

⁹³⁵ Articles 57/6/4 & 74/5(4)(4) and (5) Aliens Act, as amended by the Law of 21 November 2017.

⁹³⁶ See a more detailed explanation on this practice in NANSSEN, *Vulnerability in detention: border procedures, fast-track procedure and videoconference (2019-2020)*, available in French [here](#).

⁹³⁷ Nansen Note 2025-1, *Procedure of international protection at the border*, July 2025, pp. 63-65, available in French [here](#).

⁹³⁸ CJUE, 16 April 2026, Joined Cases C-50/24 to C-56/24 [*Danané and Others*], ECLI:EU:C:2026:301, available [here](#).

As a consequence, asylum applicants detained at the border generally spend more time in detention than other migrants in detention. No specific data are available regarding the duration of detention of asylum applicants. The overall average duration of detention of all persons detained in immigration detention in 2024 was 42 days.⁹³⁹ However, it should be noted that these numbers are influenced by some situations of extremely long detention durations. The median durations are not available.

❖ Asylum seekers on the territory

The law provides for a maximum of a 2-month detention period for asylum applicants on the territory.⁹⁴⁰ Detention can be prolonged for another 2 months for reasons of national security or public order.⁹⁴¹ After 4 months, a one-month prolongation is possible until 6 months maximum. The maximum duration of detention on territory therefore cannot exceed 6 months (2+2+1+1). The period of detention is suspended during the time provided to appeal the decision on the asylum application.

Both in case of detention at the border and detention on the territory, the maximum period of detention can in practice exceed the legally determined maxima of respectively 6 and 8 months each time a rejected asylum applicant refuses to board a plane. In such cases, a practice is applied by the Immigration Office on the basis of which the detention period is reset to zero.⁹⁴² Although this practice is criticised because it creates situations of very long detention measures (the absolute maximum duration being 18 months, following Article 15 of the Return Directive), it was confirmed by the Belgian Court of Cassation.⁹⁴³ The case was then brought before the ECtHR in the *Kabongo v. Belgium* case. In that case, Miss Kabongo, a national of the Democratic Republic of Congo refused to board planes to Southern Africa five times. The Immigration Office took a new decision of detention for a period of 5 months, as a result of which Miss Kabongo was detained more than 10 months. In 2005, the ECtHR ruled that, considering the multiple attempts by the Immigration Office to remove Miss Kabongo from the territory and her systematic opposition to this, the practice could not be seen as a violation of Article 5 ECHR.⁹⁴⁴

❖ Asylum seekers under Dublin procedure

In case of detention of asylum applicants to determine the responsible Member State and secure a transfer in the context of the Dublin-procedure, detention may not exceed 6 weeks.⁹⁴⁵ When a transfer decision is being appealed through an extremely urgent necessity procedure, the detention period starts again. This means that a new period of six weeks starts after the rejection of the appeal in the extremely urgent necessity procedure. Contrary to the Dublin III Regulation, the law does not mention that the detention should be as short as possible. Furthermore, when the asylum seeker refuses to board a plane or refuses to collaborate, the Immigration Office takes a new detention order based on another legal ground⁹⁴⁶ which results in the start of a new period of detention. Consequently, it happens in practice that asylum seekers subjected to the Dublin procedure end up longer in detention than the 6 weeks period provided by law.

⁹³⁹ Immigration Office, Annual Rapport 2024, available in French [here](#) (p.88) and in Dutch [here](#) (p. 87). (20 days in Caricole, 40 days in 127bis, 44 days in Bruges, 47 days in Merksplas, 55 days in Vottem and 44 days in Holsbeek.

⁹⁴⁰ Article 74/6 Aliens Act.

⁹⁴¹ *Ibid.*

⁹⁴² *Gesloten centra voor vreemdelingen in België: een stand van zaken*, December 2016, available in Dutch [here](#).

⁹⁴³ Belgian Court of Cassation, Application No° A.R. P.04.0363.F, nr. 173, Judgment of 31 March 2004.

⁹⁴⁴ ECtHR, *Nancy Ntumba Kabongo v. Belgium*, Application No. 52467/99, Judgment of 22 June 2005, p 18-20.

⁹⁴⁵ Article 51/5, §4 Aliens Act.

⁹⁴⁶ Article 27 Aliens Act.

C. Detention conditions

1. Place of detention

Indicators: Place of Detention

1. Does the law allow for asylum applicants to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? ☐ Yes ☒ No
2. If so, are asylum applicants ever detained in practice in prisons for the purpose of the asylum procedure? ☐ Yes ☒ No

Asylum applicants are detained in special administrative detention facilities and are not detained with ordinary prisoners.⁹⁴⁷ The Criminal Procedures Act and the Aliens Act provide for a strict separation of persons illegally entering or residing on the territory and criminal offenders or suspects.⁹⁴⁸ Asylum applicants can be detained with other third-country nationals and the same assistance is given to them as to irregular migrants in detention centres. However, in practice, some people who find themselves in prison as a result of criminal charges have also applied for international protection. After completing their sentence/or upon early release they can thus be transferred to a closed detention centre, if legal conditions are met.

1.1. Detention centres

The following table gives an overview of the detention centres and their respective capacity in 2024.⁹⁴⁹ No data were yet provided for 2025 at the time of writing (April 2026) (see [General](#)).

Detention centre	Capacity
127 bis (Steenokkerzeel)	120
Caricole	100
Centrum voor 'illegalen' Brugge (CIB)	104
Centrum voor 'illegalen' Merksplas (CIM)	110
Centrum voor 'illegalen' Vottem (CIV)	77
Centrum voor 'illegalen' Holsbeek (CIH)	28
Closed family units in 127bis	0
Total	539

This table gives an overview of the number of detention decisions/detainees per centre in 2023 and 2024.⁹⁵⁰ No data were yet provided for 2025 at the time of writing (April 2026).

Detention centre	Amount of detentions 2023	Amount of detentions 2024
Caricole	1,991	2,001
127 bis (Steenokkerzeel)	825	632
Centrum voor 'illegalen' Brugge (CIB)	566	691
Centrum voor 'illegalen' Merksplas (CIM)	764	715
Centrum voor 'illegalen' Vottem (CIV)	499	521
Centrum voor 'illegalen' Holsbeek (CIH)	270	244
Total	4,915	4,804

⁹⁴⁷ Article 4 Royal Decree on Closed Centres, referring to Articles 74/5 and 74/6 Aliens Act.

⁹⁴⁸ Article 609 Criminal Procedures Act and Article 74/8 Aliens Act. The latter provision only allows for a criminal offender who has served his sentence to be kept in prison for an additional 7 days as long as he or she is separated from the common prisoners.

⁹⁴⁹ Information provided by the Immigration Office in May 2025.

⁹⁵⁰ Information provided by the Immigration Office in April 2024 and in May 2025.

1.2. Return houses

Families with minor children can only be held in return houses, also called ‘family units’ or ‘FITT’. When families are being transferred from the border, these persons are legally speaking not considered to have entered the territory.

In the strict sense, the return homes are considered an alternative to detention since they are considered to be open facilities. In practice however, families residing in return houses are subject to freedom restrictions (e.g. one adult must be present in the home at all times) and are under the control of a so-called ‘return coach’.⁹⁵¹ Theoretically, children are able to go to school and adults can go out if they obtain permission to do so.⁹⁵² However a study conducted by NGOs concluded that some fundamental rights of children were not respected.⁹⁵³ The fact that children are removed from their usual living areas, do not always have access to school⁹⁵⁴ or leisure activities is considered to be contrary to the best interests of the child. Due to these and other reasons, civil society organisations do not consider the return houses to meet the conditions of a proper ‘alternative to detention’.⁹⁵⁵

In 2024, there were 5 sites with 27 housing units with a capacity of 169 persons spread over the municipalities of **Zulte**, **Tielt**, **Tubize**, **Sint-Gillis-Waas** and **Beauvechain**. A total of 164 families, which amounts to 521 persons (304 children, 167 women and 60 men) resided in the housing units throughout that year. The majority of these families had applied for international protection at the border (in 2023, 128 out of the 164 families). The average duration of stay is 24 days. At least 62 families were released in 2024.⁹⁵⁶

Until now, no independent evaluation of the conditions of such facilities has been carried out, although NGOs have urged for it.⁹⁵⁷

As for unaccompanied children, the Observation and Orientation Centres (OOC) are not detention centres but they are ‘secured’ and fall under the authority of Fedasil instead of that of the Immigration Office.

⁹⁵¹ Return coaches are staff members of the Immigration Office that assist the families concerned during their stay in the family unit.

⁹⁵² Royal Decree on Closed Centres, amended in October 2014.

⁹⁵³ Plateforme Mineurs en Exil, ‘Return houses in Belgium: a full-fledged, efficient and child-friendly alternative to detention?’, January 2021, available in French [here](#) and in Dutch [here](#).

⁹⁵⁴ Access to school depends on several factors such as the duration of the stay in the FITT, agreement of the parents, possibility to register in a school in the middle of the school year, etc. In practice, civil society organisations observe that children above 12 years old are almost systematically deprived of access to school.

⁹⁵⁵ Move coalition, *Monitoring report 2024*, January 2026, p. 41, available in French [here](#) and in Dutch [here](#).

⁹⁵⁶ Move coalition, *Monitoring report 2024*, January 2026, p. 40, available in French [here](#) and in Dutch [here](#).

⁹⁵⁷ Plateforme Mineurs en Exil, *Report: Return houses in Belgium, a fully-fledged alternative to detention, effective and respectful of children's rights?*, available in French [here](#).

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

- | | |
|--|---|
| 1. Do detainees have access to health care in practice? | ☒ Yes ☐ No |
| ❖ If yes, is it limited to emergency health care? | ☐ Yes ☒ No |
| 2. Are detention conditions satisfactory i.e. state of infrastructure? | ☐ Yes ☒ No |
| 3. Are the detention centres cleaned on a regular basis? | ☒ Yes ☐ No |
| 4. Are there sufficient showers and toilets for persons detained in general? | ☒ Yes ☐ No |
| 5. Are any sanitary towels or other provisions for hygiene provided for women? | ☒ Yes ☐ No |

The 2002 Royal Decree on Closed Centres provides for the legal regime and internal organisational guidelines. The detention centres are managed by the Immigration Office, not by Fedasil, as are the open reception centres. In 2017, an informal group of several Belgian human rights organisations active in the field of administrative detention of migrants (see [Access to detention facilities](#)),⁹⁵⁸ released a report on the state of administrative detention centres in Belgium.⁹⁵⁹ In 2019 the same NGO group published a report focusing on vulnerability in detention⁹⁶⁰ which does not discuss detention conditions as such. Still, it addresses certain relevant topics such as the profiles of the detainees, the legality control on detention, the right to family life etc. Since 2021, a formal Coalition of NGOs named 'Move: Beyond detention of migrants' is accredited to visit detention centres. The visitors of Move continue to visit all detention centres in Belgium weekly, which enables them to confirm that the findings in these previous reports are still relevant at the moment of writing. Annually, Move publishes a 'Monitoring report' on the situation in each of the 6 closed centres in Belgium. The last report covers the situation in 2024.⁹⁶¹

2.1. Overall conditions

The most essential basic rights of the asylum applicants in administrative detention are guaranteed by the Royal Decree on Closed Centres.⁹⁶² The managing director of the centre has broad competences to limit or even refuse the enjoyment of most of these rights if they deem this necessary for the public order or safety, to prevent criminal acts or to protect the health, morality or the rights of others.⁹⁶³ A whole range of measures of internal order, disciplinary measures, measures of coercion and body search can be imposed by the managing director of the centre, and in some case by other staff members.⁹⁶⁴ The Immigration Office organises training for the security personnel at the detention centres on the use of coercion.⁹⁶⁵

⁹⁵⁸ Caritas, Vluchtelingenwerk Vlaanderen, Ciré and others.

⁹⁵⁹ Vluchtelingenwerk Vlaanderen et al., *Closed centres for foreigners in Belgium*, January 2017, available in Dutch available at: <https://rb.gy/ogaeap>. In the context of their right of reply to the 2024 AIDA report update, the Immigration Office notes that the Immigration Office always takes account of these reports and formulates its observations.

⁹⁶⁰ Caritas, Ciré, JRS Belgium, Plateforme Mineurs en Exil, Point d'appui and Vluchtelingenwerk Vlaanderen, *Vulnerabilité et Détention en Centres Fermés*, October 2019, available in French at: <https://rb.gy/nl1yre>.

⁹⁶¹ Available in French [here](#) and in Dutch [here](#).

⁹⁶² Royal Decree of 2 August 2002 holding the determination of the regime and the operating measures applicable to places located on Belgian territory, managed by the Immigration Office, where a foreigner is detained, placed at the disposal of the government or held, in accordance with the provisions referred to in Article 74/8, § 1, of the Act of 15 December 1980 on access to the territory, residence, establishment and removal of foreigners, available in Dutch and French [here](#).

⁹⁶³ Articles 21, 25, 31, 41, 65 Royal Decree on Closed Centres.

⁹⁶⁴ Articles 85-111/4 Royal Decree on Closed Centres.

⁹⁶⁵ Article 74/8 Aliens Act and Royal Decree on the Use of Coercion for Security Personnel.

On arrival at the centre, every asylum applicant is subjected to a search.⁹⁶⁶ After the security screening, the asylum-applicant must use the sanitary facilities, unless this is not appropriate for medical or safety reasons.⁹⁶⁷ The person must cooperate in a medical examination, after which, if necessary, appropriate medical treatment will follow.⁹⁶⁸

For every new detainee, an administrative record is opened. Every document which can be deemed useful for the identification and the processing of the administrative record shall be taken into custody for the duration of the stay in the detention centre.⁹⁶⁹ The asylum applicant has the right to inspect these documents and is allowed to keep a copy, unless it has been established that the documents are false or forged, in which case they are handed over to the judicial authorities.⁹⁷⁰ Upon arrival, every asylum applicants is entitled to one free national phone call of minimum ten minutes.⁹⁷¹

Upon arrival, every asylum applicant receives a brochure that provides an overview of his rights and obligations during his stay in the detention centre, as well as the possibilities in the field of medical, psycho-social, psychological or religious assistance.⁹⁷² A more general brochure is also distributed informing them of the right to appeal against detention, the possibilities to make a complaint about the conditions of detention, the possibilities to obtain assistance from a non-governmental organisation and to seek legal advice.⁹⁷³

The Royal Decree on Closed Centres characterises daily life in the administrative detention centres as being collective during daytime.⁹⁷⁴ Administrative detention centres have separated rooms or wings for families (without children) and single women, including at the border. In sanitary and sleeping facilities, single women and men are separated; in sanitary facilities, only staff members of the same sex are present.⁹⁷⁵ For persons who appear not to be able to adapt to the collective regime, the managing director can decide to place the person in isolation, either in the context of a 'room regime' or in an isolation room.⁹⁷⁶ The other isolation regimes are the medical isolation and the disciplinary isolation⁹⁷⁷. The latter is used as a sanction, whereas the 'room regime' and placement in isolation as an order measure are used as security measures.⁹⁷⁸ In principle, the isolation can last a maximum of 24 hours, with a possibility of extension to 48 or 72 hours.⁹⁷⁹ In case of assault of persons, the duration of the isolation measure can immediately be brought to 72 hours, with the possibility to extend the measure with another 24h and up to 7 days on decision of the Minister of asylum and migration.⁹⁸⁰ It happens nonetheless that the legal

⁹⁶⁶ The search is aimed at verifying if the asylum applicant is in possession of objects or substances that are prohibited or dangerous to themselves, other residents, the staff or the security of the centre.(Article 10 and 111/1 Royal Decree on Closed Centres). The search shall not exceed the time necessary for this purpose and the asylum applicant is obliged to fully cooperate. (Article 111/1) The search can be done in several different ways such as by using a metal detector or other screening equipment, by thoroughly touching the body over the clothes or by having an asylum applicant undress completely in order to enable a thorough search of the clothing (Article 111/2). It is carried out by two members of the staff having the same gender as the asylum-applicant(Article 111/2). If prohibited or dangerous objects or substances are found as a result of the search, they shall be taken into custody, made available to the competent authorities or, with the consent of the asylum applicant, be destroyed. (Article 11 and 111/3)

⁹⁶⁷ Article 12 Royal Decree on Closed Centres.

⁹⁶⁸ Article 13 Royal Decree on Closed Centres.

⁹⁶⁹ Article 14 Royal Decree on Closed Centres.

⁹⁷⁰ Article 14 Royal Decree on Closed Centres.

⁹⁷¹ Article 15 Royal Decree on Closed Centres.

⁹⁷² Article 17 Royal Decree on Closed Centres.

⁹⁷³ Article 17 Royal Decree on Closed Centres.

⁹⁷⁴ Article 83 Royal Decree on Closed Centres.

⁹⁷⁵ Article 83 Royal Decree on Closed Centres.

⁹⁷⁶ Article 83/1 Royal Decree on Closed Centres.

⁹⁷⁷ For the following infringements : damage to goods, theft, threats, beatings, escape, sexual assault and weapon possession or when the following infringements are committed three times: insults to staff or fellow residents, entering restricted areas, sale-purchase between residents, possession of prohibited substances, disobedience to orders, disturbing the peace or safety and disregard of obligations. Article 98, §2, 1° Royal Decree Closed Centres.

⁹⁷⁸ Article 98, §2, 3° Royal Decree Closed Centres.

⁹⁷⁹ Article 101, §1 Royal Decree Closed Centres.

⁹⁸⁰ Article 101, §2 Royal Decree Closed Centres.

regime applicable to the isolated person changes throughout isolation period (e.g. from a specific 'room regime' – which isn't considered an isolation measure *sensu stricto* but means in practice that the person spends most of the day on their own – to disciplinary isolation) which ends up to a *de facto* isolation period longer than the legally prescribed duration.

Against each decision taken on the basis of the aforementioned Royal Decree, the detained person can file a complaint to the 'Commission of complaint'.⁹⁸¹ However, most of the complaints are declared inadmissible or are considered irrelevant because the person has been released or removed. But if the complaint is well-founded, the Commission can either issue a recommendation, annul the decision taken, or propose a sanction against the staff member. The lodging of a complaint does not suspend the expulsion measures or their execution. Civil society organisations have criticized the complaint mechanism because of its lack of transparency and independence and consider it an ineffective redress mechanism for migrants in detention.⁹⁸²

Apart from the complaint mechanism at the Commission, asylum applicants can also file complaints at the managing director of the centre about various topics (e.g. food, refusal of request to change rooms, complaint about the treatment of the file, etc.). These complaints are discussed immediately with the person involved and an attempt is made to find a solution. The complaint is also registered and included in the monthly reporting towards the management of the centre. Other control measures include visitation rights by several national and international instances.⁹⁸³

Each centre has a service responsible for the psychological and social supervision of the asylum applicant during their stay in the detention centre and prepares rejected asylum-applicants for their possible removal.

3 meals a day are provided, special diets can be delivered on medical prescription, pork is never to be served and alcohol is prohibited.⁹⁸⁴ During Ramadan, those observing Ramadan are grouped together in the same wing in order to facilitate the organisation of meals.⁹⁸⁵ The asylum applicant get the opportunity to wash themselves on a daily basis and toiletries are at their disposal free of charge.⁹⁸⁶ The asylum applicant can have clothes delivered at their own expense, but the centre is to provide free clothing in case they do not dispose of appropriate clothing.⁹⁸⁷

⁹⁸¹ The complaint is written either in one of the official Belgian national languages or in the person's mother tongue (no translation is necessary). The complaint is signed and dated by the detainee who lodges the complaint, so a third party (witness, NGO visitor or lawyer) cannot lodge it in their place. The detained migrant can file their complaint with the Secretariat of the Commission or they can also file a complaint with the director of the centre where they are detained, who will then transmit the complaint to the Secretariat. This second option is generally preferred by the detainees. The complaint must be filed within five days from the day after the day on which it can be considered established that the complainant has actual knowledge of the facts or the decision giving rise to the complaint.

⁹⁸² CECLR (ex-Myria), *La Commission des plaintes chargée du traitement des plaintes des personnes détenues en centres fermés (2004-2007)*, available in French [here](#). See also Myria, *Committee against torture, 71st session, 4th periodical report on Belgium – 2021 : Parallel reports of National Human rights institutes Unia and Myria*, available in French at : <https://tinyurl.com/3ehatt76>: §§81-82 : 'Le faible taux de plaintes introduites, le taux insignifiant de décisions qui donnent raison aux plaignants et le caractère relativement anodin des quelques plaintes qui ont été déclarées fondées, sont autant d'indices qui exigent que l'on s'interroge sur le système de plainte lui-même. Différentes critiques peuvent être faites à l'égard de la Commission des plaintes : - absence de garanties suffisantes d'indépendance et d'impartialité ; - mécanisme insuffisamment pertinent du point de vue de l'auteur de la plainte ; - absence de garanties procédurales suffisantes ; - manque de transparence.' The Immigration Office, in the context of its right to reply to the 2024 AIDA update, notes that the Complaint commission is an independent body from both the closed centre and the Immigration Office, and residents can transfer their complaint in a confidential manner.

⁹⁸³ See Immigration Office, *Regulatory compliance and control*, <https://tinyurl.com/2p9wx79y>.

⁹⁸⁴ Articles 79-80 Royal Decree on Closed Centres.

⁹⁸⁵ Based on the observations of the Move coalition visitors.

⁹⁸⁶ Article 78 Royal Decree on Closed Centres.

⁹⁸⁷ Article 76 Royal Decree on Closed Centres.

In practice, conditions vary from one centre to another. The Government has announced the replacement of the centre in Bruges, as the condition of the current centre is deemed ‘very bad’ (old building, deficient air-cooling system, broken sanitary, etc.)⁹⁸⁸ The government has announced that a budget has been made available to address the most urgent renovations. The Government aims to build a new centre in the neighbouring municipality of Jabbeke to replace the centre in Bruges, but there is no clarity on the planning for construction works.⁹⁸⁹

Other issues have been reported regarding detention centres. The rooms in medical wings are described as bare and having only one window. In some detention centres, there is a television, toilet and washbasin in the bedroom, in some others (e.g. Bruges) the bedroom is common to 10 people with bunk beds.⁹⁹⁰ Isolation cells can be described as extremely bare, with grey walls and a small window. The room is lined with a bed with anti-tearing sheets and an aluminium toilet. Furthermore, persons placed in disciplinary isolation no longer have access to the telephone, only contact with a lawyer remains possible. In 2024, some detentions centre have been infested by bedbugs for months.⁹⁹¹

2.2. Activities

In detention centres asylum applicants have access to open air spaces. In some centres they are allowed to get out in open air during daytime whenever they want. In other centres this is strictly regulated.⁹⁹² A minimum of two hours of exercise outside is provided.⁹⁹³

Assistance to religious services or non-confessional counselling is guaranteed in the detention centres and the provision of assistance by a minister of a non-officially recognised cult can be requested.⁹⁹⁴

The asylum applicant has an unlimited right to entertain correspondence during the day.⁹⁹⁵ Writing paper is provided in the centre, as is assistance with reading and writing by staff members.⁹⁹⁶ When there are specific risk indications, this correspondence can be subjected to the control of the managing director of the centre, with the exception of letters directed to the lawyer or to certain public authorities and independent human rights and public monitoring instances.⁹⁹⁷ Asylum applicants can make calls at their own expenses during daytime to an unlimited extent.⁹⁹⁸ In most detention centres, the residents are allowed to use their cell phone (without camera) at all times. They have to pay phone calls through their own means, or they can earn phone credit by doing chores in the centre. This often represents a challenge and forces people to rely on NGOs providing them with mobile top-ups and old phones without cameras. Computers (with internet) are accessible on a regular basis, but this varies from one centre to another.⁹⁹⁹

The centres are required to organise sport, cultural and recreational activities.¹⁰⁰⁰ In most centres, fitness activities are offered and sporting tournaments of volleyball, soccer and basketball are organised on a regular basis. Every centre has a library at the disposal of the inhabitants, which usually provides a range of books in different languages.¹⁰⁰¹ Newspapers and other publication can be purchased at their own

⁹⁸⁸ Chamber of Representatives, *Policy Note on asylum and migration*, 4 November 2020, available in Dutch and French, available at: <https://bit.ly/3sJdgMd>, 34.

