



English

**VLUCHTELINGENWERK**

**VLAANDEREN**



# INFORMATION ON PROCEDURES RELATED TO INTERNATIONAL PROTECTION AND REGULARIZATION IN BELGIUM

This flyer is written and distributed by Vluchtelingenwerk Vlaanderen, an independent, non-governmental organisation defending the rights and interests of refugees and asylum seekers.

# What is international protection ?

International protection is the protection given by a country to people who left their home

country because they are in danger of persecution or harm. It is also known as “asylum.”

## Who can ask for international protection ?

If you have left your country of origin because you were being persecuted (or were at risk of being persecuted) due to your race, religion, nationality, political opinion, or because you belong to a particular social group (e.g.: you have a disability, you belong to the LGBTQIA+ community, you are a woman...) and you cannot count on protection in your country of origin. In this situation, if accepted, you will be granted refugee status.

It can also be the case that you have fled your country because of an armed conflict or fear of suffering inhuman or degrading treatment or torture. In this situation, if accepted, you will be granted subsidiary protection.

You always have the right to ask for asylum in Belgium. You will have to follow a procedure. The authorities will determine if you meet the criteria and can receive protection in Belgium.

### 1. I am a minor (under the age of 18)

If you are under the age of 18 and you have arrived in Belgium without your father / mother, you can request a specific form of protection in Belgium. You will first have to contact the Guardianship Service (+32 78 15 43 24) in order to get this protection. You can then choose to either apply for asylum or not. If the Guardianship Service has doubts about your minority, they can conduct an age test. If

you are considered to be a minor, you will be assigned a guardian. The guardian is someone who supports you during your stay in Belgium or until you turn 18. The Belgian Guardianship Service will immediately arrange a reception place for you. This will always be the case when you are considered to be under the age of 18.



#### 1.1. I do not apply for asylum

The Belgian Guardianship Service will immediately arrange a reception place for you when you declare to be under the age of 18. If the Service has doubts about your age, an age test will be performed. You have the right to contact a lawyer for free. If you are considered an adult according to the age test, see under point 2. In that case you run the risk of being detained or returned.

If you are considered a minor, you cannot be removed from the Belgian territory until you are 18 years old. Until then, you can start a specific procedure for unaccompanied minors (“durable solution”). After an interview, the Immigration Service can decide that getting legal stay in Belgium is in your best interest. Belgium is obliged to find the best solution for you. Belgium can also decide that it is in

your best interest to be reunited with your family or to be returned. In any case, you can stay in Belgium until you are 18 years old. But this will not mean that you will receive a residence permit, nor related rights like family reunification. In order to get a residence permit, you should start a residence

procedure. Without residence permit you could be returned from the moment that you become 18. Discuss alternatives for staying in Belgium (humanitarian or medical regularisation, recognition procedure as a victim of human trafficking) with your guardian and lawyer.



## 1.2. I apply for asylum

The Belgian Guardianship Service will immediately arrange a reception place for you. This will always be the case when you declare to be under the age of 18. If the Service has doubts about your age, an age test will be performed. You have the right to contact a lawyer for free. If you are considered an adult according to the age test: see under 2. Your asylum application will be processed applying the rules for adults.

If you are considered a minor, you cannot be removed from the Belgian territory until you are 18 years old. Your asylum application will be examined. For minors, the procedure is different than for adults. Belgium will check

first if your partner (husband/wife/legal equivalent) / mother / father / sister / brother / uncle / aunt / grandparents are legally residing in an EU member state. In this case, you can be reunited with your family immediately if this is in your best interest. If you have no family members present in an EU member state, Belgium will consider your application for asylum (even if you have already been fingerprinted somewhere else). If the decision is positive, you will get a legal stay. If you get a negative decision, you will be allowed to stay in Belgium until you are 18 years old.

## 2. I am an adult (over the age of 18)

If you are seeking international protection in Belgium because you either fear persecution in your country of origin or have fled armed conflict in your country, you can submit an asylum application in Belgium at the Arrival Centre (Petit-Château/Klein Kasteeltje) (Address: Rue de Passchendaele 2, 1000, Brussels. Monday to Friday 8-8:45). There, you will also be accommodated in a reception centre for asylum seekers by Fedasil's Dispatching Service.

You are entitled to a reception place in a collective centre, food aid and socio-legal guidance for the duration of your asylum procedure. You are entitled to the assistance of a lawyer prior to your asylum application

and during the entire asylum procedure as well as to the assistance of an interpreter.

When applying for asylum, the Immigration Office will ask you about your country of origin, the presence of family members in other EU member states, your reasons for staying in Belgium and what concerns you about returning to your country of origin. Furthermore, you will be asked through which European Union countries you have travelled on your way to Belgium. Your fingerprints will be registered, according to the Dublin Regulation. Depending on how you arrived to Belgium, you will follow one of the following pathways:

## **2.1. I have never submitted an asylum application or received a visa or residence permit in a EU member state and my fingerprints have never been taken**

If this is the case, the Immigration Office will transfer your asylum application to the Office of the Commissioner General for Refugees and Stateless Persons (CGRS). The CGRS will examine your asylum application and will determine whether or not to grant you asylum in Belgium, based on the Geneva Convention, or subsidiary protection. You must explain why you fear returning to your country of origin. It is strongly recommended to bring documents that support your story.

