

## I. 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 or mother, you are granted 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. In both cases you will get housing and someone who helps you (your guardian) until you turn 18.



## INFORMATION ON ASYLUM PROCEDURES AND REGULARISATION IN BELGIUM

Brussels, Humanitarian Hub North Station

### 1.1. I DO NOT 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. 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"). This procedure only exists in Belgium. 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 situation will not entitle you 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 at the age of 18 you could be returned from then. 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 from that for adults. Belgium will check first if your partner (husband/wife/legal equivalent) / mother / father / sister / brother / uncle / aunt / grandparents are legally residing in a 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 a EU member state, it is Belgium that will consider your application for asylum (even if you have already been fingerprinted somewhere else). If the decision is positive, you will get legal stay. If you get a negative decision, you will be allowed to stay in Belgium until you are 18 years old.

More infos: [www.asyluminfo.be](http://www.asyluminfo.be)

### INDIVIDUAL MEETING WITH A LEGAL ADVISOR

Humanitarian Hub Brussels North Station  
Monday – Tuesday – Thursday - Friday 2-5 pm  
In French or English, with translation in Amharic, Arabic or Tigrinya

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

By email : [info@vluchtelingenwerk.be](mailto:info@vluchtelingenwerk.be)  
By phone: +32 2 225 44 00, working days 10-12 am  
In French and English

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

Call Infolijn +32 2 225 44 00 (English, French, Arabic)  
or send a message to [info@vluchtelingenwerk.be](mailto:info@vluchtelingenwerk.be)

### GUARDIANSHIP SERVICE FOR MINORS

Call +32 78 15 43 24 8 am-10 pm 7/7  
Or email [tutelles@just.fgov.be](mailto:tutelles@just.fgov.be)

V.U. Charlotte Vandycke,  
Kruidtuinstraat 75, 1210 Brussel - Edition March 2018



ENGLISH

## 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 Immigration Office (IO) (address: World Trade Center, Tour II, Antwerpsesteenweg, 59 B / Chaussée d'Anvers 59 B, 1000 Brussels, Monday to Friday 8-12 am).

When you have applied for asylum in Belgium, you will be accommodated in a reception centre for asylum seekers by Fedasil's dispatching service (Antwerpsesteenweg, 59 B / Chaussée d'Anvers 59 B, 1000 Brussels, Monday to Friday, 9:30 – 12 am). 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 countries you have travelled on your way to Belgium. Your fingerprints will be taken. As described in « the Dublin Regulation »:



### 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 protection in Belgium, based on the Geneva Convention or subsidiary protection. You must explain why you fear returning to your country of origin.

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 have failed to seek protection from 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.

Each year, hundreds of people are granted the protection status in Belgium. The annual protection rate lies between 50 and 55%. People from Sudan and Eritrea are often granted protection (77.45% for Sudan and 82.4% for Eritrea in 2016).

### 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 upon claiming asylum in Belgium.

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

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

More infos: [www.asyluminfo.be](http://www.asyluminfo.be)

## 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. He can support you either to ask for your release, to submit an asylum application or to 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.

NGO professionals and volunteers pay 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 contact Infolijn (+32 2 225 44 00) 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 lawyers' name if any (6) Date of detention.

Infolijn will arrange a visit with the person detained to inform him about his rights.

## 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 stipulated by this law. These requests are left to the sole discretion of the Immigration Office. Most important is the condition of admissibility: why it was impossible for you to apply from your country of origin. Over the years, only about 5 to 10% of the applications have resulted in the issuing of a residence permit. The regularisation application has to be submitted to the municipality authorities and the person concerned must possess an ID, have an effective residence in Belgium and pay 350 euros retribution. When examining the application after admissibility 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.