⁹⁸⁹ Cd&v, ‘Nicole de Moor: ‘Plannen voor terugkeercentra worden bakstenen’’, available in Dutch [here](#).

⁹⁹⁰ JRS Belgium, *Monitoring report 2022*, available in English at: <https://tinyurl.com/bdhzwkej>.

⁹⁹¹ Move coalition, *Monitoring report 2024*, January 2026, p. 10, available in French [here](#) and in Dutch [here](#).

⁹⁹² JRS Belgium, *Monitoring report 2022*, available in English at: <https://tinyurl.com/bdhzwkej>.

⁹⁹³ Article 82 Royal Decree on Closed Centres.

⁹⁹⁴ Articles 46-50 Royal Decree on Closed Centres.

⁹⁹⁵ Articles 19 Royal Decree on Closed Centres.

⁹⁹⁶ Articles 22 and 23 Royal Decree on Closed Centres.

⁹⁹⁷ Articles 20-21/2 Royal Decree on Closed Centres.

⁹⁹⁸ Article 24 Royal Decree on Closed Centres.

⁹⁹⁹ PICUM, Working together to end immigration detention: A collection of noteworthy practices, 2024, available in English at: <https://tinyurl.com/292746fp>.

¹⁰⁰⁰ Articles 69-70 Royal Decree on Closed Centres.

¹⁰⁰¹ Caricole annual report 2021.

expense.¹⁰⁰² They are also entitled to follow radio and television programmes.¹⁰⁰³ In several administrative detention centres, the rooms are equipped with a television.¹⁰⁰⁴

According to Article 74/8(4) of the Aliens Act, asylum applicants who are detained in closed centres could be allowed to perform work for remuneration. However, to date, the implementing decree laying down the conditions has not been proposed or adopted. In practice, certain centres provide the possibility for residents with little to no financial resources to do cleaning chores in order to obtain call credit, cigarettes, hygiene products or sweets.¹⁰⁰⁵

2.3. Health care and special needs

Access to health care is legally determined to 'what the state of health demands' and every centre has its own medical service to provide for it with independent doctors.¹⁰⁰⁶ The doctor attached to the centre can decide that a person has to be transferred to a specialised medical centre.¹⁰⁰⁷ In practice, persons detained may have difficulties in accessing and obtaining sufficient medical care, as was made clear by the ECtHR in the case of *Yoh-Ekale Mwanje v Belgium*, in which the Court found that Belgium violated Article 3 ECHR for not providing the necessary medical care.¹⁰⁰⁸ At the same time, the quality of the health care available depends a lot on the medical infrastructure and individual doctor in the centre.

When the doctor finds a person not suited for detention or forced removal because it could damage their mental or physical health, the managing director of the centre has to transfer these observations to the Director-General of the Immigration Office, who has to decide on the suspension of the detention or removal measure or ask for the opinion of the medical doctor of another centre, and in case of a dissenting opinion for that of a third one.¹⁰⁰⁹ After every failed attempt of coerced removal, the doctor has to examine the person concerned.¹⁰¹⁰ The person is not automatically provided with a medical report after examination. There have been no reports of the way this is applied in practice to date.

No other procedures to identify vulnerable individuals in detention is provided for by law.¹⁰¹¹ If the person so wishes, they can request an external doctor to examine them in the administrative detention centre at their own costs.¹⁰¹² This does not happen very frequently in practice as there are few voluntary doctors to come to the centres (some of them being geographically isolated) and the detained persons do not usually have the financial means to pay for it.

In the context of return procedures, following Belgium's conviction by the ECtHR in the *Paposhvili* case,¹⁰¹³ a new procedure was introduced for persons placed in detention prior to their return. The 'Paposhvili procedure' is not laid down in law but is organised by an internal service note of the Immigration Office.¹⁰¹⁴ The procedure foresees that, for each newcomer to an administrative detention centre, the centre's doctor fills out a medical certificate stating whether or not the person concerned suffers from a medical condition that could subject them to a risk of inhuman or degrading treatment in the context of return (which would

¹⁰⁰² Articles 71-72 Royal Decree on Closed Centres.

¹⁰⁰³ Article 72 Royal Decree on Closed Centres.

¹⁰⁰⁴ Annual report CIH, CIM, Vottem en Caricole

¹⁰⁰⁵ Annual report detention centres Caricole, Vottem, CIM.

¹⁰⁰⁶ Article 53 Royal Decree on Closed Centres.

¹⁰⁰⁷ Article 54-56 Royal Decree on Closed Centres.

¹⁰⁰⁸ ECtHR, *Yoh-Ekale Mwanje v. Belgium*, Application No 10486/10, Judgment of 20 December 2011. Not the threatened deportation at an advanced stage of her HIV infection to Cameroon, her country of origin, without certainty that the appropriate medical treatment would be available was considered in itself to constitute a violation of Article 3 ECHR, but the delay in determining the appropriate treatment for the detainee at that advanced stage of her HIV infection.

¹⁰⁰⁹ Article 61 Royal Decree on Closed Centres.

¹⁰¹⁰ Article 61/1 Royal Decree on Closed Centres.

¹⁰¹¹ The Immigration Office, in the context of its right to reply to the 2024 AIDA update, notes that in practice every centre applies a multidisciplinary approach with attention to vulnerabilities.

¹⁰¹² Article 53 Royal Decree on Closed Centres.

¹⁰¹³ ECtHR, *Paposhvili v. Belgium*, Application no. 41738/10, 13 December 2016.

¹⁰¹⁴ Information provided by the Immigration Office in the context of their right of reply, May 2025.

be contrary to Article 3 of the ECHR), or if additional medical examinations have to be carried out to determine this. If such a risk is identified by the doctor, a second examination will be conducted. The medical certificate is binding for the central service of the Immigration Office (MedCOI) which must ensure that the recommended treatments are available and accessible in the country of return. If this is the case, return will be carried out. If this is not the case, the person concerned can appeal to the 'special needs' programme or be released. The 'special needs' programme offers individual assistance to vulnerable persons who return to their country of origin. Within this framework, their stay in an administrative detention centre can be adapted to their needs, assistance can be provided for their return and, if necessary, assistance can be provided for the reintegration in their country of origin.¹⁰¹⁵ In 2024, 37 persons benefited from the special needs programme.¹⁰¹⁶

Furthermore, a questionnaire is filled out in view of determining whether there are other (medical or other) factors that would form an obstacle to the return of the person detained. This 'general questionnaire' in the context of the detainee's right to be heard, is followed up by the "article 3-cell" of the Immigration Office. In 2020, this specific 'Article 3-cell' was created in order to verify whether the detention and/or expulsion would violate Article 3 and 8 ECHR. In 2023, the 'Article 3-cell' has analysed 2,414 files, among which 49 decisions of border determination for repatriation and 27 detention orders after asylum procedure. Driven from their experience in contacting this cell in some individual cases, the Move coalition finds that the unit is not easily reachable (there is no email address publicly known to reach out to them), that the decision-making process lacks transparency and the applicants do not receive a written analysis by the unit regarding their case.

The provision of medical assistance varies from centre to centre. It has been reported that in some centres, medical care is only for the purpose of repatriation and there is no budget for serious interventions.¹⁰¹⁷ In some centres people complain about the fact that they only get painkillers and sleeping pills. A lack of adequate medical assistance for detainees with mental issues has also been reported.¹⁰¹⁸ In Holsbeek, there was no psychologist available between October 2023 and the spring of 2025.¹⁰¹⁹

In October 2025, a man took his own life while being detained in the centre 127bis. He was a Palestinian asylum seeker with a refugee status in Greece. According to his lawyer, he was in a very fragile mental state but was denied access to appropriate medication.¹⁰²⁰

Over the year 2024, 164 detainees initiated hunger strikes.¹⁰²¹

Finally, the Royal Decree of 9 April 2007 on OOC regulates the functioning of the OOC for unaccompanied children. Specific measures are adopted to protect and accompany the children. During their stay of maximum 15 days, their contacts are subject to special surveillance.¹⁰²² During the first 7 days of their stay, they are not allowed to have any contact with the outside world other than with their lawyer and their

¹⁰¹⁵ Myriadoc, *Terugkeer, detentie en verwijdering van Vreemdelingen in België*, November 2017, available in Dutch: <https://bit.ly/3I5zW9V>.

¹⁰¹⁶ 7 in Brugge, 4 in Holsbeek, 12 in Merksplas, 3 in 127bis, 1 in Vottem.

¹⁰¹⁷ Based on reportings received by the Move coalition, 2024. The Immigration Office, in the context of its right to reply to the 2024 AIDA update, notes that medical intervention are carried out if they are of (vital) importance.

¹⁰¹⁸ Ciré, *Vulnérabilité et détention en centre fermé*, October 2019, available in French at: <https://rb.gy/nl1yre>. The Immigration Office, in the context of its right to reply to the 2023 AIDA report, indicates that the doctors operating in closed centres are independent. Urgent medical care is always offered. Each centre has a psychologist.

¹⁰¹⁹ Move coalition, *Monitoring report 2024*, January 2026, p. 28, available in French [here](#) and in Dutch [here](#).

¹⁰²⁰ RTBF, *Asylum and Migration: A Palestinian man dies at the 127bis detention center, likely by suicide*, 7 October 2025, available in French [here](#); Brussels Time, *Gaza refugee dies by suicide in Belgian detention centre*, 8 October 2025, available in English [here](#).

¹⁰²¹ De Standaard, *Sharp rise in the number of hunger strikers in closed deportation centers: 'Often the only way to express despair'*, 20 January 2026, available in Dutch [here](#); RTBF, *Asylum and Migration: A Report by the Move Coalition Highlights the Difficult Conditions in Detention Centers*, 21 January 2026, available in French [here](#).

¹⁰²² Articles 7 and 10 Royal Decree on OOC.

guardian.¹⁰²³ The modalities of the visits, outside activities, telephone conversation and correspondence are strictly determined in the house rules.¹⁰²⁴ When a child is absent for more than 24 hours or where vulnerable children (i.e. under 13 years of age, children with psychological problems or victims of human trafficking) are absent without informing the staff, the police and the guardian or the Guardianship Service are alerted.¹⁰²⁵

3. Access to detention facilities

Indicators: Access to Detention Facilities

1. Is access to detention centres allowed to

- | | | | |
|-------------------|---|---|-----------------------------|
| ❖ Lawyers: | ☒ Yes | ☐ Limited | ☐ No |
| ❖ NGOs: | ☐ Yes | ☒ Limited | ☐ No |
| ❖ UNHCR: | ☒ Yes | ☐ Limited | ☐ No |
| ❖ Family members: | ☐ Yes | ☒ Limited | ☐ No |

Lawyers always have access to their client in detention.¹⁰²⁶ Access is granted to UNHCR, the Children's Rights Commissioner, Myria and some supranational human rights institutions.¹⁰²⁷ In 2024, a Preventive Mechanism against torture has been set up in the context of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹⁰²⁸ Situated within the Federal Institute for the protection and promotion of Human Rights (FIRM-IFDH), and in collaboration with the Central Prison Monitoring Council (CTRG-CCSP), the Federal Migration Centre (Myria) and the Standing Police Monitoring Committee (Committee P), the mission of the Preventive Mechanism is to monitor places of deprivation of liberty, including administrative detention centres. The Preventive Mechanism conducts regular visits to detention facilities, assesses the individual situations of persons deprived of their liberty, and carries out research on issues relevant to the prevention of torture and inhuman or degrading treatment, such as mental health in detention. Based on its findings, it formulates recommendations to the competent authorities and provides opinions on legislation and legislative proposals. A first visit to an administrative detention centre - 127bis - took place in October 2025, and the corresponding report is currently being finalised. The Federal Migration Centre Myria, which is responsible for visits to administrative detention centres, notes with concern that the resources allocated to the monitoring bodies remain insufficient to enable them to carry out this new mandate effectively.¹⁰²⁹

NGOs need to get the approval from the Immigration Office's managing director, in the form of 'accreditations', to get access to the administrative detention centres.¹⁰³⁰ In 2021, 4 NGOs (Vluchtelingenwerk Vlaanderen, JRS Belgium, Caritas International Belgium and Ciré) founded the 'Move coalition' to work on topics related to administrative detention of migrants. The Move coalition has received accreditations to visit each of the administrative detention centres on a weekly basis. The coalition's goals are pursued in collaboration with other NGOs working in the field of migration, such as NANSSEN or Point d'Appui. The members of Move build on almost 20 years of experience in the field of immigration detention and possess vast expertise in the four specific pillars of the coalition:

- ❖ visits and monitoring of administrative detention centres, in order to provide psychosocial support, neutral information and legal aid to detainees. The visitors observe the conditions in the centres;
- ❖ quality legal expertise offered to visitors and other legal practitioners, in order to increase access to legal defence for the detainees;
- ❖ field observations and recommendations for concrete changes are carried out under the political pillar; to better pursue its objectives, the coalition also maintains close contact with politicians;

¹⁰²³ Article 10 Royal Decree on OOC.

¹⁰²⁴ Article 10 Royal Decree on OOC.

¹⁰²⁵ Articles 10 and 11 Royal Decree on OOC.

¹⁰²⁶ Article 64 Royal Decree on Closed Centres.

¹⁰²⁷ Article 44 Royal Decree on Closed Centres.

¹⁰²⁸ <https://www.foderalesinstitutmenschenrechte.be/en/preventive-mechanism-against-torture>

¹⁰²⁹ Myria, 2025: *Return, detention and removal - Belgium is establishing a National Mechanism for the Prevention of Ill-Treatment in (some) places of detention*, available in French [here](#), p. 53.

¹⁰³⁰ Article 45 Royal Decree on Closed Centres.

- ❖ media and communication, working towards fundamentally questioning detention for migratory reasons in the public space.

Members of Parliament and of the judicial and executive powers can visit specific detainees if they are identified beforehand and if they can indicate to the managing director of the centre that such a visit is part of the execution of their office.¹⁰³¹ Journalists need the permission of the managing director of the centre and the permission of the individual asylum applicant; they are not allowed to film.¹⁰³²

Asylum applicants are entitled to visits from their direct relatives and family members for at least 1 hour a day, if they can provide a proof of their relation.¹⁰³³ So called intimate visits from a person with whom the asylum applicant has a proven durable relation are allowed once a month for 2 hours.¹⁰³⁴ All visits, except for the so called 'undisturbed' (intimate) ones, in case of serious illness and those by the lawyer, diplomats or representatives of public authorities, take place in the visitors' room in the 'discreet' presence of staff members, who are present in the room but do not listen.¹⁰³⁵

D. Procedural safeguards

1. Judicial review of the detention order

Indicators: Judicial Review of Detention

1. Is there an automatic review of the lawfulness of detention? ☐ Yes ☒ No
2. If yes, at what interval is the detention order reviewed? N/A

When asylum applicants are detained, they are informed in writing of the detention decision, its motives and the possibility to lodge an appeal.¹⁰³⁶ Civil society organisations criticise the fact that detention decisions are mostly motivated in a standardised, non-individualised way,¹⁰³⁷ the motives being mostly limited to general considerations such as 'having tried to enter the territory without the necessary documents (at the border)', or 'risk of absconding (in Dublin cases)'. Translation of the detention decision in the language of the asylum applicant is not provided for by law, but in some centres a social interpreter is arranged by the centre's social assistant upon request of the detainee.¹⁰³⁸

National legislation does provide for judicial review of the lawfulness of detention. Unlike in case of a suspect in criminal cases, an asylum applicant who is detained is not automatically brought before a judge to determine the lawfulness of their detention, but they can lodge a request to be released with the Council Chamber (*Raadkamer* | *Chambre du Conseil*) of the Criminal Court every month.¹⁰³⁹ The Council Chamber has to decide within 5 working days, and if this time limit is not respected, the asylum applicant has to be released from detention.¹⁰⁴⁰ An appeal can be lodged against the decision of the Council Chamber before the Indictment Chamber at the Court of Appeal (*Chambre des mises en accusation* | *Kamer van Inbeschuldigingstelling*) within 24 hours. Against this final decision, a purely judicial appeal can be introduced before the Court of Cassation.

¹⁰³¹ Articles 33, 42 and 43 Royal Decree on Closed Centres.

¹⁰³² Articles 37 and 40 Royal Decree on Closed Centres.

¹⁰³³ Article 34 Royal Decree on Closed Centres.

¹⁰³⁴ Article 36 Royal Decree on Closed Centres.

¹⁰³⁵ Articles 29-30 Royal Decree on Closed Centres.

¹⁰³⁶ Article 17 Royal Decree on Closed Centres.

¹⁰³⁷ NANSEN, *Vulnerabilities in detention : motivation of detention titles*, November 2020, available in French at <https://tinyurl.com/37fvm5up>.

¹⁰³⁸ The Immigration Office, in the context of its right to reply to the 2023 AIDA report, indicates that detention decisions are always both materially and legally motivated, and translated in a language the detainee understands.

¹⁰³⁹ Article 71 Aliens Act.

¹⁰⁴⁰ Article 72 Aliens Act.

It is only when the Immigration Office decides to prolong the detention for another month after the applicant has spent already 4 months in detention, that an automatic review by the Council Chamber of the Criminal Court takes place.¹⁰⁴¹

The scope of judicial review of detention remains very limited. Only the legality of the detention can be examined, not its appropriateness nor its proportionality.¹⁰⁴² This means that only the accuracy of the factual motives of the detention order can be scrutinised i.e., whether the reasons for detention are based on manifest misinterpretations or factual errors or not. Through such a restriction, the Aliens Act prevents an effective judicial control of the conditions of necessity and proportionality it imposes.¹⁰⁴³ The logic behind this is that the competence to decide on the removal of the foreigner, and as such on the appropriate measures to execute such a decision, lays with the Immigration Office and the CALL, not with the criminal courts. However, judicial review by the CALL of a '*refoulement*' decision issued when applying for asylum at the border will only be done once its execution becomes imminent, which is only the case once the asylum application has been refused (see below).

The scope of the judicial review on the legality of detention measures is almost arbitrary and the Court of Cassation is ambiguous about the interpretation of such legality in its own jurisprudence, by including assessments of conformity of detention with the Return Directive or the ECHR, following the ECtHR's ruling in *Saadi v. United Kingdom*.¹⁰⁴⁴ Council Chambers or Indictment Chambers have even sometimes considered the principle of proportionality as part of the legality of a decision, but in most cases, they limit their review to the legal grounds for the decision, without ever considering any of the provisions of the Reception Conditions Directive. The fact that the person detained is an asylum applicant or a particularly vulnerable person is generally not taken into consideration as an argument to limit the use of detention.¹⁰⁴⁵ The law that entered into force on 22 March 2018 states that an asylum applicant can be detained if no other less coercive alternative measures can be applied and if it is deemed necessary based on an individual assessment, in line with the CJEU position expressed in its earliest case law, as a result of which an overly strict interpretation of the Belgian legal framework constitutes a violation of EU law.¹⁰⁴⁶ These less coercive measures have not yet been listed by way of Royal Decree. This recent reform remains to be evaluated in practice.

The appeal procedure before the courts is determined in the Law on the Provisional Custody that applies in criminal law proceedings.¹⁰⁴⁷ In practice, the time limits set in the law are respected, unless an appeal before the Court of Cassation is introduced against a judgment ordering release by the Court of Appeal. Since this cassation appeal suspends the detention period and it is not commonly treated within a reasonable time, the detention period can exceed the legal maximum and result in the asylum applicant remaining in detention for prolonged periods. This practice has repeatedly been marked as a violation of Article 5(4) ECHR by the ECtHR.¹⁰⁴⁸

The European Court of Human Rights examined the legality of the detention and the effectiveness of the remedy provided against the deprivation of liberty and found a violation of the Convention on these points.

¹⁰⁴¹ Article 74 Aliens Act.

¹⁰⁴² Article 72 Aliens Act.

¹⁰⁴³ Move Coalition, Hervorming van het Migratiewetboek, Zomer 2021, 24 available in Dutch at <https://rb.gy/psdhxe>.

¹⁰⁴⁴ ECtHR, *Saadi v. United Kingdom*, Application No 13229/03, Judgment of 29 January 2008.

¹⁰⁴⁵ See for examples of jurisprudence and more on this issue, BCHV-CBAR, *Grens-Asiel-Detentie, Belgische wetgeving - Europese en internationale normen*, January 2012.

¹⁰⁴⁶ Move Coalition, Hervorming van het Migratiewetboek, Zomer 2021, 24 available in Dutch at: <https://rb.gy/psdhxe>.

¹⁰⁴⁷ Law of 20 July 1990 concerning pre-trial detention, available in French at: <http://bit.ly/1B626nE> and Dutch at: <http://bit.ly/1KpjZzR>.

¹⁰⁴⁸ ECtHR, *Firoz Muneer v. Belgium*; *M.D. v. Belgium*; ECtHR, *Makdoudi v. Belgium*, Application No 12848/15, Judgment of 18 februari 2020; ECtHR, *Muhammad Saqawat v. Belgium*, Application No 54962/18, Judgement of 30 June 2020; Myria and FIRM, Communication au Comité des Ministres du Conseil de l'Europe, au sujet de l'exécution des arrêts *Makdoudi c. Belgique* et *Saqawat c. Belgique*, available in French at: <http://bit.ly/3jB92WW>.