The refugee status is granted on the basis of the Geneva Convention to people who have

fled their country of origin because of a fear of persecution for one of five reasons (race, religion, nationality, political opinions or membership of a particular social group) and who weren't able to obtain protection in their country of origin.

The subsidiary protection status is another form of protection, which is granted to people who have fled inhuman or degrading treatment, torture or armed conflict in their country of origin or residence.

## **2.2. I have submitted one or more asylum applications in a eu member state and/or I have received a visa or residence permit in a EU member state and/or my fingerprints have been taken in another eu member state**

If there is evidence that you have travelled through another EU member state or that you have a visa from another EU member state, you can be returned to that country after claiming asylum in Belgium. The Belgian authorities will first investigate which country will be responsible for your asylum claim.

It all depends on your travel route and personal circumstances. For example, if you have immediate family members residing in Belgium or you are too ill to travel, Belgian authorities may give you permission to start your asylum procedure in Belgium. There is a set of rules that has to be examined for each individual case.

For example, if you have entered Belgium with a visa issued by another country that expired more than 6 months previously and you haven't submitted an asylum application in any other country than Belgium, then it is Belgium that is responsible for processing your application.

For more information about your specific situation, you are strongly advised to consult a lawyer for the assessment of your personal file.



### 3. Detention

You can be detained awaiting removal to the EU member state responsible for considering your asylum application (Dublin regulation). You can also be detained in a closed centre when you did not apply for asylum, running the risk of being returned to your country of origin.

If you are being detained, you have the right to consult a lawyer. Immediately ask the social service to contact a lawyer for you. The lawyer can either support you to ask for your release, submit an asylum application, or start an appeal against the order to leave the territory. If you already have a lawyer, you are entitled to make free calls to him from the closed centre.

### 4. Regularisation in Belgium

In Belgium, there is a regularisation procedure on humanitarian grounds (based on article 9bis of the law of 15 December 1980), but the criteria for regularisation are not specified by this law. These requests are left to the sole consideration of the Immigration Office. The most important is the condition of admissibility: you have to prove why it was impossible for you to apply for a residence permit to come to Belgium in your country of origin. However, it is important to take into account that the chances of receiving a

NGO professionals and volunteers do weekly visits to all closed centres. They are there to support you and to assist you in your efforts to contact a lawyer. If you know anyone who is being detained, don't hesitate to call (+32 2 225 44 00) or email [detentie@vluchtelingenwerk.be](mailto:detentie@vluchtelingenwerk.be) providing the following details: (1) Name, language, nationality and phone number of the person detained, (2) Name and phone number of the contact person, (3) Name of the detention centre, (4) Badge number of the detainee in the detention centre, (5) His/her lawyers' name if any (6) Date of detention.

positive answer to a humanitarian regularization request are low. The regularisation application has to be submitted to the municipality and the person concerned must possess an ID, have an effective residence in Belgium and pay 360 euros (fee in 08/2021). After the admissibility has been examined, the following will be taken into account: length of stay in Belgium, ties with Belgium, knowledge of the language, family ties, etc. People who have arrived in Belgium very recently hardly have a chance to be regularised.

### Useful addresses

#### INDIVIDUAL MEETING WITH A LEGAL ADVISOR

Humanitarian Hub

(Avenue du Port 100, 1000 Bruxelles)

Monday-Tuesday-Thursday-Friday

1-4 :30pm

Be present at 11am that day! That is when they hand out appointments for the afternoon.

Possibility to have an interpreter.

#### LEGAL INFORMATION TAILORED TO YOUR SITUATION BY EMAIL OR PHONE

Call 02 225 44 35 on Wednesday and Friday from 9am to 12.30pm

Or send an e-mail to [info@vluchtelingenwerk.be](mailto:info@vluchtelingenwerk.be)

#### DETENTION CONTACT POINT (NGO VISIT TO CLOSED CENTRES)

Send an e-mail to [detentie@vluchtelingenwerk.be](mailto:detentie@vluchtelingenwerk.be)

Or call +32 22 25 44 00.

#### GUARDIANSHIP SERVICE

Call +32 78 15 43 24: permanent service during 7 days a week and 24 hours a day.

**More info?**

[www.fedasilinfo.be](http://www.fedasilinfo.be)

VLUCHTELINGENWERK VLAANDEREN VZW

T +32 (0)2 225 44 00

[INFO@VLUCHTELINGENWERK.BE](mailto:INFO@VLUCHTELINGENWERK.BE)

[WWW.VLUCHTELINGENWERK.BE](http://WWW.VLUCHTELINGENWERK.BE)



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