As such, the Court opposed the case law of the Court of Cassation, which held for many years that an appeal against a decision depriving a person of their liberty is without foundation when, after it has been lodged, the foreign national has been detained based on another separate detention title.¹⁰⁴⁹ Jurisprudence of the Court of Cassation has slightly been amended since a decision of 27 September 2022 where the Court found that the procedure had to be continued, even though the person had in the meanwhile been released.¹⁰⁵⁰

Recommendation by the Move Coalition on the judicial review of the detention order concern the introduction of automatic judicial review, assignment of territorial jurisdiction to the Council Chamber of the district in which the administrative detention centre is located in order to facilitate the designation of a legal aid lawyer, the applicability of the procedure states in the Law on the Provisional Custody, and specialisation of the judges entrusted with the review of the detention order.¹⁰⁵¹

While in detention, the CGRS prioritises the examination of the asylum application, although no strict time limit is foreseen.¹⁰⁵² The appeal against a decision by the CGRS refusing international protection must be lodged within 10 days after the first instance decision.¹⁰⁵³ The Court of Alien Law Litigation (CALL) has already criticised the use of this fast-tracked procedure and annulled the decision of the asylum authorities in a case of an asylum applicant at the border because of the threat to his rights of defence and the principle of equality of arms.¹⁰⁵⁴

If a person is detained on the basis of a return decision, this person cannot be removed from the territory during the period in which an urgent appeal to suspend this decision is possible before the CALL.¹⁰⁵⁵ Such an appeal can be lodged within 10 (or 5 in case of a subsequent return decision) days after the return decision. Such a suspension is possible if the execution of the return decision is imminent (which is the case when the person subjected to this decision is detained), the grief is sufficiently serious and if the execution of the return decision would lead to serious harm that is difficult to repair. This suspensive appeal acts as an accessory to the appeal to annul said return decision. If the CALL proclaims the urgent suspension of this administrative decision, as a rule, the detention decision will lose its legal basis and the person concerned will have to be released.

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention

1. Does the law provide for access to free legal assistance for the review of detention? ☒ Yes ☐ No
2. Do asylum applicants have effective access to free legal assistance in practice? ☒ Yes ☐ No
3. Can lawyers/legal counsels contact their clients easily and meet them? ☒ Yes ☐ No
4. Are meetings held in private/confidentiality? ☒ Yes ☐ No
5. Can lawyers/legal counsels request being accompanied by an interpreter? ☒ Yes ☐ No

The law provides for access to free legal assistance for the purpose of judicial review of the detention order. Free legal assistance is provided for in the Judicial Code under the same conditions as for other asylum-related procedures. A rebuttable presumption applies whereby the person detained is considered to not have financial means to pay for legal assistance (see section on [Regular Procedure: Legal Assistance](#)). The Royal Decree on Closed Centres also explicitly guarantees legal assistance for every

¹⁰⁴⁹ ECtHR, *Muhammad Saqawat v. Belgium*, Application No 54962/18, Judgement of 30 June 2020.

¹⁰⁵⁰ Court of Cassation, 27 September 2022, P.22.1122.N.

¹⁰⁵¹ Move Coalition, *Hervorming van het Migratiewetboek*, Zomer 2021, available in Dutch at: <https://rb.gy/psdhxe>, 26-27.

¹⁰⁵² Article 57/6(2) Aliens Act.

¹⁰⁵³ Articles 39/57 and 39/77 Aliens Act.

¹⁰⁵⁴ CALL, case n° 284.595 of 10th of February 2023.

¹⁰⁵⁵ Article 39/82 Aliens Act.

resident of an administrative detention centre and free and uninterrupted contact between them and their lawyer.¹⁰⁵⁶

In Vottem, a legal permanence of specialised lawyers is organised by the bureau for legal assistance of the Bar Association. Their service is mainly limited to assigning a Pro-Deo lawyer who is not present but has to ensure free legal assistance. The other centres have no first-line legal assistance service, and the assignment of a lawyer depends entirely on the social services in each centre.¹⁰⁵⁷ The Move coalition coordinates a system of regular visitors that monitors migrants entering detention, provides them with free first-line advice and refers them to an NGO for more specialised assistance if necessary.¹⁰⁵⁸

There is currently a structural shortage of qualified legal aid. In practice, asylum applicants are often referred to inexperienced lawyers. Even if some bar associations, like the Brussels one, use lists of lawyers that have explicitly expressed interest in assisting detained asylum applicants, the lawyers on these lists do not have to meet specific qualification requirements. The system organised by the law does not offer sufficient means to enable lawyers to specialise themselves in migration and asylum law.¹⁰⁵⁹ Move Coalition and partners therefore propose the use of an appointment list of lawyers that are entrusted with legal aid in the administrative detention centres, who would be subject to an assessment at the start to test their knowledge of immigration law and afterwards to an annual/semi-annual assessment organised by the bar associations.¹⁰⁶⁰

Findings by the UNHCR in a 2019 report on access to legal aid for asylum-applicants pointed to difficulties experienced by asylum applicants in detention in accessing quality legal aid.¹⁰⁶¹ In the majority of the centres, less than 50% of the detained migrants had a lawyer (appointed by the bar or a private lawyer).¹⁰⁶²

Legal assistance at the moment of arrest

Unlike in criminal matters, there is currently no legal safeguard that requires a lawyer to be present at the interview after apprehension of asylum-applicants that can possibly be detained.¹⁰⁶³

E. Differential treatment of specific nationalities in detention

No distinctions are made between different nationalities in detention.

¹⁰⁵⁶ Articles 62 and 63 Royal Decree on Closed centres.

¹⁰⁵⁷ UNHCR Belgium, *Legal assistance of applicants for international protection in Belgium*, September 2019, available in Dutch at: <https://bit.ly/38NjQWZ> and in French at <https://tinyurl.com/45vupyve>, 25 and 43.

¹⁰⁵⁸ The Immigration Office, in the context of its right to reply to the 2023 AIDA report, indicates that in detention centres where no first-line legal assistance service is organised, detainees can get a pro bono lawyer assigned upon request. The Immigration Office is currently in the process of organising this. It is sometimes noticed in the centres that some detainees have more than one lawyer assigned. Because of the fact that some detention centres have contacts with bar associations and others do not, there is unequal access to legal assistance for detainees in different centres. Although civil society organisations demand the organisation of first-line legal assistance services in each detention centre, the Immigration Office emphasises that it supports this idea but that it does not have the competence to set this up, this being a responsibility of the bar associations.

¹⁰⁵⁹ See all the findings in UNHCR, *Accompagnement juridique des demandeurs de protection internationale en Belgique*, September 2019, available in French at: <https://bit.ly/3wRmwB2>.

¹⁰⁶⁰ Note pour une amélioration de l'aide juridique accessible aux justiciables dans les centres de détention pour personnes migrantes, Brussels 3 May 2022.

¹⁰⁶¹ UNHCR Belgium, *Legal assistance of applicants for international protection in Belgium*, September 2019, available in French [here](#).

¹⁰⁶² Annual reports 2024 of the centres (43% in Brugge, 55% in Mersklaspas, 47% in 127bis, 29% in Caricole and 50% in Vottem; no data for Holsbeek).

¹⁰⁶³ Civil society advocates that the presence of a lawyer at this stage of the procedure is necessary, inter alia because of the right to be heard. Respect for this right can be ensured by the presence of a lawyer since he can provide the asylum applicant with timely information on his family and socio-professional situation, as well as element concerning his physical and mental health and about the possible violation of human rights in case of return to his country of origin or transit. See Move, Advies over een 'Salduz'-wet voor vreemdelingen (parlementair document 55 2322/001), 7, 29 April 2022, available in Dutch [here](#).

A. Status and residence

1. Residence permit

Indicators: Residence Permit

1. What is the duration of residence permits granted to beneficiaries of protection?
 - ❖ Refugee status 5 years
 - ❖ Subsidiary protection 1 year

The recognition of the refugee status initially gives access to a 'limited right to residence' of 5 years.¹⁰⁶⁴ After these five years, counting from the day a person has requested international protection, the right to residence becomes permanent unless the CGRS takes a cessation or revocation decision on the status according to Article 55/3 or 55/3/1 of the Aliens Act, or if the Immigration Office requests the CGRS to withdraw the protection status within 5 years after the recognition. Upon recognition by either the CGRS or the CALL, refugees receive a refugee certificate from the CGRS after the appeal period of 30 days has passed. They should present themselves with this document to their local municipality, which will register them in the Aliens Register on the date of their recognition as a refugee. The municipality will first issue an electronic 'A card' valid for 5 years from the moment of the decision according their refugee status.¹⁰⁶⁵ After 5 years, counting from the moment of the asylum application (meaning that the A-card can still be valid for a certain time on that moment), the beneficiary of international protection should again turn to the municipality to request an electronic 'B card', which gives access to a permanent right to residence. When the municipality cannot issue the B-card in a timely manner, a paper called 'Annex 15' temporarily covering the right to residence is issued by the municipality.

Beneficiaries of subsidiary protection initially receive a residence right for one year. Unless the Immigration Office is convinced that the situation motivating the status has changed (in which case it asks the CGRS to examine the situation) or the CGRS starts a re-examination of the situation *ex-officio*, the residence right will be renewed after the first year and then again after two years. During the re-examination of the situation, the validity of the A-card is prolonged. Five years after the asylum application and upon instruction of the Immigration Office, the subsidiary protection status holder receives a permanent right to residence, unless the CGRS intends to apply cessation or revocation of the status according to Article 55/5 or 55/5/1 of the Aliens Act.¹⁰⁶⁶ Similarly to refugees, persons granted subsidiary protection need to go to the local municipality with the decision of the CGRS granting the right to subsidiary protection, or – differently from persons with refugee status – with the decision of the CALL granting subsidiary protection. The municipality will register them in the Aliens Register on the date of their recognition and will first issue an electronic 'A card' valid for one year, renewable twice for a period of two years. Renewal of this card has to be requested at the municipality between the 60th and 30th day before its expiration date.¹⁰⁶⁷ When the municipality cannot prolong the card in a timely manner, a paper called 'Annex 15' temporarily covering the right to residence is issued by the municipality. This document is named an 'Annex 15'. After 5 years counting from the asylum application, the beneficiary needs to apply for an electronic B card, which gives access to a permanent right to residence.¹⁰⁶⁸

The new federal government agreement of 31 January 2025 states that it plans on making the obtaining of a 'permanent' (unlimited) residence permit subject to conditions such as succeeding a language- and

¹⁰⁶⁴ Article 49 §1 Aliens Act.

¹⁰⁶⁵ Article 76 Aliens Decree.

¹⁰⁶⁶ Article 49/2(2)(3) Aliens Act.

¹⁰⁶⁷ Article 32 §1 Aliens decree

¹⁰⁶⁸ Article 77 Aliens Decree.

integration test and not being dependent on the social welfare system.¹⁰⁶⁹ These plans are not yet translated into legislation.

2. Civil registration

2.1. Civil birth registration and status of children

Any child born in Belgium needs to be registered at the municipality of the place of birth within 15 days, regardless of the residence status of the parents. In some places a civil officer will come to the hospital to facilitate registration. In other places the parents will need to go to the municipality.

A child whose descent with both parents is established follows the residence status of the parent with the strongest residence status. The child will be registered in the same national register and will receive a residence title with the same period of validity.

When a child is born in Belgium during the asylum procedure of (one of) the parents, they need to be added to the 'Annex 26' of a parent. This is usually the Annex 26 of the mother, unless the father is the only parent involved in the asylum procedure. After registration of the child at the municipality, the municipality will add the name of the child to the annexe 26 and forward the birth certificate to the Immigration Office, which will modify the waiting registry and inform the CGRS and/or the CALL.

Children born in Belgium after their parents have been recognised as refugees receive a right of residence based on their parents' status but will not automatically be granted refugee status. Depending on the situation, the parents need to direct a request for their children born in Belgium to be granted refugee status to different services, after which refugee status will be granted:¹⁰⁷⁰

- ❖ If both parents have been recognised as refugees in Belgium, the request needs to be sent to the 'Helpdesk Recognised Refugees and Stateless Persons' of the CGRS;
- ❖ If one of the parents is not a recognised refugee in Belgium, the request needs to be addressed to the Immigration Office by e-mail;
- ❖ If paternity has not been legally established and the mother wants to ask for her child, born in Belgium, to be granted the refugee status, she needs to apply via the 'Helpdesk Recognised Refugees and Stateless Persons' and must submit a recent copy of the child's birth certificate.

Children born in Belgium after their parents have been granted subsidiary protection and who want to obtain the subsidiary protection status should apply for international protection in their own name.

2.2. Civil registration of marriage

A beneficiary of international protection can marry in Belgium if one of the following criteria is met: one partner is Belgian at the time of marriage, one has an official residence address in Belgium, or one has been habitually residing in Belgium for over three months. The applicable legal framework is determined by international private law. To determine the basic requirements for marriage, one has to consult the national law of each partner. Therefore, different requirements may apply to each partner individually. If both partners are recognised refugees, Belgian law fully applies. If one partner is not a recognised refugee, the legal framework of their country of residence prevails. An exception exists for same-sex marriages: if the country of residence prohibits such marriages, Belgian law applies instead. The legislator wanted to avoid that same-sex marriage become impossible due to the application of international private law. The marriage can be solemnised by the registrar of the municipality where one of the future spouses is a resident. If neither spouse has residence in Belgium or if the habitual residence of one of the spouses

¹⁰⁶⁹ Belgian Federal government agreement 2025-2029, 31 January 2025, available in Dutch [here](#) (p. 168-169) and in French [here](#) (p. 173-174).

¹⁰⁷⁰ CGRS, 'Refugee status for children', available in English [here](#).

does not correspond to the place of residence, the marriage can be solemnised in the municipality of habitual residence.

Certain documents may be needed for concluding a marriage in Belgium.¹⁰⁷¹ Recognised refugees can contact the CGRS for the issuance of documents that they can no longer obtain from the authorities of their country of origin: birth certificates; marriage certificates if both spouses are in Belgium; divorce certificates; certificates of widowhood; refugee certificates; certificates of renunciation of refugee status. However, due to a high volume of requests and a shortage of staff, there have been significant delays in processing these requests. As a result, the CGRS has prioritised the timely issuance of refugee attestations, meaning that other documents may take longer to be processed. When contacting the CGRS 'Refugee Helpdesk', an automatic reply is sent with an average processing time for the request.¹⁰⁷² Because the CGRS does not have this competence for beneficiaries of subsidiary protection, they need to contact their embassy to obtain such documents. For some procedures such as marriage or naturalisation, an 'act of notoriety' (*acte de notoriété*) can substitute a birth certificate.¹⁰⁷³ This can be requested from the justice of the peace (Civil Court) of the beneficiary's place of residence.

A foreign marriage certificate may be recognised in Belgium if the basic conditions for marriage applicable in the country of origin of the spouses and the official formalities of the country where the marriage was solemnised have been respected and the document is legalised and translated to one of Belgium's official languages. The registering official will also verify whether the marriage is not contrary to Belgian public order (e.g. child marriage, polygamy, marriage of convenience).

3. Long-term residence

Indicators: Long-Term Residence

1. Number of long-term residence permits issued to beneficiaries in 2025:

N/A¹⁰⁷⁴

The criteria and conditions for obtaining long-term resident status ("status van langdurig ingezetene" in Dutch or "statut de resident de longue durée" in French) are laid down in Chapter IV of the Aliens Act, which refers to the Long-Term Residence Directive.¹⁰⁷⁵ Some modalities can be found in the Aliens Decree.

The following conditions have to be cumulatively fulfilled:¹⁰⁷⁶

- ❖ Having stayed legally and continuously within Belgium for 5 years immediately prior to the submission of the relevant application. Only half of the time between lodging an asylum application and receiving either refugee status or subsidiary protection is taken into account, unless this period exceeds 18 months. Periods of absence are not excluded if they are not longer than 6 consecutive months and do not exceed 10 months in total during the 5 years.
- ❖ Having stable and regular resources which are sufficient to maintain themselves and the members of their family, without recourse to the social assistance system of the Member State concerned. For 2025 the required amount is set at 1,046 € per month, plus 355 € per dependent person.
- ❖ Disposing of a sickness insurance in respect of all risks normally covered in Belgium.
- ❖ Not being considered a threat to public order or national security. An extract of the criminal record needs to be provided.

¹⁰⁷¹ List of required documents, available in English [here](#).

¹⁰⁷² CGRS, 'Contact Meeting International Protection', 19 March 2025.

¹⁰⁷³ Article 5 Belgian Nationality Code.

¹⁰⁷⁴ No data are available on the number of long-term residence permits issued to beneficiaries of international protection specifically.

¹⁰⁷⁵ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, OJ L016, 44-53.

¹⁰⁷⁶ More info available at: <http://bit.ly/2jAyqvU>.

Asylum applicants who haven't received a final decision on their asylum application are excluded from the long-term residence status.¹⁰⁷⁷

The request to obtain the status of long-term resident ('Annex 16') has to be lodged at the municipal authorities of the applicant's place of residence.¹⁰⁷⁸ The municipal authorities confirm this by issuing a certificate of receipt ('Annex 16bis').¹⁰⁷⁹ The municipal authorities afterwards transfer the request to the Immigration Office, which takes a decision within 5 months. In the event of a positive decision, or in the absence of a decision after 5 months, the applicant will be included in the civil register and receive an electronic L-card with a validity of 10 years and the mention 'EU – long-term resident'.¹⁰⁸⁰ In addition to this, the mention 'international protection granted by Belgium on [date]' is written on the residence permit for long-term residents.¹⁰⁸¹ The duration of validity of long-term residence status is unlimited, contrary to the residence L-card itself.¹⁰⁸²

In the event of a refusal, the municipal authorities will notify the applicant with a so-called 'Annex 17'.¹⁰⁸³ Against this decision a suspensive appeal possible.

In case the protection status a beneficiary of international protection is revoked on the basis of Article 55/3/1(2) or 55/5/1(2) Aliens Act, the Minister or their delegate can revoke the long-term residence status.¹⁰⁸⁴ Should this be the intent of the Minister or their delegate, several things such as the family bonds, the duration of stay in Belgium and the family, cultural and social ties to the country of origin have to be taken into account.

4. Naturalisation

Indicators: Naturalisation

1. What is the minimum residence period for obtaining citizenship?
 - Refugee status: 5 years
 - Subsidiary protection: 5 years
- Number of citizenship grants to beneficiaries in 2025: N/A¹⁰⁸⁵

In 2024, 60,106 aliens acquired Belgian citizenship, while 42 persons lost Belgian citizenship.¹⁰⁸⁶ In 2025, from January up until September, 52,713 persons acquired Belgian citizenship.¹⁰⁸⁷ This thus represents a rising trend and is a continuation of one of the first steep peaks since 2000-2002.¹⁰⁸⁸

The Chamber in January 2026 approved a law proposal on the possible "cancellation" (*vervalvenverklaring*) of the Belgian nationality for persons who have committed "serious crimes that constitute a fundamental threat to society".¹⁰⁸⁹ This is only possible if the person acquired Belgian nationality in the last 15 years (as opposed to 10 years under the previous regulation). Other than that,

¹⁰⁷⁷ Article 15bis §1, 4° Aliens Act.

¹⁰⁷⁸ Article 29(1) Aliens Decree.

¹⁰⁷⁹ Article 29(2) Aliens Decree.

¹⁰⁸⁰ More info about the L-card available: at: <http://bit.ly/40U6XW7>.

¹⁰⁸¹ Article 30(2) Aliens Decree.

¹⁰⁸² Article 18(1) Aliens Act.

¹⁰⁸³ Article 30(1) Aliens Decree.

¹⁰⁸⁴ Article 18(3) Aliens Act.

¹⁰⁸⁵ This number is not available. In 2024, Belgian citizenship was granted to 59,401 foreigners (not only beneficiaries of international protection); see Statbel, 'Non-Belgians who became Belgians 2019-2024 per month, region and principal nationalities', [here](#).

¹⁰⁸⁶ Statbel, *Residents who obtained Belgian nationality*, 11 June 2025, available in Dutch, French, German and English [here](#). The number relates only to persons who already had/have another nationality.

¹⁰⁸⁷ Statbel, *Non Belgians that became Belgian by month, region and nationality*, available in English [here](#).

¹⁰⁸⁸ Statbel, *Number of nationality changes in Belgium since 1992*, available in English [here](#).

¹⁰⁸⁹ Law Proposal, *Regarding the revocation of Belgian citizenship and the right of residence of persons with dual citizenship who have been convicted of crimes against public safety, crimes against humanity, human trafficking, serious sexual offenses, and genocide*, 30 June 2025, available in Dutch and French [here](#). Myria, along with FIRM (federal institute for the promotion and protection of fundamental right in Belgium, also wrote an extensive advice on this law proposal, 30 November 2025, available in Dutch [here](#).

persons with a double nationality and having been convicted of terrorism, will automatically lose their Belgian nationality.¹⁰⁹⁰

There are multiple systems for receiving the Belgian nationality available for aliens. The main system is named 'declaration of nationality', whereas an exceptional system named 'naturalisation' is also available for certain categories of aliens. Apart from those two mechanisms of 'acquiring the Belgian nationality' (*verkrijging van de Belgische nationaliteit/acquisition de la nationalité belge*) there is a third mechanism of 'granting the Belgian nationality' (*toekenning van de Belgische nationaliteit/attribution de la nationalité belge*), which is the result of an almost automatic procedure mostly used for minors who receive citizenship by descent, after adoption or because they were born in Belgium.

The granting of nationality happens automatically for¹⁰⁹¹:

- ❖ children born in Belgium out of at least one parent with Belgian nationality
- ❖ children born abroad out of a Belgian parent who was themselves born in Belgium

In other cases, the granting of nationality is still possible based on a "declaration of nationality" (depending on whether the child was born in or outside Belgium, and on the nationality of the parent).¹⁰⁹²

The Constitutional Court recently ruled that the condition that children born in Belgium can only obtain Belgian nationality before the age of 12 if *both* their parents have had their main place of residence in Belgium for the past 10 years¹⁰⁹³, is discriminatory. In practice this means that:

- ❖ A declaration of nationality for a child born in Belgium who has had their primary residence here since birth may be filed by one parent who meets the residency requirements (10 years of primary residence in Belgium and a right of residence of unlimited duration).
- ❖ The other parent does not have to fulfil any conditions concerning the main place of residence or legal stay.¹⁰⁹⁴

On 6 December 2022, some significant changes were made to the Code of Belgian nationality including:

- ❖ The formulation of Article 10 is altered in the sense that a child born in Belgium who does not have another nationality, automatically has the Belgian nationality without first having to be recognised as stateless;¹⁰⁹⁵
- ❖ A Central Authority for nationality is constituted within the Federal Public Service (FPS) Justice. If a local officer of a municipality has doubts about the application of the Code of Belgian nationality, it can ask for a non-binding advice of this Central Authority, that gives advice within 6 months (delay which can be prolonged with another 6 months).¹⁰⁹⁶

Legal discussions exist on the application of Article 10 to children born in Belgium by Palestinian parents. According to one interpretation, children from Palestinian parents born in Belgium have the Palestinian nationality, whereas others claim it is impossible for them to receive Palestinian nationality because Palestinian legislation on this matter is non-existent.¹⁰⁹⁷ Case-law on this matter is inconsistent. On the basis of the second interpretation, Article 10 has indeed been applied to children from Palestinians born in Belgium. Since the summer of 2023 the Immigration Office sent letters in more than 170 files to municipalities and public prosecutors who had granted the Belgian nationality in such cases, stating that these children have the Palestinian nationality and asking to change the nationality granted to these

¹⁰⁹⁰ Annelies Verlinden, Minister of Justice, 'green light for expansion of retraction of Belgian nationality', available in Dutch, French and German [here](#).

¹⁰⁹¹ Article 8, Belgian Nationality Code

¹⁰⁹² For more information, see : FOD Justitie, 'verklaring tot toekenning', available in French, Dutch and German [here](#).

¹⁰⁹³ Article 11bis §1 b) of the Belgian Nationality Code.

¹⁰⁹⁴ Constitutional Court 22 January 2026, nr. 12/2026 of 22 January 2026, available in Dutch [here](#).

¹⁰⁹⁵ FOD Justitie, 'Act to Make the Justice System More Humane, Faster, and More Effective IIbis', Article 45, 6 December 2022, available in Dutch, French and German [here](#).

¹⁰⁹⁶ Ibid, article 48.

¹⁰⁹⁷ For an extensive overview of this legal discussion, see: 'Are children of Palestinian origin born in Belgium considered Belgian? Municipalities and courts have jurisdiction, not the Immigration Office', 21 november 2023 (modified 1 February 2024), available in Dutch via <https://bit.ly/3UdHXJa>.

children.¹⁰⁹⁸ The federal Ombudsman intervened, stating that the Immigration Office is not legally competent to instruct municipalities on the matter of nationality, this competence being reserved to the Central Authority for nationality or the public prosecutor.¹⁰⁹⁹ In a reaction, the Secretary of State stated that the letters do not instruct municipalities in these cases, but only provides information and advice, municipalities remaining exclusively competent to take the final decision.¹¹⁰⁰ However, the federal Ombudsman found that the Immigration Office had composed these advisory letters in the same way as its (binding) instructions to municipalities in other matters concerning asylum and migration, and thus created confusion and chaos among municipalities, some municipalities having decided to ignore the letter whereas others have withdrawn the Belgian nationality of the persons involved. The Ombudsman advised the Immigration Office to stop sending these letters and to inform the municipalities that the received letter should not be considered.¹¹⁰¹ In January 2025, the Federal Ombudsman directed two new recommendations to the Immigration Office and the Minister of Justice,¹¹⁰² having found that although its previous advice led the Immigration Office to stop sending letters, it kept communicating with municipalities about their interpretation of article 10 Nationality Code. Consequently, some municipalities revoked the Belgian nationality of children to which they had previously granted it, the Federal Ombudsman being aware of 130 of these cases concerning Palestinian children. The Ombudsman also received complaints from parents of a child having received nationality on the basis of Article 10 Nationality Code, parents who had themselves applied for a residence permit on the basis of the nationality of their child. However, the Immigration Office contacted the local authorities responsible for granting nationality and expressed doubts about the application of Article 10 in these cases. As a result, it postponed decisions on the family reunification requests. Six of the seven cases concerned Palestinian parents. In all six cases, the applications of the parents have been pending for over a year. The Federal Ombudsman reaffirmed that the Immigration Office has no legal authority to advise on nationality matters and emphasised that its actions go beyond merely providing information, demonstrating a serious lack of caution in the analyses it submits to civil registrars.¹¹⁰³

To this day (March 2026) the issue does not seem to be resolved. The deprivation of nationality often takes place without regard for the necessary legal and procedural safeguards, and courts continue to seem divided on how these cases should be handled. Myria has reported ongoing complaints also in 2025, concerning, *inter alia*:¹¹⁰⁴

- ❖ the deprivation of Belgian nationality from children of Palestinian origin born in Belgium
- ❖ sudden decisions by municipalities to deprive of Belgian nationality without informing the families concerned;
- ❖ Issues with the recovery of the growth package (benefits for parents with children) after the deprivation of Belgian nationality;
- ❖ a municipality that decides not to deprive of Belgian nationality, after which the Immigration Office did however withdraw the residence permit of the parent who deducted their residence right from their Belgian child.

¹⁰⁹⁸ Joint recommendations Myria, the Children's Rights Commissioner and the Délégué General aux droits de l'Enfant, *Children born in Belgium out of Palestinian Parents at risk of losing their nationality*, p. 2, referring to a response from the migration service on 1 October 2025, 2 December 2025, available in Dutch [here](#).

¹⁰⁹⁹ Federal Ombudsman, 'Advice 2023/06 to the Immigration Office: respect the legal competences regarding nationality', available in French at: <https://bit.ly/3xIASwU>.

¹¹⁰⁰ Chamber of representatives, Commission of Internal Affairs, Security, Migration and Administrative matters, 10 January 2024, available at: <https://bit.ly/3TU3pm1>, 14.

¹¹⁰¹ Federal Ombudsman, 'Advice 2023/06 to the Immigration Office: respect the legal competences regarding nationality', available in French at: <https://bit.ly/3xIASwU>.

¹¹⁰² Federal Ombudsman, 'Advice 2024/4 and 2024/05 to the Immigration Office and the Minister of Justice', 9 January 2025, available [here](#), 2.

¹¹⁰³ Federal Ombudsman, 'Advice 2024/4 and 2024/05 to the Immigration Office and the Minister of Justice', 9 January 2025, available [here](#), 2.

¹¹⁰⁴ Myria, Children's Rights Commissioner, Délégué general aux droits de l'enfant, *Advice of 2 December 2025 on children born in Belgian out of parents of Palestinian origin who are at risk of losing their Belgian nationality*, available in Dutch [here](#).

Some courts have opposed the practice of the deprivation of the Belgian nationality in appeal procedures brought before them. The Court of first instance in Mechelen has judged that the municipality did not sufficiently motivate the deprivation of the Belgian nationality, as such decision could not be motivated based on the sole fact that the Immigration office, which is not competent in such matters, has a different opinion on the matter. It considers the deprivation of the nationality a '*manifestly unlawful infringement of a subjective right*'.¹¹⁰⁵ The Court of appeal in Brussels also ruled that by granting the Belgian nationality and retracting it only months later, the principle of legal certainty is breached. It moreover condemns the practice of the municipality by retracting the nationality based on the instruction of the Immigration Office:

- ❖ without notifying the parents
- ❖ without proper motivation
- ❖ without acquiring advice from the public prosecutor's
- ❖ without taking into account the consequences concerning the right to a private and family life
- ❖ without taking into account the best interest of the child.¹¹⁰⁶

4.1. Naturalisation *stricto sensu*

Naturalisation in the narrow sense is a concessionary measure granted by the House of Representatives which is only available under the cumulative conditions laid down in the Code of Belgian Nationality:¹¹⁰⁷

- ❖ The applicant has to be 18 years or older;
- ❖ The applicant has to stay legally in Belgium;
- ❖ The applicant must have achieved great things which shed a favourable light on the Kingdom of Belgium.

This achievement (i.e. *honoris causa*) can be either scientific, sportive or cultural and social. Since the Law of 4 December 2012 amending the Code of Belgian Nationality, this possibility no longer applies to recognised refugees or beneficiaries of subsidiary protection.¹¹⁰⁸ Legal stay implies a right to residence of unlimited duration.¹¹⁰⁹

The second possibility to become a Belgian citizen by naturalisation in the narrow sense through concessionary granting by the House of Representatives is only available for recognised stateless people who are 18 years or older and are legally staying in Belgium with a right to residence for unlimited time.¹¹¹⁰

The amount of 'naturalisations' as a means of receiving the Belgian nationality is steadily decreasing: it represented 0.4% (203 in total) of all changes of nationality in 2023, compared to 23.2% in 2013.¹¹¹¹

4.2. Declaration of nationality

Apart from the aforementioned possibilities for acquiring Belgian nationality, foreign nationals can also resort to a system called 'declaration of nationality'. This possibility is laid down in Article 12bis of the Code of Nationality and contains the following possibilities that are relevant for refugees and beneficiaries of subsidiary protection based *inter alia* on:

- ❖ 5 years of legal stay and integration;¹¹¹²
- ❖ 10 years of legal stay.¹¹¹³

¹¹⁰⁵ Court of first Instance Antwerpen, department Mechelen, nr 25/2223, 22 May 2025, available in Dutch [here](#).

¹¹⁰⁶ Court of Appeal Brussels, nr 2026/622, 22 January 2026.

¹¹⁰⁷ Article 19 Belgian Nationality Code and Circular of 8 March 2013, published on 14 March 2013.

¹¹⁰⁸ Law of 4 December 2012 on changes to the Belgian Nationality Code in order to make obtaining Belgian nationality migration-neutral, 14 December 2012, 2012009519, 79998.

¹¹⁰⁹ Article 7bis(2)(1) Belgian Nationality code.

¹¹¹⁰ Article 19(2) Belgian nationality code

¹¹¹¹ Myria, *La migration en chiffres et en droits : le rapport migration 2024 sous forme de cahiers – Nationalité*, available in French [here](#), 11.

¹¹¹² Article 12-bis(1)(2) Belgian Nationality code

¹¹¹³ Article 12-bis(2)(5) Belgian Nationality code.

5 years of legal stay and integration

The first option requires 5 years of having your main place of residence in Belgium on the ground of uninterrupted legal stay¹¹¹⁴ and proof of integration. As regards to the first condition, problems may arise where a person is erased from the register (*ambtelijke schrapping*). This can happen when the person is no longer to be found at the known address, which may give rise to the suspicion that the person is no longer living in Belgium. In such cases, this is considered as an interruption of the main place of residence in Belgium, whereby the five years start running again from 0 once the person is again registered.¹¹¹⁵ Recently however, the court of first Instance in Antwerp ruled that the person should have the possibility to provide proof of uninterrupted stay in Belgium when they were erased from the registers, especially considering the erasure was only for one month.¹¹¹⁶

In order to acquire Belgian citizenship through this option, an applicant has to be 18 years or older, have stayed legally in Belgium as primary residence for 5 years uninterrupted and prove knowledge of languages, social integration and economical participation. Legal stay again implies a right to residence of unlimited duration.¹¹¹⁷ Since July 2018, the duration of the asylum procedure leading to the recognition of refugee status (for recognised refugees) is once again considered when calculating the length of legal residence (5 or 10 years) preceding the declaration of nationality.

The Code of Belgian Nationality provides for several options in order to prove social integration, such as having completed vocational training of 400 hours, having followed successfully an integration course, having been employed or working as an entrepreneur for 5 years or having obtained a degree. The language requirement is automatically fulfilled if integration is proved. Documents that prove sufficient knowledge of the national languages are listed in Article 1 of the Royal Decree 2013.¹¹¹⁸ In a judgment of the Court of Appeal in Ghent, the court decided that if one of the listed documents is provided, the actual knowledge of the languages is irrelevant.¹¹¹⁹ *In casu* a woman unable to speak any of the three national languages, was able to provide the document referred to in Article 1(5)(a) of the Royal Decree, which led to the conclusion that she satisfied the language condition. The court thus confirmed that the Belgian legislator opted for a documentary system and is not allowed to test the language condition in a conversation.

Economical participation can be proven by either having worked as an employee for 468 days during the past 5 years, or by having paid social contribution during at least 6 quarters in the past 5 years as an entrepreneur. The duration of either obtaining a degree or completing vocational training, as mentioned in the social integration condition can be subtracted from the 468 days or 6 quarters. Examples of this subtraction are provided in the circular March 2013.¹¹²⁰ Specific details on the documents available to prove social integration, knowledge of languages and economic participation are provided for in the March 2013 Circular.¹¹²¹

¹¹¹⁴ Article 12bis §1, 2° Belgian Nationality code.

¹¹¹⁵ Circular of 8 March 2013 *concerning certain aspects of the Act of December 4, 2012, amending the Belgian Nationality Code to make the acquisition of Belgian nationality migration-neutral*, 8 March 2013, available in Dutch and French [here](#).

¹¹¹⁶ Court of first Instance Turnhout, nr. 24/459/B of 2 December 2024, available in Dutch [here](#).

¹¹¹⁷ Article 7-bis(2)(1) Code of Belgian Nationality.

¹¹¹⁸ Royal Decree of 14 January 2013 executing the law of 4 December 2012 on changes to the Code of Belgian nationality in order to make obtaining Belgian nationality migration-neutral, 21 January 2013, 2013009022, 2596.

¹¹¹⁹ Court of Appeal Ghent, 2014/AR/1095, 24 December 2015.

¹¹²⁰ Circular of 8 March 2013 concerning certain aspects of the law of 4 December 2012 on changes to the Code of Belgian nationality in order to render the acquisition Belgian nationality migration-neutral, 14 March 2013, 2013009118, para IV A(1)(1.2)(3)(b.2).

¹¹²¹ Circular of 8 March 2013, para IV A(1)(1.2).

10 years of legal stay

Article 12bis(1)(5) of the Code of Belgian Nationality refers to people who have legally stayed in Belgium for 10 years without a significant interruption. The first requirement is to have stayed in Belgium for 10 years and to have a right of residence of unlimited duration. The language requirement is explicitly mentioned as well. The new condition for this option is the fact that an applicant has to prove participation to life in the receiving society. There is no strict legal definition for 'receiving society' but the Circular of 2013 specifies that 'receiving society' cannot be interpreted as meaning the society of people of the same origin as the applicant.¹¹²² The circular also specifies that participation to life in the receiving society can be proven by any means. Some indications mentioned in the circular are school attendance, vocational training and participation in associations.

Procedure

The details of the procedure are laid down in Article 15 of the Code of Belgian Nationality.

On the 29th of July 2025, a new program law entered into force: this law foresees a rise in price for the registration of Belgian nationality from 150 euro to 1000 euro (in 2026: 1,030 euro). This price raise is applicable to both naturalisation and acquisition of Belgian nationality. It is however not applicable to the *granting* of Belgian nationality.¹¹²³

Concerns have been raised about the effective access to Belgian – and thus European – citizenship. No differentiation on these required payments has been provided based on income, dependants, and no exception is possible for persons in financially precarious situations, such as persons unable to work. Moreover has Myria estimated that this measure will have a more severe effect on women. Lastly, there is a risk of the measure indirectly affecting children and their access to Belgian nationality, based on the precarious financial situation of the parent and the consequential inability for the parent to obtain Belgian nationality, affecting the nationality of the child.¹¹²⁴ In January 2026, several civil society organisations have introduced an appeal against this legislative change at the Constitutional Court. The case is pending.¹¹²⁵

Proof of payment of the registration fee is an essential condition for the treatment of a file. After completing the payment, the applicant has to make the actual declaration at the municipal services of their current place of residence. The municipality might ask for the payment of another fee (stamp duties), the amount of which differs per municipality. The civil servant will issue a document proving that the applicant has made the declaration. Within 30 days of the making of the declaration, the civil servant has to check the file for incompleteness and if so, the civil servant flags the missing documents and gives the applicant 2 months' time to complete the file. If the file is complete, the civil servant issues a certificate of receipt within 35 days of the declaration. If the file was previously incomplete, the civil servant has 15 days to issue the certificate of receipt after the 2 months of extra time given to the applicant. In the event that the file would still be incomplete, the civil servant issues a document within 15 days stating that the application is inadmissible.

If the file is complete, the civil servant has 5 days to send the file to the prosecutor of the first instance courts, the Immigration Office and National Security. The prosecutor of the court of first instance has to notify the civil servant of receipt promptly. The prosecutor has 4 months after the issuance of the certificate of receipt to issue a binding advice on the declaration of nationality. Several situations can occur at this stage:

¹¹²² Circular of 8 March 2013, para IV A(1)(1.1)(4).

¹¹²³ Program law, 18 July 2025, art. 4 1°, available in Dutch, French and German [here](#).

¹¹²⁴ Myria, 'advice on the law proposal changing the registration rights on nationality, 21 March 2024', available in Dutch [here](#).

¹¹²⁵ Constitutional Court, *Pending case n°8633*, available in Dutch and French [here](#).

- ❖ The prosecutor does not respond: In the case where the court does not issue a certificate of receipt it is expected that the file did not arrive at the court, which leads to an automatic dismissal of the declaration of nationality. The applicant can appeal this by sending a registered letter to the civil servant asking that the file be resent to the court of first instance.
- ❖ The prosecutor issues a certificate of receipt but does not issue an opinion: The declaration is automatically accepted. The civil servant will notify the applicant and register the applicant. The applicant is a Belgian citizen from the day of registration.
- ❖ The prosecutor does not stand against the declaration: If the prosecutor does not stand against the declaration the civil servant notifies and registers the applicant. The applicant is a Belgian citizen from the day of registration.
- ❖ The prosecutor stands against the declaration: If the prosecutor stands against the declaration, it issues a registered letter to the civil servant and the applicant. The applicant can appeal this decision by sending a registered letter to the civil servant asking that the file be resent to the court of first instance.

In the two situations where the applicant can appeal to the court of first instance, the applicant has 15 days, starting from receiving the negative advice or the notification of the civil servant, to demand the civil servant to transfer the case to the court of first instance. The judge in the court of first instance will have to make a motivated decision on the negative advice and will hear the applicant. The registry of the court of first instance will notify the applicant of the decision.

A second appeal is available with the court of appeal for both the applicant and the prosecutor. The time limit is again 15 days. The procedure however is expensive and can take a long time. The court will rule after advice from the general prosecutor and the applicant will be heard. In the event of a positive decision the prosecutor will send the outcome to the civil servant. The civil servant will subsequently notify and register the applicant. The applicant is a Belgian citizen from the day of registration. In the event of a negative outcome, the procedure ends there.

5. Cessation and review of protection status¹¹²⁶

Indicators: Cessation

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the cessation procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the first instance decision in the cessation procedure? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☒ Yes ☐ With difficulty ☐ No

The grounds for cessation of refugee status are laid down in Article 55/3 of the Aliens Act. The Article refers to the situations in Article 1C of the 1951 Convention.

If a refugee falls under Article 1C(5) or 1C(6), the authorities have to check whether the change in circumstances in connection with which the refugee has been recognised is sufficiently significant and of a non-temporary nature. During the 5-year period of temporary residence granted to recognised refugees, the Immigration Office can ask the CGRS to cease refugee status on the basis of actions that fall under Article 1C of the Refugee Convention.¹¹²⁷ The CGRS can also decide this *ex officio*. There is no time limit

¹¹²⁶ For a detailed overview; see P. Baeyens en M. Claes 'Uitsluiting, weigering, opheffing en intrekking van de internationale beschermingsstatus, met focus op gevaar voor de samenleving en de nationale veiligheid', Tijdschrift Vreemdelingenrecht, 2018, Nr. 2.

¹¹²⁷ Article 49(1) Aliens Act.

in this situation. The possibility of cessation of the refugee status was included in the Aliens Act after a legislative amendment in 2016.¹¹²⁸ In its decision to end the residence title following a cessation decision, the Aliens Act requires the authorities to take the level of integration in society into account.¹¹²⁹

Since October 2017, a specific unit created as part of the Immigration Office focuses on requests towards the CGRS to end the international protection status and to follow-up on the cases where the status was put to an end. In practice the Immigration Office will inform the CGRS of any elements it has at its disposal (e.g. on travels to the country of origin), based on which the latter will effectively take a decision ending the status or not. This applies both to withdrawal and cessation decisions.

Travelling back to the country of origin can lead to the cessation of the refugee status. The government strongly focuses on the control of refugees who travel to their country of origin. For this purpose, it has created a procedure to detect such travellers together with the Federal Police at the airport. Belgium has also concluded agreements with a number of neighbouring countries, such as the Netherlands and Germany, in order to exchange information about the travel behaviours of refugees to their country of origin.¹¹³⁰ In July 2019, the European Migration Network published an extensive study on beneficiaries of international protection travelling to their country of origin and the challenges, policies and practices that apply in this context in Belgium'.¹¹³¹ A main finding was that the UNHCR Handbook is being used, but there are no formal internal guidelines with criteria. Determination is done on a case-by-case basis. However, there is internal supervision and support by the central legal service of the CGRS on such cases. The study gives an overview of the main considerations and criteria the CGRS uses to decide (amongst others): the length of the stay, the frequency of the traveling, the time span between the travel and the granting of the protection status and the circumstances during the stay.

Also a criterion: contacting the authorities of the country of origin – e.g. consulates, embassies, or other official representations of the country of origin – as a refugee can lead to the cessation of the refugee status. This is not explicitly foreseen in law (similarly to the fact of traveling to the country of origin), but in practice it can be considered as a change in personal circumstances and/or that the applicant(s) decided to re-avail themselves of protection under the authorities of the country of origin.¹¹³² It can be visits in person or other forms of contact, with the purpose of requesting the issuance or extension of their passports or other official documents. In practice, cessation decisions in Belgium in this regard are often based on contacts with the authorities of the country of origin in combination with travels to the country of origin. In its report EMN Belgium found no case law on ending status for the sole reason of contacting the authorities of the country of origin.¹¹³³

The cessation of the subsidiary protection is regulated in Article 55/5 of the Aliens Act and applies to situations where the circumstances – on which subsidiary protection was based – cease to exist or have changed in such a way that protection is no longer needed. As ruled by the CALL, the authorities have to check whether the change in circumstances is 'sufficiently significant' and of a 'non-temporary' nature – otherwise the decision of the CGRS will be declared void.¹¹³⁴

In relation to individual conduct, the CGRS has stated that, in principle, cessation is not inferred from the sole fact that a beneficiary contacts their embassy, when subsidiary protection is granted on the basis of

¹¹²⁸ Article 49(2) Aliens Act.

¹¹²⁹ Article 11(3)(1) Aliens Act.

¹¹³⁰ Commissie voor de Binnenlandse Zaken, de Algemene Zaken en het Openbaar Ambt, Integraal verslag, 5 December 2017, 13, CRIV 54 COM 774.

¹¹³¹ EMN, Beneficiaries of international protection travelling to their country of origin challenges, policies and practices in Belgium, July 2019, available at: <https://bit.ly/2JD4UAq>.

¹¹³² See also Article of the 1951 Convention.

¹¹³³ EMN, 'Beneficiaries of international protection travelling to their country of origin challenges, policies and practices in Belgium', July 2019, available at: <https://bit.ly/2NIHhbP>, 34.

¹¹³⁴ CALL, 24 February 2017, No 182.917; CALL, 13 September 2017, No 191.961; CALL 13 September 2017, No 191.956.

Article 15(c) of the recast Qualification Directive.¹¹³⁵ However, in the case of subsidiary protection, travelling or even returning to the country of origin may also lead to the cessation of the protection status, as it could imply that the circumstances and the overall situation have evolved positively there. A return to the country of origin can also indicate that there are flight alternatives and therefore lead to the removal of the subsidiary protection status. In fact, in 2017 the CALL confirmed the cessation of the subsidiary protection of an Afghan national who turned back to Kabul for two months right after having received its status. The fact that he turned back demonstrated that there were flight opportunities that were safe and that the overall circumstances, on which the protection was granted, changed.¹¹³⁶

As is the case for the cessation of the refugee status, the Immigration Office can ask the CGRS for a cessation of the subsidiary protection status during the 5-year period of temporary residence.¹¹³⁷ The CGRS can also decide on the cessation of a subsidiary protection status *ex officio*, in which case there is no time limit. This situation is not applicable when a beneficiary of subsidiary protection can put forward compelling reasons originating from previously incurred harm to refuse protection from the country of which the beneficiary used to possess the nationality. The Aliens Act requires that the authorities take the level of integration in society into account when taking the decision to end the residence title.¹¹³⁸

The CGRS always informs the beneficiary of the reasons for reinvestigating the granting of the status but will not necessarily hear the refugee or beneficiary of subsidiary protection during the procedure. The CGRS does however have the possibility to ask the person concerned to formulate their arguments to retain the status in writing or orally.¹¹³⁹

Since 2016 the Aliens Act allows the Immigration Office to end the right to residence of a person whose protection status is ceased. The Aliens Act requires that when the protection status is ceased on the grounds of Article 55/3 or 55/5 Aliens Act, the authorities take the level of integration in society into account.¹¹⁴⁰ Furthermore, in the event of a cessation on the aforementioned grounds, the Immigration Office has to assess the proportionality of an expulsion measure. This requires the Immigration Office to take the duration of residence in Belgium, the existence of family, cultural and social ties with the country of origin and the nature and stability of the family into account.

So far there has not been any policy of systematically applying cessation for certain nationalities because the situation in the country of origin would have changed in a durable manner. In practice this only happens for individual reasons, such as return to the country of origin or acquisition of another nationality. Usually, cessation is triggered upon request of the Minister of Asylum and Migration or by the Immigration Office.¹¹⁴¹

In 2025, the CGRS decided on the cessation of the protection status of 93 persons, compared to 28 in 2024.¹¹⁴²

A (final) decision to cease international protection status has no automatic consequences on family members and dependents of the former beneficiary of international protection: a case-by-case decision is taken if they keep or lose their international protection status. The conditions for cessation or withdrawal need to be fulfilled for every family member separately.

¹¹³⁵ Myria, *Contact meeting*, 22 November 2017, para 23.

¹¹³⁶ CALL, 27 October 2017, No 194.465.

¹¹³⁷ Article 49/2(3) Aliens Act.

¹¹³⁸ Article 11(3)(1) Aliens Act.

¹¹³⁹ Article 35/2 Royal Decree on CGRS Procedure.

¹¹⁴⁰ Article 11(3)(1) Aliens Act.

¹¹⁴¹ Myria, *Contact meeting*, 20 September 2017, para 22.

¹¹⁴² Number provided by the CGRS, March 2026.

6. Withdrawal of protection status

Indicators: Withdrawal

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the withdrawal procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the withdrawal decision? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☒ Yes ☐ With difficulty ☐ No

Revocation or withdrawal of refugee status is provided for in Article 49(2) in conjunction with Article 55/3/1 of the Aliens Act. The Articles state that during the first 10 years of residence the Immigration Office can ask the CGRS to revoke refugee status when the person concerned should have been excluded from refugee status or when refugee status was obtained on a fraudulent basis.¹¹⁴³ The exclusion clause refers to Articles 1 D, E and F of the 1951 Convention.¹¹⁴⁴

Revocation on grounds of fraud can be based on wrongfully displayed facts, withheld facts, false declarations, fraudulent documents or personal behaviour that proves that the applicant no longer fears persecution. In case of withdrawal based on fraud, the CALL confirmed that the facts that have been misrepresented or withheld or false must be strictly interpreted – meaning that they must have been decisive for the granting of refugee status. In other words, it is only if the protection would not have been granted without the fraud that it can be withdrawn.¹¹⁴⁵

There is an active exchange of information between the various government agencies. For example, the exchange of information about an application for family reunification of family members in the country of origin may lead to a withdrawal of the refugee status of an LGBTI person, if after a re-examination it is established that it is no longer possible to consider the applicant's statements on their sexual orientation credible. The protection status can also be withdrawn after receiving new elements, as was the case in 2019 for a couple that had presented an Iraqi passport to the municipality (in the context of a procedure to acquire Belgian nationality) which had not been presented to the CGRS and contained elements contrary to the claims made during the asylum procedure. Moreover, the stamps in the passport showed that the couple had travelled back to Iraq for almost two months. Based on these new elements, and the lack of credible explanations by the couple, the CGRS could conclude they came from another region than the one that they had claimed, and therefore the need for protection had wrongly been examined in regard to the other region. The CALL thus confirmed both the lack of a protection need and the withdrawal of the subsidiary protection status which had been granted based on false declarations.¹¹⁴⁶

Refugee status can be revoked anytime the refugee is considered a danger to society, sentenced for a very serious crime or when there are reasonable grounds to consider the refugee a threat to national security.^{1147 1148} The CGRS has clarified that the first limb – danger to society – can only lead to revocation following a conviction judgment, whereas the 'national security' ground may be satisfied without such a judgment.¹¹⁴⁹

Subsidiary protection can be revoked on the grounds listed in Article 49/2 and 55/5/1 of the Aliens Act. The GCRS can revoke the subsidiary protection status during the first 10 years of residence when the

¹¹⁴³ Article 55/3/1(2) Aliens Act. In the context of their right of reply to the 2024 AIDA report update, the Immigration Office notes that the ten-year period does not necessarily apply to cases of public order and national security.

¹¹⁴⁴ Article 55/2 Aliens Act.

¹¹⁴⁵ CALL, 11 March 2016, No 163942.

¹¹⁴⁶ CALL, 27 February 2019, Decision No 217584.

¹¹⁴⁷ Article 55/3/1(1) in conjunction with Article 49(2) Aliens Act.

¹¹⁴⁸ This ground for revocation was added in 2015 and is not limited in time. Article 8 of the Law of 10 August 2015 changing the Aliens act to take threats to society and national security into account in applications for international protection, 24 August 2015, 2015000440.

¹¹⁴⁹ Myria, *Contact meeting*, 20 September 2017, para 24.

beneficiary has merely left their country of origin in order to escape sentences related to one or multiple committed crimes that do not fall under the scope of Article 55/4(1) Aliens Act and would be punishable with a prison sentence if they would have been committed in Belgium.¹¹⁵⁰ This ground for revocation was only included in 2015 and is not limited in time.¹¹⁵¹

Status can always be revoked when the beneficiary should have been excluded from protection according to Article 55/4(1) and (2). This Article relates to persons having committed a crime against peace, a war crime, or a crime against humanity. Other exclusion possibilities listed are being guilty of acts contrary to the purposes and principles of the United Nations and having committed a serious crime.¹¹⁵² The subsidiary protection status can also be revoked any time when the beneficiary is considered to be a threat for society or national security.¹¹⁵³ The final possibility for the CGRS to revoke subsidiary protection status is when the status was granted on a fraudulent basis. This fraudulent basis can be wrongfully displayed facts, withheld facts, false declarations, fraudulent documents or personal behaviour that proves that the applicant no longer fears persecution.¹¹⁵⁴ Revocation on the grounds of a fraudulent basis can be asked by the Immigration Office during the first 10 years after the asylum application; however, there is no time limit for revocation *ex officio* by the CGRS.

The Immigration Office sends the CGRS every element that could justify a revocation of a status on the basis of Article 55/5/1 or 55/3/1 Aliens Act. This also applies when it is feared that the beneficiary is a threat for society or national security. The CGRS will take a decision within 60 days and informs the Immigration Office and the person concerned of the outcome. However, this time limit is not enforceable and not respected in practice.¹¹⁵⁵ In the event of a revocation of refugee status on the grounds of Article 55/3/1(1) or 55/3/1(2)(2) of the Aliens Act or if subsidiary protection status is revoked on the basis of exclusion clauses or the committing of a crime punishable with a prison sentence in Belgium, the CGRS will also issue an opinion on the compatibility of an expulsion measure with Articles 48/3 and 48/4. the CGRS issues an advice on the compatibility of an expulsion measure with Articles 48/3 and 48/4.

The CGRS informs the person concerned of the reasons for the reinvestigation of the protection status and always calls the beneficiary for an interview where the alien can refute the allegations.

The CALL has considered crimes ranging from supporting terrorist activities, piracy, murder, attempted manslaughter, rape, to theft with violence or threat as a particularly serious crime. Even crimes that were committed years ago can prove a danger to society according to the CALL. In the context of demonstrating if the danger is still present, the steps taken to rehabilitation and reintegration often do not detract from the observation that the fact that a person was convicted of a particularly serious crime is sufficient to demonstrate the danger to society. The risk of recidivism plays a role in the assessment of the CALL in certain cases, but it does not seem to be a necessary element.

The withdrawal of protection status does not automatically end the right of residence of the person involved. Since 2016, the Immigration Office is allowed to end the right to residence of a person whose protection status is revoked on the grounds of Article 55/3/1(1) or 55/5/1(1) Aliens Act. A person can also be ordered to leave the territory if the protection status is revoked on the grounds of Article 55/3/1(2) or 55/5/1(2) Aliens Act. In the event of a revocation on the aforementioned grounds, the Immigration Office must assess the proportionality of an expulsion measure. This requires the Immigration Office to take the duration of residence in Belgium, the existence of family, cultural and social ties with the country of origin and the nature and stability of the family into account.

¹¹⁵⁰ Article 55/5/1(1) Aliens Act.

¹¹⁵¹ Article 10 Law of 10 August 2015.

¹¹⁵² The crimes listed in Article 55/4(1) Aliens Act are also known as the 'exclusion clause' 1F of the 1951 Refugee Convention.

¹¹⁵³ Article 55/4(2) Aliens Act.

¹¹⁵⁴ Article 55/5/1(2)(2) Aliens Act.

¹¹⁵⁵ EMN, Beneficiaries of international protection travelling to their country of origin challenges, policies and practices in Belgium, July 2019, available at: <https://bit.ly/2NIHhbP>, 66.

In 2025, the CGRS withdrew the protection status of 171 persons, a significant increase compared to 48 withdrawals in 2024.¹¹⁵⁶ The past 10 years, the number of persons who were excluded from international protection or whose protection status was withdrawn has increased tenfold. This is partly the consequence of to the creation of a “1F”-unit at the CGRS that examines exclusion grounds in asylum cases and works closely together with the Federal prosecutor and with local NGO’s.¹¹⁵⁷ In 2025, the CGRS undertook a specific action to remove the backlog in files in which the validity of the protection status needed to be revised on the basis of reasons related to public order. This resulted in a high number of withdrawal and cessation decisions.¹¹⁵⁸

An appeal in full jurisdiction can be filed at the CALL against a decision of withdrawal of the refugee or subsidiary protection status. The fact that losing the protection status does not automatically end the right of residence, does not preclude that the person has an interest in the appeal: the refugee status may accord rights (such as access to a refugee passport) that residency does not.¹¹⁵⁹

In case a (final) decision to withdraw international protection status is issued, it has no automatic consequences on family members and dependents of the former beneficiary of international protection. A case-by-case decision is taken to determine whether they are entitled to keep or lose their international protection status. The conditions for cessation or withdrawal need to be fulfilled for every family member separately.

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

1. Is there a waiting period before a beneficiary of international protection can apply for family reunification? ☐ Yes ☒ No
2. Does the law set a maximum time limit for submitting a family reunification application?
☐ Yes ☒ No, but limited ‘grace period’ for exemption from certain conditions
 ❖ If yes, what is the time limit? 6 months
3. Does the law set a minimum income requirement? ☒ Yes ☐ No

Certain family members of beneficiaries of international protection enjoy the right to join the beneficiary in Belgium through family reunification.¹¹⁶⁰ The legal basis for family reunification is Article 10 Aliens Act.

In 2024 13,102 applications for family reunification with a beneficiary of international protection in Belgium were introduced, covering 42.3% of all visa applications for family reunification. This is a steady increase in comparison to previous years (27,12% in 2022 and 38,32% in 2023). 7,598 decisions concerning applications for family reunification with a beneficiary of international protection in Belgium were taken, 46% of which were granted and 54% refused.¹¹⁶¹ There is an increase in the requirement to prove family ties through a DNA test. If the applicant and the sponsor voluntarily undergo a DNA test to establish kinship and the result is positive, the original negative decision is reversed and the application is

¹¹⁵⁶ Information provided by the CGRS, March 2026.

¹¹⁵⁷ De Standaard, *The asylum process identifies more war criminals, but it is difficult to prosecute them*, 6 April 2026, available in Dutch [here](https://www.standaard.be/binnenland/asielprocedure-spoort-meer-oorlogsmisdadigers-op-maar-ze-raken-moeilijk-vervolgd/145070690.html).<https://www.standaard.be/binnenland/asielprocedure-spoort-meer-oorlogsmisdadigers-op-maar-ze-raken-moeilijk-vervolgd/145070690.html>

¹¹⁵⁸ CGRS, *Asylum Statistics: Overview 2025*, available in English, French and Dutch [here](#).

¹¹⁵⁹ Council of State, nr. 257 269 of 11 September 2023, available in Dutch [here](#) & nr. 257 475 of 28 September, available in Dutch [here](#).

¹¹⁶⁰ More practical information can be found in: Myria, *Le regroupement familial des bénéficiaires de protection internationale en Belgique*, September 2019, available in French at: <https://bit.ly/2TFM9T1>.

¹¹⁶¹ Immigration Office, *Activity Report 2024*, p. 12, available in Dutch [here](#).

approved.¹¹⁶² These negative decisions because of lacking DNA tests lead to an overestimation of the negative decisions.¹¹⁶³

For many years, several organisations such as UNHCR and the Federal Migration Centre (Myria) have raised the issue of the multiple obstacles that beneficiaries of international protection in Belgium encounter in their attempts to be reunited with their family.¹¹⁶⁴ The following obstacles are highlighted:

- ❖ obstacles encountered in submitting a visa application, including the obligation for family members to present themselves in-person at the Belgian diplomatic post (see below);
- ❖ the narrow definition of the family members of a beneficiary of international protection and the long and uncertain procedure for humanitarian visas;
- ❖ the strict conditions for family reunification where the application could not be submitted within one year of recognition or granting of international protection status,
- ❖ the complexity of proving family ties and regular recourse to DNA testing;
- ❖ the high financial cost of the procedure;¹¹⁶⁵
- ❖ the lack of legislative framework on several aspects such as incomplete applications, the identity documents that can be considered etc.;
- ❖ the lack of information, advice and professional support for the application procedure.

A recurring issue is the lack of support in the family reunification procedure by professional services. Due to the increasing complexity of the procedure and the many disfunctions of the procedure in practice, the success of an application for family reunification with a beneficiary of international protection depends almost entirely on whether the family receives professional support. This is especially the case for reunification with unaccompanied minors. Due to a lack of sufficient organisations and lawyers who can offer this professional support, many families are unable to realise their right to family reunification.¹¹⁶⁶

On 18 August 2025, a new law on family reunification entered into force,¹¹⁶⁷ affecting procedures and conditions for family reunification for all types of family reunification (protections status, EU citizens, etc.). The law change was voted by the parliament in the context of a crisis regulation procedure,¹¹⁶⁸ despite concerns raised by the Federal Migration Centre Myria¹¹⁶⁹ and by the Council of State in its advice on the draft law.¹¹⁷⁰ A ruling of the Constitutional Court however suspended some of the measures related to family reunification with beneficiaries of international protection (see below).

¹¹⁶² Ibid.

¹¹⁶³ As was also mentioned by Myria; 'yearly report 2025: right to family life', p. 13, available in Dutch [here](#).

¹¹⁶⁴ Myria, 'Family reunification, still many obstacles', 13 September 2024, available in Dutch [here](#) and in French [here](#); UNHCR, Réunification familiale, available in French at: <https://bit.ly/4crRseG>; Myria, *Year report migration 2023, Right to family life*, available in French at: <https://bit.ly/43AmAVk>; Myria, *Avis : Faciliter et soutenir les demandes de regroupement familial de réfugiés*, April 2022, available in Dutch and French at: <https://bit.ly/3m97Bk2>.

¹¹⁶⁵ Myria, *Year report migration 2023, Right to family life*, available in French [here](#).

¹¹⁶⁶ Myria, 'Family reunification, still many obstacles', 13 September 2024, available in Dutch [here](#) and in French [here](#); more in detail: Myria, 'Lack of assisting services while the family reunification procedure is complex' in Myria, *Year report migration 2023 – Right to a family life*, available in French [here](#) and Dutch [here](#), p. 20.

¹¹⁶⁷ Law of 18 July 2025 'changing the 1980 Alien's acts, concerning family reunification', 18 July 2025 (and into force from 18 august 2025). Available in French, Dutch and German [here](#).

¹¹⁶⁸ News Belgium, *Asylum and Migration: Package of crisis measures*, 11 April 2025, available in French and Dutch [here](#).

¹¹⁶⁹ Myria, 'The Easter Agreement infringes on the right to family life of foreign nationals', 29 April 2025, available in Dutch [here](#). Myria opined that the proposed measures infringed upon family life of foreign nationals, also pointing at the risk of counterproductive effects on integration as well as the effects of the measures on recognized refugees, while their situation needs special attention. For more critical remarks, see also: Vluchtelingenwerk Vlaanderen, 'New law threatens to tear families apart: vulnerable children permanently separated from their parents', 10 July 2025, available in Dutch [here](#).

¹¹⁷⁰ Raad van State, *Advies 77.665/4*, 19 May 2025, p. 19-21, available in Dutch and French [here](#). The Council of State, in its advice on the law proposal, already voiced concerns with some of the provisions. It had, *inter alia* significant objections to the draft law imposing stricter conditions on individuals with subsidiary protection status compared to those with refugee status: it found that the justification that subsidiary protection is more 'temporary' in nature as opposed to refugee status, could not reasonably justify the measure and creates a risk of discrimination. Moreover did it consider the increase in the income requirement of the sponsor

The main changes introduced by the law of 18 July 2025 can be summarized as follows:¹¹⁷¹

Specifically for beneficiaries of subsidiary protection:

- ❖ New delay of two years after obtaining their status before a family member *who is still abroad* can apply for family reunification.¹¹⁷² An exception is made when the person is joined only by minor children and/or handicapped children above 18.¹¹⁷³ (suspended)
- ❖ Minor children with subsidiary protection cannot be joined by their parents through family reunification any more at all. These parents will have to refer to the (much more insecure) procedure of a humanitarian visa.¹¹⁷⁴
- ❖ Abolishment of the (previously) 1 year grace period during which persons with subsidiary protection can be joined by their family members under more favourable conditions (no condition of sufficient means, housing, healthcare insurance, etc.).¹¹⁷⁵ If the person is only joined by their minor children and/or handicapped child above 18 and under the condition that the relation already existed before their arrival in Belgium, there is still the exception under which they will not have to provide proof of sufficient means of income.¹¹⁷⁶ (suspended)
- ❖ There is no longer a right to family reunification if the family was not existing before the sponsors' arrival in Belgium as long as the person with subsidiary protection does not have permanent stay (marriages concluded after arrival in Belgium, child born after arrival in Belgium)¹¹⁷⁷
- ❖ No obligation to take into account proof other than the official documents, for the establishment of family ties (such as DNA or blood tests)¹¹⁷⁸ (suspended)

Specifically for persons having international protection:

- ❖ The grace period is shortened from 1 year to 6 months.¹¹⁷⁹ The grace period depicts the period after a positive decision in the application for international protection, during which the persons are exempted from providing proof of:
 - Sufficient housing
 - Sufficient financial means
 - Sufficient healthcare insurance

Within 6 months after the positive decision, a 'beginning of proof' needs to be provided of;

- The identity of the applicant
- Family ties with the sponsor family member in Belgium.

An additional four months is granted to complete the file, meaning the application needs to be complete within 10 months in total.

Applicable to both beneficiaries of subsidiary protection and refugee status:

- ❖ Family members **accompanying** the person to Belgium can apply for family reunification from the Belgian territory and no longer have to proof exceptional circumstances as to why they are not able to apply at the competent embassy abroad.¹¹⁸⁰ This is the case for both family reunification with persons having obtained subsidiary protection and international protection. The condition is however that the relationship existed before their arrival in Belgium, and the family member themselves is on the territory as an accompanying family member.

disproportionate as it unreasonably impedes the exercise of the right to family reunification, referring to CJEU ruling *Chakroun*.

¹¹⁷¹ Although some changes are invariably also applicable to other groups (temporary protection, stateless persons, ...) the scope is confined to subsidiary protection and international protection. For a full overview of these measures, see; Myria, 'yearly report 2025: right to family life', p. 13, available in Dutch [here](#).

¹¹⁷² Article 10bis §2/1 Aliens Act.

¹¹⁷³ Article 10bis §2/1 4° Aliens Act.

¹¹⁷⁴ Article 10bis §2/1 Aliens Act does not mention this category.

¹¹⁷⁵ Article 10 bis §2/1 Aliens Act does not provide for a grace period.

¹¹⁷⁶ Article 10bis §2/1° Aliens Act.

¹¹⁷⁷ Ibid.

¹¹⁷⁸ Article 11 §1 4° Aliens Act.

¹¹⁷⁹ Article 10 §2 Aliens Act.

¹¹⁸⁰ Article 12bis §1 4° Aliens Act.

- ❖ The age requirement for family reunification is lifted: instead of 18, both partners have to be at least 21 years old. However, if the partner has accompanied the person in Belgium, the age remains 18.¹¹⁸¹
- ❖ Elevation of the reference income to prove ‘sufficient means’. Before the law change, 120% of the social revenue amount (“leefloon” – *living wage*) was sufficient. For 2026 this would be **2,173.88 euro**. However, with the law change the reference is 110% of the *average guaranteed minimum monthly income* (GGMI). This is currently set at **2,369.52 euro** netto, a 10% extra is added per family member.¹¹⁸² This is not applicable in so far the application is done within the grace period or the family member is exempted from this condition (i.e. if the person is joined only by minor children and/or handicapped child above 18 years of age). This counts as reference: under this amount, the Immigration Office may not automatically refuse but must, as was also the case under the old law, conduct a “needs-based analysis”.

The law of 18 July provides for transitory measures.¹¹⁸³ The above changes are thus not applicable to persons having received a protection status before 18 August 2025 and under the condition the family reunification application is done within two years after the coming into force of the law. This also means that the law provides that persons having received subsidiary protection before 18 August 2025 may still be joined by eligible family members without the 2 years waiting period being applied.

Suspension by the Constitutional Court

On 26 February 2026, the Constitutional Court has suspended some *but not all* of the above law changes and referred questions to the European Court of Justice.¹¹⁸⁴ It judged that the some of the law changes constituted a risk to irreversible serious harm. The Court was of the opinion that there was potential breach of the principle of equality and non-discrimination in the differentiation between:

- ❖ Family members of persons with subsidiary protection present on the territory on the one hand and family members still abroad on the other;
- ❖ Family members of persons with refugee status that are abroad on the one hand, and family members of persons with subsidiary protection status that are abroad on the other

The Constitutional Court referred to the European Court of Justice for a preliminary ruling on questions related to the validity of certain aspects of Directive 2003/86/EC, Directive 2011/95/EU and Regulation 2024/1347, and their compatibility with the European Charter of Fundamental Rights; to the differential treatment between family members of recognized refugees and family members of persons with subsidiary protection who are abroad; to the concept of “family members” of beneficiaries of international protection; and to the different treatment of family members of beneficiaries of subsidiary protection on the basis of their presence on the territory.¹¹⁸⁵

The suspended measures are not applicable anymore as of 2 March 2026. These are the following:

- ❖ The 2 years waiting period to apply for family reunification for the family members of persons with subsidiary protection that are still abroad;
- ❖ Obligation to pay a retribution: as before, no contribution needs to be paid;
- ❖ The non-applicability of the grace period: beneficiaries of subsidiary protection can again be exempted from the material conditions (sufficient means of income, housing, healthcare insurance) if the application was done within 6 months after obtaining the protection status;
- ❖ The possibility to not take into consideration DNA or blood tests to prove family ties.

¹¹⁸¹ Article 10 §1 6° Aliens Act.

¹¹⁸² Article 10 §5 Aliens Act

¹¹⁸³ Law of 18 July 2025 changing the 1980 Alien’s acts, concerning family reunification, published 8 august 2025 (and into force from 18 august 2025), chapter 3, *Transitory measures*, Available in French, Dutch and German [here](#).

¹¹⁸⁴ Constitutional Court, nr. 24/2026, 26 February 2026, available in Dutch [here](#) and in French [here](#). See also: EMN, ‘Belgian Constitutional Court temporarily suspends stricter reception and family reunification rules’, 26 February 2026, available in Dutch, French and English [here](#).

These measures will remain suspended until the European Court of Justice has answered the referred questions, after which there will be either:

- ❖ An annulment decision, after which the measures in the law will become redundant;
- ❖ Or a decision to dismiss, after which the measures in the law will again become applicable.

As the Constitutional Court ruled on the facts in the case brought before it, it did not rule on the impossibility of unaccompanied minors with subsidiary protection to be reunited by their parents, nor on the possibility for beneficiaries of subsidiary protection to be reunited by family members if the family was not yet existing before arrival in Belgium. These measures are challenged before the Constitutional Court in an annulment appeal introduced by a coalition of 25 organizations, uniting civil society and unions.¹¹⁸⁶ Such procedure may however take up to 2 or 3 years.

Focus on specific countries

Afghanistan

In their 2022 report, Myria indicates the long lasting specific issues that are encountered by Afghan family members since the take-over of power by the Taliban. Whereas the need for protection of these family members is often high, it has become almost impossible to gather the necessary documents and travel to the Belgian diplomatic post in Islamabad, Pakistan. It has been observed that in practice there is little leniency with the required documents for family reunification, and motivation on why certain documents cannot be obtained remain important.¹¹⁸⁷ The obstacles in the procedure are reflected in the numbers; 34% of the applications for family reunification of Afghan nationals (with third country nationals) was refused in 2024.¹¹⁸⁸ Myria has published a specific report, highlighting obstacles and formulating recommendations on this topic.¹¹⁸⁹ Along with Somalians and Eritreans they are in the top three nationalities most often invited for a DNA-test (impacting the refusal rate).¹¹⁹⁰

Palestine

- ❖ Prioritisation of demands and visa applications from distance

The Immigration Office processes visa applications from Palestinians in Gaza as a priority but not more leniently than usual.¹¹⁹¹ Applicants must prove (as best they can) that they meet all the ordinary conditions. Due to the *Afrin* judgement¹¹⁹², family members of beneficiaries of international protection can present their family reunification visa application via e-mail. This also applies to extended family reunification using humanitarian visa (as per a communication by the ministry of Foreign Affairs in December 2023). This is applicable to family members who have no right to official family reunification but are still related in the 1st degree. While the Belgian Immigration Office only allows for applications for family reunification¹¹⁹³, national courts have ruled on several instances that also humanitarian visa (which are not combined with family reunification) applications should be accepted without physical appearance at the embassy:

¹¹⁸⁶ European Migration Network (EMN), *25 organisations challenge new family reunification law before Constitutional Court*, 5 February 2026, available in English [here](#).

¹¹⁸⁷ Agentschap integratie en inburgering (agii), *'Afghanistan: Asylum Applications and Assistance Since the Taliban Took Power'*, (last updated) July 2024, available in Dutch [here](#).

¹¹⁸⁸ Myria, *'Migration in numbers and rights, right to family life'*, 2025, p. 15, available in Dutch [here](#).

¹¹⁸⁹ Myria, *'Takeover of power by the Taliban in Afghanistan: absence of facilitation measures for applications for visa for family members'*, April 2022, available in French and Dutch at: <http://bit.ly/3ma0OGM>

¹¹⁹⁰ Myria, *'Migration in numbers and rights, right to family life'*, 2025, p. 13, available in Dutch [here](#).

¹¹⁹¹ Agentschap Integratie en Inburgering, *'Gaza: assistance and evacuation? Legal stay and rights of persons from Palestine territories'* consulted on 25 March 2024, available in Dutch at <https://tinyurl.com/2x329r6n>.

¹¹⁹² CJEU, C-1/23 *Afrin*, 18 April 2023

¹¹⁹³ IBZ, *Visa D Application (family reunification)* under "how can I apply for a visa?", available in Dutch, French and English [here](#).

- In February 2024, the Brussels Court of First Instance forced the Belgian State to accept an application for a humanitarian visa by email.¹¹⁹⁴ It stated that the requirement for the family members in Gaza to introduce the application in person could lead to a violation of the right to family life enshrined in Article 8 of the ECHR.¹¹⁹⁵
- This judgement was confirmed (after appeal from the Belgian state) by the Brussels Court of appeal on 30 December 2024, obliging the Belgian state to implement procedures that render it possible for family members of persons with refugee status to apply for a humanitarian visa without personal appearance, making sure that such procedure is flexible, quick and efficient.¹¹⁹⁶

However, Myria has indicated that, according to the information available to them, the Immigration Office has since issued a decision denying the visa application in a number of those cases (after a lengthy processing period). It has also taken note of a court ruling in which the court did not accept the remote submission.¹¹⁹⁷ Despite the possibility to apply for visa via e-mail and the prioritisation of visa requests by people from Gaza, many practical issues remain, inter alia related to the requirements to obtain certain documents and the departure from Gaza.¹¹⁹⁸

❖ Evacuation list¹¹⁹⁹

The Consulate-General of Belgium in Jerusalem keeps an list (“evacuation list”) of persons who can be evacuated to Belgium. Requests must be registered on a waiting list and are treated by the crisis centre of the Foreign Affairs Ministry. Partners and minor children of Belgians or of beneficiaries of refugee status in Belgium can register on the list in case they have the right to access the territory on the basis of a residence permit or a valid visa. For adult dependent children, and for parents and minor siblings of an unaccompanied minor recognised as a refugee in Belgium, who have valid visa, the decision to register them on the evacuation list is taken on a case-by-case-basis. Certain other persons with a Belgian residence permit or visa can be allowed to register on the evacuation list, but this is rather a favour than a right. However, in August 2024, the Court of First Instance in Brussels obliged the Belgian State to register the spouse of a beneficiary of subsidiary protection in Belgium who had received a visa for family reunification but was not the evacuation list.¹²⁰⁰ This was confirmed by the Brussels Court of Appeal in February 2025.¹²⁰¹

Registration on this list does not guarantee an actual evacuation. In practice, the Belgian authorities will communicate the list of registered evacuees to the Egyptian/Jordanian and Israeli authorities. Only after these authorities have given their agreement, evacuation can take place. Following the closure of the border crossing with Rafah in May 2024, evacuations were no longer organized through Egypt (Rafah border crossing) but have been organized since March 2025 to Jordan (Kerem Shalom border crossing). Only if the Israeli and Jordan authorities give their approval, the individual is allowed to cross the border on a specific date (determined by Israel). In the period November 2023 to March 2024 (before closure Rafah border crossing) Belgium has reportedly evacuated approximately 500 persons. Between 12 March

¹¹⁹⁴ Francophone Brussels Court of First Instance, 2023/323/C, 2 February 2024, available in French at: <https://tinyurl.com/2arxsswu>.

¹¹⁹⁵ For a legal analysis of this judgement see: ‘LC Brussels: Mandatory remote registration application for humanitarian visa for family members in Gaza of recognized refugees’, 21 February 2024, available in Dutch at: <https://tinyurl.com/yeh35fjb>.

¹¹⁹⁶ Brussels Court of Appeal, 2024/KR/11, 30 December 2024, available in French [here](#).

¹¹⁹⁷ Myria, Gaza: *Belgische bijstand en evacuatie & indienen van een visumaanvraag*, available in Dutch [here](#).

¹¹⁹⁸ Myria, ‘Gaza: need for flexibility in the applications and treatment of requests for visa’, 26 July 2024, available in French [here](#) and in Dutch [here](#).

¹¹⁹⁹ For more information on the evacuation list, see: AGII, ‘Gaza: assistance and evacuations? Residence and legal position of persons from the Palestinian territories’, available in Dutch [here](#).

¹²⁰⁰ Brussels Court of First Instance, Decision n° 2024/50/C of 14 August 2024, available in Dutch [here](#).

¹²⁰¹ Brussels Court of Appeal, Decision n° 2024/KR/60 of 11 February 2025, available in Dutch [here](#).

and 27 May 2025, 38 persons have been evacuated.¹²⁰² In October 2025 it was reported that an additional 75 persons have been evacuated.¹²⁰³

Despite persons having been evacuated after this date, the evacuation list was closed in April 2025. Belgium now wants to prioritise the evacuation of the persons already registered on the evacuation list. For people who were not yet on the evacuation list in April, it is unclear for now what their prospects of evacuation are.¹²⁰⁴

1.1. Eligible family members

The following categories of persons may join a beneficiary in Belgium:

- ❖ A spouse, equalled partner,¹²⁰⁵ or registered partner;
- ❖ An underage and unmarried child;
- ❖ A child of age with a disability;
- ❖ A parent of an unaccompanied child with refugee status or who has obtained subsidiary protection before 18 August 2025
- ❖ A parent accompanying a child with protection status

As for the latter, the law of 18 July 2025 created a distinction between family members abroad and accompanying family members (*meereizend/voyageant avec*).¹²⁰⁶ Under 'accompanying' family member, the following is understood:

- ❖ The family member who is in Belgium in relation to a request for international protection or residence based on statelessness, but does not themselves fulfil the conditions for obtaining such status (in practice, the person must present a final negative decision);
- ❖ The family tie was already existing before arrival in Belgium

To reunite with a **spouse or equalled** partner, certain conditions must be fulfilled:¹²⁰⁷

- ❖ Both partners have to be over the age of 21, or 18 y/o if they are both in Belgium for an international protection application and the family bond already existed before arrival in Belgium.
- ❖ The spouse or equalled partner must come and live with the beneficiary in Belgium. Polygamous marriages are excluded, only one of the spouses can join the beneficiary.¹²⁰⁸ In practice an investigation to whether the marriage or equalled registered partnership is a marriage of convenience is often carried out. However, this does not suspend the family reunification procedure. If the investigation shows there is a marriage of convenience, the Immigration Office can revoke the right to residence.¹²⁰⁹

The conditions for a **registered partner** are largely similar but require proof of a 'stable and lasting' relationship.¹²¹⁰ This can be proven through:

- ❖ Having a common child, or;

¹²⁰² Belgian Chamber of representatives, *Beknopt verslag Commissie voor buitenlandse betrekkingen*, COM 144, 17 June 2025, available in French and Dutch [here](#).

¹²⁰³ VRT Nieuws, *Opnieuw 75 mensen gerepatrieerd uit Gaza om ze in ons land te herenigen met familie*, 27 October 2025, available in Dutch [here](#).

¹²⁰⁴ Myria, 'Gaza strip: Belgian assistance, evacuations and visa applications', 1 august 2025, available in Dutch and English [here](#).

¹²⁰⁵ An equalled partner is a partner under a partnership registered in certain countries. These countries are Denmark, Germany, Finland, Iceland, Norway, the United Kingdom and Sweden. Article 12, Royal Decree of 17 May 2007 establishing the implementation modalities of the law of 15 September 2006 changing the law of 15 December 1980 on the regarding the entry, residence, settlement and removal of aliens, 31 May 2007, 2007000527, 29535.

¹²⁰⁶ Art. 10 §1, 4° Aliens Act

¹²⁰⁷ Article 10(1)(4) Aliens Act.

¹²⁰⁸ Children from a polygamous marriage are not excluded if they meet the general conditions: Constitutional Court, Decision No 95/2008, 26 June 2008.

¹²⁰⁹ Articles 11(2) and 12-bis Aliens Act.

¹²¹⁰ Article 10(1)(5) Aliens Act.

- ❖ having lived together in Belgium or abroad for at least 1 year before applying, or;
- ❖ proof that both partners have known each other for at least 2 years and have regular contact by telephone or have met at least 3 times, amounting to a total of at least 45 days, during the 2 years preceding the application.¹²¹¹

The registered partners also must be unmarried and not be in a lasting relationship with another person.

Couples in a long and stable relationship but who are unmarried or did not have their relationship registered, do not qualify for family reunification. This poses *inter alia* problems for same-sex couples, who are often unable to marry or register their relationship in their country of origin. Consequently, the same-sex partner of a beneficiary of international protection in Belgium often does not qualify for family reunification and needs to apply for a humanitarian visa, which is not a right, but a favour granted by the Belgian government and the procedure for which is very complex.¹²¹²

Minor children wishing to join their parents residing in Belgium as a beneficiary of international protection have to be unmarried and set to live under the same roof as the parents. If a child wishes to join only one of his parents in Belgium, the situation depends on the custody arrangement. In the event of sole custody, a copy of the judgment granting sole custody will have to be provided. If custody is shared, consent of the one parent that the child can join the other parent in Belgium is required. The minority of the child needs to be determined on the moment of the application for international protection of the parent.¹²¹³

Children of age with a disability or handicap have the possibility to join their parent(s) with international protection if they provide a document certifying their state of health. In order to be considered disabled, the person concerned has to be unable to provide for his/her own needs as a result of the disability. The child also has to be unmarried and come and live with the beneficiary.

If the beneficiary of the refugee status¹²¹⁴ is an unaccompanied child, the beneficiary's parents can apply for family reunification.¹²¹⁵ Following a CJEU¹²¹⁶ ruling, the condition is that the child is a minor at *the moment of the application* for international protection.

If the child has already turned 18 on the moment of obtaining international protection, the application for family reunification must be done within three months after the positive decision. An application can still be done after these 3 months if there are "exceptional circumstances that objectively justify the late submission".¹²¹⁷ It has however been observed that these "exceptional circumstances" are assessed in a very strict way. It does moreover not alter the fact that 3 months is very short with regards to gathering all the documents and taking the necessary steps.¹²¹⁸

Since 2024¹²¹⁹ the right to family reunification with an accompanied child is embedded in the Aliens Act.¹²²⁰ This was mainly with view on remedying situations in which only the child received a protection status based on child-specific persecution grounds (risk of female genital mutilation for example). In the past,

¹²¹¹ Article 10 §1 1° c Aliens Act.

¹²¹² On this and other categories of family members who don't fall within the scope of the 'family concept' of the Belgian family reunification procedure: Vluchtelingenwerk Vlaanderen, *Family reunification for people on the move: obstacles and recommendations*, June 2022, available in Dutch at: <https://bit.ly/3N0EiaN>.

¹²¹³ CJEU, Case C-279/20, Bundesrepublik Deutschland t. XC, 1 August 2022.

¹²¹⁴ Family Reunification with unaccompanied child that has subsidiary protection not possible anymore since 18 August 2025.

¹²¹⁵ Article 10(1)(7) Aliens Act.

¹²¹⁶ CJEU, Case C-550/16, A and S v Staatssecretaris van Veiligheid en Justitie, 12 April 2018.

Article 10§1, 4° & 5° Aliens Act.

¹²¹⁸ Myria, 'Advies aan de commissie binnenlandse zaken, veiligheid, migratie en bestuurszaken', 1 August 2025, available in Dutch [here](#).

¹²¹⁹ 'Wet tot wijziging van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen inzake het recht op gezinshereniging', 10 March 2024, available in Dutch, French and German [here](#).

¹²²⁰ Article 10 §1 lid 1, 8° Aliens Act.

the parent had then to rely on humanitarian regularisation. While the legislative change of 18 July 2025 has annulled the possibility for family reunification for this group, the parent that has [accompanied](#) the child can apply for family reunification on the condition the child was born already before arrival in Belgium.

To establish family ties, Belgian law foresees a cascade system.¹²²¹ Ties are preferably proven by official documents, other valid proof or an interview or supplementary analysis (i.e., a DNA test). If an applicant is unable to produce official documents, the inability must be 'real and objective', meaning contrary to the applicants' own will, such as Belgium not recognising the country concerned, an inability to enter into contact with the authorities or a specific situation in the country of origin such as not functioning authorities or authorities that no longer exist. If this inability is established, the Immigration Office can take other valid proof into account.¹²²² In the absence of other valid proof, the Belgian authorities may conduct interviews or any other inquiry deemed necessary, such as a DNA test.¹²²³ In practice the Immigration Office makes little use of this cascade system and will often require expensive DNA-testing.¹²²⁴

Note that as a consequence of the law change of 18 July 2025, regarding family reunification with a beneficiary of subsidiary protection, there is no longer an obligation on the Immigration Office to apply the cascade system, although this law change has been suspended for now.

1.2. Deadlines and material conditions

Beneficiaries of international protection are exempt from certain conditions such as adequate housing, health insurance and sufficient, stable, and regular means of subsistence during a so-called "grace period". The law of 18 July 2025 reduced this grace period from 1 year to 6 months for beneficiaries of the refugee status and abolished the grace period for beneficiaries of subsidiary protection whose families members are abroad (although the latter has now been suspended).

The material conditions never apply to:

- ❖ Parents of an unaccompanied minor with refugee status;
- ❖ Beneficiaries of the refugee status joined only by their minor or disabled child;
- ❖ Parents accompanying their minor child with protection status

Within 6 months at least the following documents must be submitted:

- ❖ Proof of the applicant's identity (i.e., the person abroad);
- ❖ Proof of the blood or family relationship with the sponsor.

In addition, a 4-month period is added within which the file must be completed.¹²²⁵

Attention: parents of minors having turned 18 during the procedure have only three months to apply after the decision granting the refugee status to the child.¹²²⁶

Myria has expressed concerns that these six months will further erode the effective application of the family reunification directive and points at the numerous obstacles rendering a timely application very difficult:

- ❖ The requirement to appear in person when submitting the visa application and the gaps in administrative practice whereby remote submission is permitted in certain cases;
- ❖ Obtaining, translating, and legalizing the required documents;

¹²²¹ Circular of 17 June 2009 containing certain specifics as well as amending and abrogating provisions regarding family reunification, Belgian Official Gazette, 2 July 2009.

¹²²² Article 12-bis(5) Aliens Act.

¹²²³ Article 12-bis(6) Aliens Act.

¹²²⁴ UNHCR and Myria, 'Gezinshereniging van begunstigten van internationale bescherming in België: vaststellingen en aanbevelingen', June 2018, available in Dutch [here](#), 19.

¹²²⁵ Article 10 §2 Aliens Act.

¹²²⁶ Article 10 §1 °4 Aliens Act.

- ❖ The costs of the procedure;
- ❖ Obtaining an appointment at diplomatic missions and/ or service providers;
- ❖ The need to use a specialized service.¹²²⁷

2. Family reunification procedure

The normal procedure requires the applicant to apply for family reunification at the Belgian embassy or consulate in the country where the applicant resides. In practice, family members of recognised refugees and subsidiary protection beneficiaries can alternatively submit the application form to another Belgian embassy which is authorised to apply for long-term visa applications; the alternative Belgian embassy can be appointed by the department of Foreign Affairs.¹²²⁸ At the Belgian embassy, they have to apply for a D visa for family reunification and provide certain documents to complete the file.

In the *Afrin* judgement from 18 April 2023¹²²⁹, the CJEU compelled Belgian authorities to provide alternative methods of submitting applications for family reunification in case of the impossibility of going to a Belgian diplomatic post to submit the visa application. Following this judgment, applications for family reunification visa can exceptionally be introduced remotely (by e-mail), if it is proven that it is impossible or very difficult for family members to render themselves to the competent diplomatic post. The law has not yet enshrined this possibility, but it is applied in practice and the Immigration Office has added information on this possibility on its website.¹²³⁰ Applications to follow this exceptional procedure need to be well-motivated in a writing to the diplomatic post, which decides on the applications on a case-by-case-basis. Physical appearance thus remains the rule and application of *Afrin* the exception; in 2024 11% of the applications for family reunification could be examined without physical appearance, in the first 4 months of 2025 this was 13%.¹²³¹

A note published by Myria on the occasion of the 1-year application of this new measure contains information on the practice, relevant case-law and recommendations.

Although Myria considers the new practice as an improvement, allowing for family reunification for certain families for who it used to be practically impossible, it identifies several points of attention, such as the lack of legal framework for this kind of applications and the fact that the family members should still, at one point in the procedure, go to the diplomatic post in-person.¹²³² Myria also recommends that this remote method of application should become the rule rather than the exception, in order to ensure effective access to the procedure¹²³³ (see [Family reunification – Criteria and conditions](#)).

In November 2025 the Ombudsman has issued an advice to the Parliament, the Department of Foreign Affairs and the Immigration Office. While it equally considers the possibility of an application without physical appearance as a step forward, it points out some recurring issues:

- ❖ The quality of the motivation when a diplomatic post does not accept the application without physical appearance and the uncertainty on the legal remedies;
- ❖ The limited scope of situations in which *Afrin* is applied;

¹²²⁷ Myria, 'Migration in numbers and rights, right to family life', 2025, available in Dutch [here](#). See also; Myria, 'Recommendation: Streamline and support family reunification applications for refugees', April 2022, available in Dutch and French at : <https://bit.ly/3m97Bk2> and Myria, 'Year report migration 2022 – Right to a family life', available in French and Dutch at: <https://bit.ly/3MohPI5>.

¹²²⁸ DVZ, 'Visa D Application (family reunification) where do I apply for my visa?' (consulted 25 March 2026), available in English [here](#).

¹²²⁹ CJEU, 18 April 2023, *Afrin*, C-1/23. Available in French at: <https://tinyurl.com/2u8mxeww>.

¹²³⁰ Immigration Office, 'Visa D application (Family reunification)', available in English [here](#) (last consulted on 3 April 2025).

¹²³¹ Federale Ombudsman, 'recommendations regarding the requirement to appear in person when applying for a visa', November 2025, p. 6, available in French and Dutch [here](#).

¹²³² Myria, 'Note: One year *Afrin* in Belgian practice', 26 October 2024, available in Dutch [here](#) and in French [here](#).

¹²³³ Myria, 'Family reunification, still many obstacles', 13 September 2024, available in Dutch [here](#) and in French [here](#).

- ❖ The unavailability/ impossibility to gain access to diplomatic posts¹²³⁴

The Department of Foreign Affairs points out that *Afrin* procedures bring an additional administrative burden: there is a project in the making by which part of these applications would be treated in Brussels to support diplomatic posts abroad.¹²³⁵

All applicants require a valid travel document (national passport or equivalent), a visa application form (including proof of payment of the handling fee of € 218),¹²³⁶ a birth certificate, a copy of the beneficiary's residence permit in Belgium, a copy of the decision granting protection status, a medical certificate no more than 6 months old and an extract from the criminal record.

In addition to these standard documents, a spouse will have to provide a marriage certificate. A registered partner has to provide a certificate of registered partnership and addition proof of the lasting relationship, such as photos, emails, travel tickets, etc. For minor children applying to reunify with a parent a copy of the judgment granting sole custody will have to be provided. If custody is shared, consent of the one parent that the child can join the other parent in Belgium is required. Where the child is only of the spouse/partner a marriage certificate, divorce certificate or registered partnership contract is required.

Children over 18 with a disability have to provide a medical certificate.

All foreign documents have to be legalised by both the foreign authorities that issued them and the Belgian authorities. Documents provided in another language than German, French, Dutch or English will have to be translated by a sworn translator.

After submitting all the certified and translated documents, the file is complete, and the applicant will receive proof of submission of the application (a so-called 'Annex 15quinquies'). The file then gets sent to the Immigration Office for examination. When the proof of submission is delivered, a 9-month period starts during which the Immigration Office must take a decision on the visa application. This period can be prolonged with a 3-month extension twice in the event of a complex case or when additional inquiries are necessary.

If the Immigration Office decides that all conditions are fulfilled it will issue a positive decision and the family member will receive a D type visa mentioning 'family reunification'. This visa is valid for maximum 1 year and allows the applicant to travel to Belgium via other Schengen countries or stay in another Schengen country for a maximum total duration of 3 months within a period of 6 months.

In some instances, the application can also be done at the municipality in Belgium¹²³⁷, this is the case:

- **for accompanying** family members;
- if the person applying for family reunification is in legal short or long stay (being in procedure for a residence permit does not count as legal stay)
- if he person can provide proof of exceptional circumstances as to why it is not possible to apply at the competent Belgian embassy abroad.

3. Status and rights of family members

After arrival in Belgium, the applicant has to register in the municipality of their residence within 8 days.¹²³⁸ The applicant has to show the family reunification visa and will receive an Annex 15 temporarily covering

¹²³⁴ Federale ombudsman, '*recommendations regarding the requirement to appear in person when applying for a visa*', November 2025, p. 8, available in French and Dutch [here](#).

¹²³⁵ Ibid, p. 7

¹²³⁶ See: <https://dofi.ibz.be/en/themes/faq/visa-fees>.

¹²³⁷ Article 12bis §1 1°- 4° Aliens Act.

¹²³⁸ Circular of 21 June 2007 '*on amendments to the rules regarding residence by foreigners after the entry into force of the Law of 15 September 2006*', Belgian Official Gazette, 4 July 2007.

stay in Belgium until a residence control. After a positive residence control, the municipality will register the applicant in the Aliens Register and issue an electronic A-card valid for 1 year.

During the first 5 years, the A-card will be renewed if the conditions for family reunification are still satisfied.¹²³⁹ The person will have to request a new card every year between the 45th and 30th day before the expiry date of the residence permit.

The Immigration Office can review the situation every time an electronic A-card has to be renewed, but also at any moment when the Immigration Office has well-founded suspicions of fraud or a marriage of convenience. If after a review the Immigration Office concludes the conditions are not fulfilled anymore, it can end the right to residence. This is only possible in one of the following situations:

- ❖ An applicant no longer fulfils the conditions for family reunification;
- ❖ The partners do not have an actual marital life anymore;
- ❖ One of the partners has concluded a marriage or registered equalled partnership with another person;
- ❖ One of the partners commits fraud;
- ❖ There is a marriage of convenience.

The Immigration Office then issues an Annex 14ter to leave the territory. However, before ending the right to residence, the Immigration Office has to take the duration of residence in Belgium, the existence of family, cultural and social ties in the country of origin and the solidity of the family bond into account.

If an applicant no longer lives with the person on which family reunification was based due to domestic violence the Immigration Office cannot end the right to residence. Rape, deliberate assault and battery and attempts to poison all fall under this exception as well.¹²⁴⁰ Proof of domestic violence suffices, a conviction is not required. Psychological violence also suffices, but the Immigration Office requires more proof for this type of violence.

Since 1 September 2024, it has been implemented in law that the condition 'living together' to prove family life is no longer applicable in the case where the minor (sponsor) turned 18 during the procedure for international protection, or shortly after (3 months). Regular contacts that show personal and affective ties however, are still required. It is not clear how this can be proven. It should also be noted that this does not apply to minors joining their parents through family reunification.¹²⁴¹ Already the condition of having to live together has been subject to criticism as the family reunification directive does not require that families live together in order to have a family life.¹²⁴²

An applicant can lodge a suspensive annulment appeal with the CALL against the revocation of the right to residence by the Immigration Office within 30 days. The municipality will then issue an Annex 35. This is a temporary right to residence that is monthly extended for the duration of the appeal. In the absence of an appeal, the applicant's residence in Belgium is unlawful.

If the person still fulfils the conditions for family reunification after 5 years, the right to residence becomes unlimited in duration. The person concerned has to apply for an electronic B card at the municipality during the duration of his electronic A card. If the applicant still fulfils the conditions, they receive a definitive, unconditional and unlimited right to residence. The municipality will issue an electronic B card valid for 5 years.

¹²³⁹ Article 13(3) Aliens Act.

¹²⁴⁰ Articles 375, 398-400, 402, 403 and 405 Penal Code.

¹²⁴¹ Article 10 §1 4° Aliens Act. This law change followed the CJEU rulings of 1 August 2022 (joint cases C-273/20 & C-355/20 and C-279/20).

¹²⁴² The incompatibility with European law has been pointed out repeatedly by the Agentschap voor Integratie en inburgering on its webpages on family reunification, see for example: '*diverse changes family reunification*', 8 august 2024, available in Dutch [here](#).

If the applicant does not satisfy the conditions anymore, a new right to residence of limited duration will be issued if the person concerned has sufficient means of existence not to become a burden to the State, has health insurance and poses no threat to public order or security.

Exceptionally the Immigration Office can end the right to residence in the event of fraud or a marriage of convenience.

This procedure is slightly different for parents of an unaccompanied child. Article 13 of the Aliens Act contains the modalities for obtaining an unlimited right to residence after 5 years. Added to the usual condition of continuously satisfying the conditions for family reunification, the applicant will also have to prove that they have stable and sufficient resources. Resources are considered sufficient when they are 120% of the living wage of the category 'person with a dependent family'.¹²⁴³ Currently this amounts to € 2.173,88 per month (note that this is different from the amount required under the material conditions for the family reunification *application*). The Constitutional Court ruled that as soon as that threshold is reached, the Immigration Office is not allowed to further investigate the exact amount of resources.¹²⁴⁴ The resources also have to be stable, meaning interim jobs, trial work and temporary jobs are often refused. Even if the applicant is unable to prove stable and sufficient resources, the Immigration Office is not allowed to automatically refuse the unlimited right to residence but is required to first make an analysis of the needs of the family.¹²⁴⁵ Based on said analysis, the Immigration Office can adjust the threshold. If after 5 years the applicant does not have stable and sufficient resources, they can ask that the limited duration (the electronic A card) is extended, but only for as long as the child is a minor. When the child becomes of age, the Immigration Office will investigate the personal situation of the applicant and may still prolong the duration of the right to residence.¹²⁴⁶ However, the practice of ending the residence of a parent of a beneficiary of international protection that has become of age seems to be contrary to the rulings of the CJEU of 1 August 2022 (joint cases C-273/20 & C-355/20 and C-279/20).

C. Movement and mobility

1. Freedom of movement

Beneficiaries of international protection are allowed to freely move within Belgium. Their freedom of movement is not restricted in any way.

2. Travel documents

Belgium issues travel documents for both refugees and in specific circumstances to beneficiaries of subsidiary protection.¹²⁴⁷ The duration of validity of both documents is 2 years.¹²⁴⁸

Refugee status

To travel abroad, a refugee needs a valid electronic card for foreign nationals and a 'refugee travel document', also known as 'blue passport'.¹²⁴⁹ Every member of the family who is a recognised refugee in Belgium must carry their own 'blue passport'.

This 'blue passport' has to be obtained from the municipality where the refugee is officially registered. Documents needed to obtain a 'blue passport' include:

¹²⁴³ Article 10(5) Aliens Act.

¹²⁴⁴ Constitutional Court, Decision No 121/2013, 26 September 2013.

¹²⁴⁵ Article 12-bis(2) Aliens Act.

¹²⁴⁶ Circular of 13 December 2013 on the application of the Articles of the Aliens Act. These were interpreted by the Constitutional Court in Decision No 121/2013 of 26 September 2013.

¹²⁴⁷ Article 57(3) Consular Code.

¹²⁴⁸ Circular on travel documents for non-Belgians, 7 September 2016.

¹²⁴⁹ CGRS, 'You are recognised as a refugee in Belgium', January 2018, available at: <http://bit.ly/2BjIRbd>.

- Identity card;
- One identity photo;
- If there are one or more children under the age of 18, a family declaration form which can be obtained from the municipality;
- For persons living in the Brussels-Capital Region, a certificate of family composition, which must be requested at the municipality.

Subsidiary protection

Beneficiaries of subsidiary protection cannot obtain travel documents from the CGRS. Instead, they should contact the relevant national authorities. As regards the risks of putting their protection status into question because they contacted their national authorities, the CGRS confirmed that they had obtained the protection under Article 15 (c) of the Qualification Directive and were therefore allowed to contact their national authorities to obtain travel documents.¹²⁵⁰

If beneficiaries of subsidiary protection are unable to obtain a travel document from their national authorities, the CGRS can deliver an 'attestation of impossibility'. In this case, a travel document can be requested at the provincial passport service (province of the municipality where the person is registered). A special travel document will be issued on condition that identity and nationality are established and a certificate of impossibility to obtain a national passport or travel document is submitted. A certificate of impossibility is not necessary if the person belongs to one of the categories of foreign nationals who cannot obtain a national passport or travel document according to the Belgian Ministry of Foreign Affairs: Tibetans and persons of Palestinian origin, or beneficiaries of subsidiary protection for whom the CGRS has indicated that they cannot safely contact their authorities, do not have to submit such a certificate.¹²⁵¹

D. Housing

Indicators: Housing

1. For how long are beneficiaries entitled to stay in reception centres?
2 months, which can be extended to 4 months
2. Number of beneficiaries staying in reception centres mid-December 2025: 2,521¹²⁵²

When a person who is staying in a reception centre receives a decision granting a protection status, they start the transitional period. During this period, they have the option to:¹²⁵³

- ❖ Move to an LRI (local reception initiative) for a maximum of 2 more months, where they will get assistance in finding a place to live, and generally in transitioning to financial assistance if needed. These 2 months can be prolonged two times for one month, and in exceptional cases a person may stay after these 4 months. In the majority of cases, requests for prolongation have to do with difficulty of finding housing on the private market. To a much lesser extent, prolongations are requested based on ongoing education or on reasons of autonomy.¹²⁵⁴
- ❖ Leave the shelter within a short time with the support of meal vouchers with a monthly value of €420 (adult) or €180 (children). Persons that leave the centre shortly after receiving a status, will receive 4 months worth of meal vouchers. Persons leaving at a later stage receive two or one month(s) of meal vouchers depending on the moment of departure.¹²⁵⁵

¹²⁵⁰ Myria, *Contact Meeting*, 19 September 2018, available in Dutch at: <https://bit.ly/2MvKKc8>, para 15-16.

¹²⁵¹ For more information: Foreign Affairs Office, 'Titre de voyage pour réfugié, apatride ou étranger', available in English [here](#).

¹²⁵² Information provided by Fedasil in March 2026. This number includes persons with international protection, subsidiary protection, or having received a regularisation while in the reception centre.

¹²⁵³ Fedasil, '*Instruction transition from material aid to social welfare*', 25 July 2024, p. 1, available in Dutch [here](#).

¹²⁵⁴ Information provided by Fedasil in March 2026.

¹²⁵⁵ Information provided by Fedasil in March 2026.

In case the asylum applicant receives a decision granting a protection status while they are already staying in an LRI or an individual place of an NGO, the 2-month transitional period takes place in this type of accommodation. Due to a lack of LRI places however, transitioning to housing is often done from collective reception centres. To make this transition easier for youngsters between 18- and 21-year-old, Fedasil has started pilot projects with the aim, among other things, to increase their autonomy. These projects are now being rolled out across the different centres.¹²⁵⁶

Since several years, the outflow of recognised refugees from reception centres is hindered by a shortage in housing supply. In the first two months of 2026, 3,242 persons requested a prolongation of their stay in the reception centre, pointing at difficulties finding housing.¹²⁵⁷ In practice, the period of up to 4 months is usually too short to move on to housing and people may end up staying longer than 4 months especially if they are vulnerable. In 2025, on average, persons remained in the reception centre for 115 days after receiving a positive decision.¹²⁵⁸ Although several civil society organisations and many volunteering groups offer support to refugees and beneficiaries of subsidiary protection by helping them to search for a place to stay,¹²⁵⁹ other beneficiaries who need to exit the centres end up homeless. This precarious situation has been denounced on several occasions by civil society, volunteer organisations supporting refugees and refugees themselves.¹²⁶⁰

To contribute to solutions to this crisis, Fedasil, along with IOM and Orbit vzw have started a pilot project on housing for recognized refugee in Belgium (PATHS program). This project is currently set to run until October 2027, one of the aims being to launch a national housing matching platform.¹²⁶¹

The government decree provides for a complete abolition of LRI's, following a reduction of the influx of asylum seekers.¹²⁶² The government has confirmed that the closing of local reception centres will be in function of the inflow and outflow numbers.¹²⁶³ However, LRI's have already started closing¹²⁶⁴ despite the fact that to this day, there is still a shortage of reception places and an occupation rate of the reception network of 94% on the 1st of March 2026.¹²⁶⁵ Additional funding to municipalities to incentivize them to set up local reception was also ended.¹²⁶⁶ Several organisations have raised concerns on the phasing out of LRI's.¹²⁶⁷

Several civil society organisations describe the current situation as a 'housing crisis'. There is not only a shortage in social housing, but there is also a general shortage of qualitative and affordable housing for vulnerable groups. Discrimination also plays an important role in the difficulties that beneficiaries of

¹²⁵⁶ Information provided by Fedasil in March 2025.

¹²⁵⁷ Information provided by Fedasil in March 2026. This number excludes non-accompanied minors and persons in the reception network after resettlement.

¹²⁵⁸ Ibid.

¹²⁵⁹ For example: Orbit vzw, project "De nieuwe burens: citizens for housing of recognized refugees", <https://denieuweburens.be/>; Thope vzw, a volunteer group with focus on finding housing for recognized refugees: <https://www.thopevzw.be/>.

¹²⁶⁰ VRT, 'Recognised Refugees protest in Ghent after months of homelessness: "How can we integrate without a roof over our heads?"', 19 February 2025, available in Dutch [here](#); MO*, "First make sure recognised refugees are housed, the rest will follow – Plea for a housing-first approach" by Julien Aernoudt (ORBIT vzw), 3 October 2024, available in Dutch [here](#); MO*, 'From shelter to uncertainty: How recognized refugees are left out in the cold', 27 December 2024 (by Mieke Schrooten), available in Dutch [here](#).

¹²⁶¹ Fedasil, PATHS project: housing, 8 August 2025, available in English [here](#).

¹²⁶² Federal Government Decree 2025-2029, 31 January 2025, p.164, available in Dutch [here](#).

¹²⁶³ Minister of Asylum and Migration, 'Van Bossuyt is eliminating the subsidy for new local reception initiatives', 18 March 2025, available in Dutch [here](#).

¹²⁶⁴ VRT, 'Aalter is ending its local shelter initiative for asylum seekers: "Without subsidies, it becomes too expensive"', 4 December 2025, available in Dutch [here](#). GVA, "More and more municipalities are discontinuing local shelter services for asylum seekers: "We need to focus on our core responsibilities."", 27 November 2025, available in Dutch [here](#).

¹²⁶⁵ Fedasil, 'statistics', available in English [here](#).

¹²⁶⁶ Minister of Asylum and Migration, 'Van Bossuyt schrapt premie voor nieuwe lokale opvanginitiatieven (LOI)', 18 March 2025, available in Dutch [here](#).

¹²⁶⁷ Vluchtelingenwerk Vlaanderen, 'why it is too early to close local shelter initiatives', 19 December 2025, available in Dutch [here](#); VVSG, 'Federal decisions and local consequences for asylum, migration, integration, and equal opportunity', 1 April 2025, available in Dutch [here](#).

international protection experience in finding affordable housing.¹²⁶⁸ To illustrate the extent of this housing crisis in Flanders:

- ❖ In March 2026, it was reported that approximately 176,000 families were on the waiting list for social housing in Flanders.¹²⁶⁹ In Brussels Capital region, 62,234 families were on the waiting list end of 2025.¹²⁷⁰
- ❖ In 2023, almost one in ten homes carried the label 'poor or very poor';¹²⁷¹
- ❖ In 2023, about 50% of private tenants spent more than 30% of income on rent.¹²⁷²

The European Committee of Social Rights (ECSR), that monitors whether the provisions of the European Social Charter are observed, expressed particularly critical opinions regarding some elements of the housing policy of Belgium, among other countries. In 2021, around 70 Flemish organisations, united in a coalition called the 'Woonzaak' (*Housing Case*) that advocates for a fair and just housing policy in Flanders,¹²⁷³ started a procedure before the ECSR against the Flemish housing policy. In March 2025, the ECSR ruled that a lack of affordable housing for low-income and vulnerable families in Flanders violates the European Social Charter. In a 66-page report, the ECSR ruled that the Flemish Region 'has implemented an unfair and inefficient housing policy, based on support for home ownership, that does not meet the objective of a coordinated approach to promote access to housing to eradicate poverty and social exclusion. The report is not legally enforceable, but over time it will be used to evaluate the situation in Flanders'.¹²⁷⁴

On top of the housing crisis, a new allocation system in social renting applies in Flanders from 2023. For 80% of allocations, a 'local tie' will be required. This means one will be given priority if they have lived continuously in the housing company's municipality or operating area for at least 5 of the past 10 years. For newcomers, this implies entering the (social) housing market with unequal opportunities. The Council of State was very critical of this new allocation system. It pointed out that a priority scheme with long-term residence ties could be a serious obstacle to free movement and freedom of establishment within the European Union.¹²⁷⁵ The impact on beneficiaries has not been studied yet but given that for newcomers, it is by definition impossible to demonstrate such a long-term connection with a city or municipality, it can be assumed that the impact is significant.

Since the start of 2024, new conditions for social renting apply in Flanders, including meeting conditions for Dutch language proficiency (A2 level) and being registered at the employment service if the applicant is not yet working.¹²⁷⁶ In the coalition agreement of the Flemish government it was decided that this language level will be raised to level B1 from 2027.¹²⁷⁷

¹²⁶⁸ To find more information on the housing issue (and recommendations) please see: 'Vluchtelingenwerk Vlaanderen, *People First: The Path to a Genuine Asylum Policy. Proposals for the 2019 Elections: Flemish-Federal-European*, November 2018, available in Dutch [here](#).

¹²⁶⁹ De Morgen, *Significant variations in waiting times for public housing: one in three is placed within two years, while four in ten have to wait 10 years*, 18 March 2026, available in Dutch [here](#).

¹²⁷⁰ Bruzz, *Record number of people on the social housing waiting list*, 6 February 2026, available in Dutch [here](#).

¹²⁷¹ Woonsurvey 2023, available in Dutch [here](#).

¹²⁷² Woonsurvey 2023, available in Dutch [here](#).

¹²⁷³ De Woonzaak: <https://www.woonzaak.be/>.

¹²⁷⁴ ECSR, *European Federation of National Organisations working with the Homeless (FEANTSA) v. Belgium*, Complaint No. 203/2021, 19 March 2025, available in English [here](#). More information on www.woonzaak.be/uitspraak/.

¹²⁷⁵ Huurdersplatform, *Lokale binding sinds geboorte*, March 2022, available in Dutch at: <http://bit.ly/3maMyNY>

¹²⁷⁶ Website of Flanders regional administration: conditions for social renting. Available in Dutch at: <https://bit.ly/49cVDbC>.

¹²⁷⁷ Flemish government agreement 2024 2027, available in Dutch [here](#).

E. Employment and education

1. Access to the labour market

Recognised refugees are free to access the labour market after recognition without requiring a work permit.¹²⁷⁸ They are equally exempt from a professional card.¹²⁷⁹ No labour market test or sector limitation are applied (with the exception of specific jobs that require Belgian nationality: national army, diplomatic services...). These rules apply to work as an employee or as an entrepreneur.

Beneficiaries of subsidiary protection need a professional card if they wish to work as an entrepreneur. Apart from possessing an electronic A-card to prove the right to residence, some other conditions have to be fulfilled related to the activity the beneficiary wishes to pursue.¹²⁸⁰ The activity has to be compatible with the reason of stay in Belgium, be carried out in a sector that is not saturated and may not disrupt public order. The documents required are:

- ❖ Front Page giving an overview of all evidence attached to your application form;
- ❖ An extract of the applicant's criminal record (no more than 6 months old);
- ❖ Proof of payment of the application fee of EUR 140;
- ❖ Copy of the residence permit.

An appeal can be lodged at the Regional Minister within 30 calendar days after notification of the registered letter whereby the decision to refuse was served. The Minister seeks the advice of the Council for Economic Investigation regarding Foreigners who will hear the applicant and issue an advice within 4 months to both the Minister and the applicant. The Minister has 2 months to decide whether to follow the advice of the Council or not. In the absence of a Council advice, the Minister has 2 months to take an autonomous decision. In the absence of both a Council advice and a decision by the Minister, the application is considered rejected. After a decision of the Minister, a second appeal is possible within 60 days to the Council of State. The Council of State only checks the correctness of the proceedings and does not judge on the reasons for refusal. If an application is definitely refused, an applicant can only file a new application after 2 years of waiting unless the refusal was based on inadmissibility, new elements arose, or the new application is for a new activity.

The professional card is valid for maximum 5 years but is usually issued for 2 years. The holder of a professional card has to ask for a renewal 3 months before the expiration date of the current professional card. As soon as a beneficiary of subsidiary protection receives a right to unlimited residence, they are exempt from a professional card.

Asylum applicants, recognised refugees and beneficiaries of subsidiary protection can have their diploma obtained in other countries recognised by specific authorities in Belgium: Flanders: [NARIC](#) in Flanders and [Equivalences CFWB](#) in the French community.

In both Flanders and the French community, asylum applicants, refugees and beneficiaries of subsidiary protection are exempt from the payment of administrative fees.

In 2019, a study on the social-economic trajectories of beneficiaries of international protection in Belgium¹²⁸¹ compared two cohorts of persons granted a protection status (2001-2006 and 2007-2009) with persons granted a protection status in the period 2010-2014, to evaluate their respective participation to the labour market. Five years after they received protection status, 37% of the persons granted

¹²⁷⁸ Article 2(5) Royal Decree of 9 June 1999 implementing the Law of 30 April 1999 on the employment of foreign nationals, 26 June 1999, 1999012496, 24162.

¹²⁷⁹ Article 1(4) Royal Decree on the professional card.

¹²⁸⁰ Article 1 Royal Decree of 2 August 1985 implementing the Law of 19 February 1965 on entrepreneurial activities of foreigners, 24 September 1985, 1985018112, 13668.

¹²⁸¹ EMN, *Socio-economic trajectories of beneficiaries of international protection*, 4 July 2019, available at: <https://bit.ly/2x8vZbl>.

international protection in 2001-2006 and 2007-2009 were effectively working, compared to only 29% for those granted protection between 2010 and 2014. Where this could be verified, especially for the first two categories of persons, the labour market participation continued to increase. For example: 10 years after their recognition, approximately 50% of the persons granted international protection in the period 2001-2006 were effectively employed. The proportion of persons who have worked at least once was much higher, as 81% of them worked at least during a quarter of a year. This means that the majority of beneficiaries of international protection had a formal job during their stay, after their recognition, and despite the vulnerability inherent to their group. Initial and subsequent periods of employment often last less than a year, indicating short working periods and a high degree of instability. Therefore, a sustainable integration in the labour market still needs to be improved according to the study.

Good practices

DUO for a JOB¹²⁸² organises intergenerational and intercultural mentoring to facilitate access to the job market for young job applicants. Practically this means a relationship where an experienced person, 'the mentor', shares their knowledge and expertise with a young person, 'the mentee', to allow them to develop their skills and autonomy and to enable them to identify and achieve professional objectives. This relationship ('the duo') is based on exchanging, learning and permanent and reciprocal trust. The mentees are often (but not only) people with a refugee or migrant background.

Integration process for beneficiaries of international protection

In Belgium, a civic integration trajectory is in place for newcomers. Policies relating to integration and the trajectory are designed and implemented at the regional level. Therefore, regional differences in the integration legislation exist, for example in the fee charged for the process or the target groups of integration. This section will focus on the legislation in Flanders and, although to a limited extent, on the Brussels-Capital Region. It will not include specifics on civic integration in Wallonia, where compulsory and free integration courses have existed since 2016.

Since 2021,¹²⁸³ civic integration is intended for foreign nationals of 18 years and older who come to settle in Flanders or in the Brussels Capital region for the first time.¹²⁸⁴ All persons belonging to the civic integration target group are entitled to the programme, but for some – such as recognised refugees and persons having received subsidiary protection – it is mandatory.

Hence, from 1 January 2022, applicants for international protection are no longer able to follow the trajectory until they are officially granted a protection status. To mitigate the impact of this decision, Fedasil now tries to provide some guidance to applicants while they are waiting for the decision on their application. A limited integration process can already be initiated to ensure they are well prepared for the life that will follow after a recognition decision. To intensify this guidance, Fedasil has set up a new 'Future Orientation' service, bringing together the existing services 'Voluntary return', 'Resettlement' and a new 'Participation in society' cell. This should allow Fedasil to develop new counselling pathways and implement a more coherent policy, in close cooperation with other services but also with many external stakeholders, such as cities and municipalities.¹²⁸⁵

The civic integration programme consists of:

- ❖ a course on social orientation, about life, work, norms and values in Belgium (in a language that the student understands);
- ❖ Dutch language courses;

¹²⁸² See: <https://www.duoforajob.be/en/homepage/>.

¹²⁸³ Decree of 9 July 2021, amending the decree of 7 June 2013 on the Flemish integration and civic integration policy.

¹²⁸⁴ For a detailed overview of the target group of the civic integration program, see in Dutch: <https://bit.ly/3uyhckk>.

¹²⁸⁵ Fedasil, *Integrated management plan 2021-2026*, 30 September 2021, available in Dutch/French at: <http://bit.ly/3m7QHSG>.

- ❖ individual guidance in the search for work, studies, and assistance with credential evaluation a network and participation trajectory.

The content of the civic integration trajectory is included in a civic integration contract, which needs to be signed in order to start the process. Those who pass both the social orientation course and the Dutch language course will receive a certificate of integration. After receiving the certificate, the persons requested to take part in the trajectory are further assisted in their search for work or a diploma. In Flanders, the Flemish Agency of Integration and Civic Integration and two urban agencies, one in Antwerp (Atlas) and one in Ghent (IN-Gent), offer civic integration trajectories.

In 2022, a third pillar has been added to the first (social orientation) and second (Dutch language courses). This third pillar entails those non-working participants of working age will be obliged to register with the VDAB/Actiris (employment services) within 60 days after signing the integration contract. This aims at accelerating the possibility for newcomers to access the labour market, and as such being able to contribute to public expenses. Furthermore, a fourth pillar was added, namely the participation in a network trajectory of 40 hours. This pillar aims at extending the newcomer's social network, as to increase their chances of integration in the local society. This fourth pillar was implemented on the 1st of January of 2023.¹²⁸⁶

Two fees have been introduced to access the social orientation course, a fee of 90 euros for the course, paid only once, and a fee of 90 euros for the social orientation test. The latter must be paid each time a test is taken (again). Moreover, the two certifying language tests NT2 also require a fee of 90 euros each. This means that the total cost of the integration process will now amount to 360 euros per person. Exceptions were provided for people with limited resources, but not for those for whom the integration course is mandatory, such as recognised refugees and persons having received subsidiary protection.

However, on 20 July 2023, the Constitutional Court annulled some Articles in the NT2 regulations that created financial inequalities between compulsory and voluntary participants in civic integration programmes.¹²⁸⁷ The Court ruled that there are no valid reasons to treat these two groups differently when it comes to registration fees. As a result of the ruling, compulsory participants in civic integration are now eligible for the existing full and partial exemption from registration fees for these courses, as well as voluntary participants. However, they still need to fall within the categories of persons that can obtain a partially or complete exemption from the registration fees (asylum seekers, persons on employments benefits,...).

The Flemish government agreement 2024-2027 mentions plans to adjust the exemption categories so that they are income-related and no longer established on the basis of administrative status.

Since 1 June 2022, the Brussels integration policy imposes an integration obligation on foreigners with certain residence statuses who register as 'newcomers' in one of the 19 Brussels municipalities from 1 June 2022. It is directed towards beneficiaries of international protection and not towards asylum applicants.

If the newcomer does not fulfil their obligation, they can be sanctioned. The municipality will first send a reminder. If the newcomer then still fails to fulfil their obligation within 2 months, the file will be transferred

¹²⁸⁶ Decree of the Flemish Government 7 October 2022 to determine the entry into force of the participation and networking trajectory and the fees for the training package social orientation within the framework of the integration pathway and to amend the Decree of the Flemish Government of 29 January 2016 implementing the Decree of 7 June 2013 on the Flemish integration and civic integration policy.

¹²⁸⁷ Constitutional Court, ruling 115 (20th July 2023) on the appeal for annulment of the Flemish decree of 24 June 2022 amending of the decree of 15 June 2007 on adult education and amending the decree of 7 June 2013 on the Flemish integration and civic integration policy in function of the redrawn integration policy. Available in Dutch at: <https://bit.ly/43E1QMmu>.

to the regional enforcement officer. The latter can impose an administrative fine of € 100 to a maximum of € 2,500. The newcomer can lodge an appeal with the Council of State within 60 days.¹²⁸⁸

The Flemish government agreement 2024-2027 foresees the increase of language requirements for those following an integration programme: newcomers will have to achieve level B1 on their oral test. As of today, that level is only mandatory for those who are still not employed after 2 years. Moreover, the Flemish government agreement mentions that integration courses will be made available (and will be compulsory) to follow already in the country of origin before arrival in Belgium. The successful completion of a Dutch test or a course on social orientation could then potentially lead to exemptions on the integration course in Belgium. The target groups are economic migrants, but also family members having applied for family reunification (including third country nationals).¹²⁸⁹ Pilot projects were set up and a report including initial conclusions was published in May 2025.¹²⁹⁰

2. Access to education

Access to education for child beneficiaries of an internal protection status is equal to that of child asylum-applicants. This means that children immediately have the right to go to school and are obliged to receive schooling from 6 years old until their 18th birthday. Early childhood education starts at the age of 2.5 year. Children have to be enrolled in a school within 60 days following their registration in the Aliens Register. Classes with adapted course packages and teaching methods, the so-called ‘bridging classes’ (in the French speaking Community schools: DASPA)¹²⁹¹ and ‘reception classes’ (in the Flemish Community schools: OKAN)¹²⁹², are organised for children of newly arrived migrants, a category which includes children of beneficiaries of international protection. Those children are later integrated in regular classes once they are considered ready for it.

In practice, the capacity of some local schools is not always sufficient to absorb all non-Dutch speaking children entitled to education. Although no numbers were available for 2024 and 2025, several sources reported shortages in certain regions.¹²⁹³ Most reports came from guardians of unaccompanied minors. Although no data are available on the size of the deficit, across Flanders as a whole there are probably several hundred places lacking. Besides the lack of a central registration register for OKAN pupils for all of Flanders, an informal new practice that foreign-language newcomers who are already 17.5 years or older are no longer allowed to register for OKAN education has been reported.¹²⁹⁴

F. Social welfare

Beneficiaries of international protection have access to social welfare under the same conditions as nationals from the moment the protection status awarded to them becomes final.¹²⁹⁵ In practice they have such access immediately after the issuance of the protection status. They can apply for social welfare with the attestation confirming their status, which they receive from the CGRS. The PCSW has 30 days to take a decision.

¹²⁸⁸ Decree of 5 May 2022 amending the Decree of 19 July 2018 of the GGC college of Brussels implementing the Ordinance of the GGC of 11 May 2017 on the integration pathway for newcomers

¹²⁸⁹ Flemish government agreement 2024-2029, p.208, available in Dutch [here](#).

¹²⁹⁰ Agentschap integratie en inburgering, ‘eindverslag inburgering in het buitenland’, 28 May 2025, available in Dutch [here](#)

¹²⁹¹ Federation Wallonia-Brussels, ‘I’ve just arrived in Belgium and my child doesn’t speak any word in French’, available in English [here](#) (last consulted on 3 April 2025).

¹²⁹² Flemish government, ‘Reception classes for newcomers speaking another language’, available in Dutch [here](#) (last consulted on 3 April 2025).

¹²⁹³ GVA, ‘200 students on waiting list for OKAN-class in Antwerp: “Every week, 10 extra students are added”, 10 May 2024, available in Dutch [here](#); Nieuwsblad, ‘Shortage of OKAN-classes in Lier, guardian calls to action: “Education is a right that is currently not respected”’, 13 March 2024, available in Dutch [here](#).

¹²⁹⁴ Children’s Rights Commissioner, ‘Year report 2023-2024’, available in Dutch [here](#).

¹²⁹⁵ Fedasil, ‘Social assistance from the CPAS/OCMW’, available in English [here](#).

Before the beneficiaries of international protection can effectively receive the social welfare, they need to have left the reception centre or other shelter in which they have been residing. Therefore, the application for social welfare can be made while still in the shelter, but it will only be granted from the moment the beneficiaries have left the shelter.

Further conditions for receiving social welfare are:

- ❖ Habitual residence in a municipality in Belgium;
- ❖ Being an adult;
- ❖ Being prepared to work (or not being able to work because of for example medical reasons)
- ❖ Having insufficient means of subsistence and having no possibility to claim means of subsistence elsewhere or being able to obtain means of subsistence independently; and
- ❖ Exhaustion of other social rights held in Belgium or abroad.

Since 2016, there are no longer any differences between refugees and subsidiary protection beneficiaries as regards social welfare.

However, the federal government has plans to introduce several measures that will have an impact on beneficiaries of international protection:

- A five-year waiting period before a newcomer can access any social assistance (with the exception of urgent medical care). This measure does however not apply to beneficiaries of the refugee status. All other newcomers, including beneficiaries of subsidiary protection and temporarily displaced persons, will have to wait five years before accessing social assistance, according to the federal government's plans.¹²⁹⁶
- Linking the right to social benefits to integration parameters:
 - For beneficiaries of the refugee status, a penalty ('malus') system will be introduced, namely a reduction in benefits if integration requirements are not met. The starting point is the standard basic income amount;
 - For beneficiaries of subsidiary protection, an incentive ('bonus') system will be introduced: upon achieving integration requirements, a certain amount will be added to an initially reduced benefits.¹²⁹⁷

If the beneficiary is an unaccompanied child, a different form of welfare can be awarded by the PCSW. In this case the claim for social welfare needs to be made by the guardian of the child. The same applies to children with Belgian nationality whose parents are undocumented: in such case the child may have a right to proper welfare benefits as a minor.

The PCSW of the municipality of usual residence of the beneficiary is the authority responsible for social welfare. The term 'usual residence' refers to the place where the person's material and personal interests are concentrated. This is a question of fact which is assessed by the PCSW.

Beneficiaries can freely move across the Belgian territory, therefore changing municipalities simply entails transfer of responsibilities to the PCSW of the new municipality for social welfare. The new PCSW will nonetheless check again if the beneficiary meets all the conditions to obtain social welfare.

The requirement of 'usual residence' in a municipality means that leaving the country for more than 7 days requires prior notification to the PCSW, otherwise the PCSW can suspend social welfare. If the beneficiary duly informs the PCSW and stays away no longer than 4 weeks in total per year, social welfare will not be suspended; it will be paid even when they are abroad. The PCSW can also allow an exception to this rule and even pay during the beneficiary's stay abroad for more than 4 weeks. Examples in which

¹²⁹⁶ Belgian Federal government agreement 2025-2029, 31 January 2025, available in Dutch [here](#) and in French [here](#).

¹²⁹⁷ Belgian Federal government agreement 2025-2029, p. 176, 31 January 2025, available in Dutch [here](#) and in French [here](#).

this exception was granted include studies abroad to obtain a diploma or supporting a severely ill family member abroad.

In practice, the deadline of 2 months for leaving the shelter and finding a house after the grant of a protection status is overall too short (see [Housing](#)). If these 2 months have passed and no extension has been granted, beneficiaries have to leave the shelter even if they have not found a place to stay.

By Royal Decree of 7 January 2026,¹²⁹⁸ certain rules on the social benefits have been changed. Although these rules are not enforced yet with regards to the specific category of persons with a protection status, it is likely they will, sooner or later.

Prior this decree, the PCSW when conducting the social enquiry about whether someone has a right to social benefits, was able to take into account the income of the following persons living together with the applicant:

- the married partner or the person with whom the applicant forms a 'family' (thus including two persons living together as a couple), and
- the direct (first degree) ascendants or descendants of the applicant.¹²⁹⁹

The new decree also requires the PCSW to take into account the income of the following persons living with the applicant:

- Grandparents;
- Grandchildren;
- Parents-in-law;
- Sons-and-daughters in law.

With this, the Minister of Asylum and Migration aims to put 'a cap' on the multiplication of the culmination of social benefits within one family.¹³⁰⁰

In practice, it has been observed that several obstacles arise in the access to social benefits, mainly having to do with the breach of procedural rights and guarantees of the applicant, such as:

- PCSW refusing to register an application for social benefits (mainly with regards to persons not having an address) and/or absence of dated proof of registration of the application;
- Confusion on which PCSW is competent to register the application;
- Refusals of giving a reference address for homeless beneficiaries who have never had a registered address before;
- Lack of information and clear communication of the PCSW's on the rules and conditions of the benefits;
- Sudden discontinuation of payment of the benefit without notification or motivated decision;
- Taking into account the income of persons which may not legally be taken into account.¹³⁰¹

G. Health care

Recognised refugees and beneficiaries of subsidiary protection can obtain health insurance as soon as their status is confirmed by the CGRS or the CALL. The beneficiary will have to show the decision of

¹²⁹⁸ Royal Decree, changing the Royal Decree of 2002 concerning the right to social benefits, 7 January 2026, available in French, Dutch and German [here](#).

¹²⁹⁹ Royal Decree concerning the right to social benefits, article 34, 11 July 2022, available in French, Dutch and German [here](#). POD MI, *Circular concerning the amendment of Article 34 of the Royal Decree of 11 July 2022 establishing the general regulations on the right to social integration*, 16 January 2026, available in Dutch [here](#).

¹³⁰⁰ Anneleen Van Bossuyt, *Minister van Bossuyt ends culmination of social benefits within one family*, Monday 17 November 2025, available in Dutch [here](#).

¹³⁰¹ These signals are based on cases brought before the Infoline of Vluchtelingenwerk Vlaanderen, the NGO responsible for the writing of the AIDA report.

recognition or the positive judgment of the CALL, in combination with their annex 26 or attestation of matriculation or annex 15, or electronic A- or B card.¹³⁰²

There are two ways to get health insurance in Belgium as a refugee or beneficiary of subsidiary protection. A beneficiary can either sign up as an entitled person or as a dependent person. As an entitled person they can register either in the capacity as an employee or entrepreneur or on the basis of the right to residence.¹³⁰³ As an employee, the beneficiary needs proof of social security submission filled in by the employer, a written declaration of the employer mentioning the social security number (an employment contract for instance) and proof of payment of social security. As an entrepreneur the only document required is a certificate of enrolment with the social insurance fund for self-employed entrepreneurs.

The other way to obtain health insurance as an entitled person is on the basis of the right to residence. This is possible when the person concerned is allowed to stay over 3 months and registered in the Aliens Register, allowed to stay for over 6 months or has an unlimited right to residence and is registered in the Aliens Register. Both an electronic A and B card are therefore valid possibilities.

Dependent persons of an entitled person include the spouse, (grand)child, (grand)parent and cohabitant.¹³⁰⁴ To be registered as a spouse both the marriage certificate and proof of living together have to be provided.¹³⁰⁵ A dependent (grand)child has to be under the age of 25 and the applicant requires a birth certificate (or certificate of adoption) and live in Belgium, however it is not required that the child and the entitled person live together.¹³⁰⁶ Living together is not required when the relationship is that of parent-child, but it is required when the entitled person is the spouse or life-partner or when the entitled person is a foster parent for instance. The dependent can prove living together with an extract from the Civil Register. To be dependent as a cohabitant there can be no dependent spouse, no entitled spouse living with the entitled person and no other dependent cohabitant.

The PCSW might pay some of the costs of medical treatment if the person concerned is in need, but the PCSW will first conduct a social investigation. This social investigation includes enquiries about the identity, the place of residence, the means of existence, the possibilities of concluding an insurance, the reasons of stay in Belgium and the right to residence.¹³⁰⁷

¹³⁰² AGII, 'Medical costs as beneficiary of international protection', available in Dutch [here](#) (last consulted on 3 April 2025).

¹³⁰³ Article 32 Law of 14 July 1994 on insurance for medical care and benefits, 27 August 1994, 1994071451, 21524.

¹³⁰⁴ Article 123 Royal Decree of 3 July 1996 implementing the Law of 14 July 1994 on insurance for medical care and benefits, 1996022344, 20285.

¹³⁰⁵ Article 124(3) Royal Decree 1996.

¹³⁰⁶ Article 123(3) Royal Decree 1996.

¹³⁰⁷ Circular Letter of 14 March 2014 on the minimum conditions for a social investigation in the light of the Law of 26 May 2002 on the right to societal integration and in the light of societal integration by PCSWs which is paid back by the State according to provisions in the Law of 2 April 1965, 4 July 2014, 2014011203, 51594.

New legislation

On 23 December 2025, the Council of Ministers approved three draft bills relating to the European Pact on Migration and Asylum: one amending the Aliens Act, one revising the appeal procedures before the CALL, and one amending the Reception Act.¹³⁰⁸ After advice from the Council of State, the first two drafts were submitted to Parliament in March 2026.¹³⁰⁹ They had not yet been approved at the time of writing (June 2026). A third draft law transposing the recast Reception Directive, which will amend the Reception Act of 2007, still needs to be submitted to Parliament. However, articles 9 and 10 of the recast Reception Directive have been transposed in the draft law amending the Aliens Act.

Some proposed changes regarding procedures at first instance before the CGRS include, among others, the audio recording of every interview, the application of the accelerated procedure in several instances (e.g., if the applicant comes from a third country for which the protection rate at EU level the preceding year was 20% or less), the amplification of the situations that are to be considered as “subsequent applications”, the use of implicit withdrawal decisions, the expansion of the concepts of safe country of origin and safe third country, or giving the CGRS the competence of age assessments.¹³¹⁰ The Immigration Office will be competent for the screening procedure on the territory for third country nationals who introduce an application for international protection. They will also organise legal counselling in the registration centre between the registration and lodging stages of an application.

The draft law related to the procedure before the CALL introduces, among other things, changes to appeal deadlines, shortening them from 30 to 10 days for appeals against certain decisions (e.g. transfer decisions in the Dublin procedure), as well as limitations on procedural timelines in accelerated procedures, on the maximum number of pages of the appeal note, and on the situations in which an appeal has automatic suspensive effect.¹³¹¹

Relocations

In 2023, 32 persons were relocated from Cyprus and a pledge was made to relocate another 100 individuals residing in the Mediterranean area, including 70 individuals from Cyprus.¹³¹² These relocations from Cyprus took place in the context of a voluntary pledge linked to the negotiations on the EU Migration Pact.¹³¹³ In 2024, another 18 persons were relocated by March 2024; 15 persons were still waiting for relocation later that year, but no further information is available on this. In 2025, in the context of the implementation of the EU Pact, the Belgian Minister for Asylum and Migration has announced that Belgium would not opt for relocations but rather for a financial contribution to the Solidarity Pool.¹³¹⁴

¹³⁰⁸ news.belgium, *Mise en œuvre du Pacte européen sur la migration et l'asile*, 24 December 2025, available [here](#).

¹³⁰⁹ Law proposal containing changes to the Aliens Act, 12 March 2026, available [here](#); Law proposal containing changes to the CALL procedure, 10 March 2026, available [here](#).

¹³¹⁰ CGRS, *Changes introduced by the EU Asylum and Migration Pact*, available [here](#). See also [here](#).

¹³¹¹ Amendments to Council procedures effective June 12, 2026, pursuant to the European Pact on Migration and Asylum, available [here](#). This includes an explainer document which can be found [here](#).

¹³¹² EMN, *Annual report on Migration and Asylum in Belgium 2023*, available in English [here](#), p. 31.

¹³¹³ Information provided by cabinet of the Secretary of State for Asylum and Migration, 25 March 2024.

¹³¹⁴ Anneleen Van Bossuyt, *Europe sharpens migration- and asylum policy*, 8 December 2025, available in Dutch [here](#); EMN Belgium, *Belgium commits financial contribution to EU Annual Solidarity Pool for 2026*, 18 December 2025, available in English [here](#).

ANNEX II – Transposition of the CEAS into national legislation

Directives and other CEAS measures transposed into national legislation

Directive	Deadline for transposition	Date of transposition	Official title of corresponding act	Web Link
Directive 2003/86/ EG Family Reunification Directive	3 October 2005	15 September 2006	Law of 15 September 2006 amending the Aliens Act	Here (FR)
Directive 2008/115/EC Return Directive	24 December 2010	19 January 2012	Law of 19 January 2012 amending the Aliens Act	Here (FR)
Directive 2011/95/EU Recast Qualification Directive	21 December 2013	1 September 2013 3 September 2015 21 November 2017	Law of 8 May 2013 amending the Aliens Act Law of 10 August 2015 amending the Aliens Act Law of 21 November 2017 amending the Aliens Act	http://bit.ly/1GmsxXT (FR)
Directive 2013/32/EU Recast Asylum Procedures Directive	20 July 2015	21 November 2017 17 December 2017	Law of 21 November 2017 amending the Aliens Act Law of 17 December 2017 amending the Aliens Act	http://bit.ly/2FEqrZU (FR) http://bit.ly/1GmsxXT (FR)
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	21 November 2017	Law of 21 November 2017 amending the Aliens Act	http://bit.ly/1GmsxXT (FR)