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Asylum Information Database

VLUCHTELINGENWERK VLAANDEREN

ecre
European Council on Refugees and Exiles

UPDATE ON 2024

BELGIUM

COUNTRY REPORT

JUNE 2025

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 detention centres.

Vluchtelingenwerk Vlaanderen wishes to thank all those who provided information that was essential for compiling this report. Particular thanks for their contribution to this update are owed to: Fedasil; the Immigration Office; the Office of the Commissioner General for Refugees and Stateless Persons (CGRS); the Move coalition; UNHCR België en Luxemburg; Çavaria; and ECRE.

The 2024 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. Any feedback received was reviewed by the author and, where appropriate, incorporated into the final version of this report.

Unless otherwise stated, the information in this report is up-to-date as 31 December 2024.

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 24 countries, including 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, and SI) and 5 non-EU countries (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
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 of 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 Applicants
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 communes

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 Towns | Vlaamse Vereniging voor 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 commune in which they are staying, upon which a certificate of registration (‘*attestation d’immatriculation’ / ‘immatriculatie-attest’* 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 quarter is available here.
Attestation of immatriculation (AI or ‘orange card’)	Temporary residence permit issued by the local commune 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 extendable for additional periods of 4 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 Group 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 2024[4]

	Applicants in 2024 (1)	Pending at end of 2024 (2)	Total decisions in 2024 (3)	Total in merit decisions (4)	Refugee status	Subsidiary protection	Humanitarian protection (5)	In merit rejection (6)	Total rejection (7)
Total	39,615	26,119	34,106	26,343	15,668	601	N/A	10,074	14,711
Breakdown by top 10 countries of origin in terms of number of applications									
Palestine	5,692		4,256	3,753	3,688	0	N/A	76	284
Syria	5,617		3,764	3,057	2,765	166	N/A	126	709
Afghanistan	3,541		5,072	3,725	1,938	0	N/A	1,787	2,947
Eritrea	2,396		2,460	2,265	2,157	30	N/A	67	222
Türkiye	2,233		1,468	1,214	687	0	N/A	527	532
DRC	1,907		1,252	1,061	348	6	N/A	707	814
Guinea	1,228		859	638	228	4	N/A	406	534
Cameroon	1,168		941	743	265	8	N/A	470	573
Burundi	1,120		1,499	1,478	1,323	0	N/A	155	163
Georgia	1,012		728	406	42	1	N/A	363	545

(1) In 2024, 33,146 persons applied for international protection in Belgium for the first time, 484 of which did so in the context of a resettlement procedure. 6,469 persons introduced a subsequent (2nd, 3rd, …) application.
(2) Decisions are pending in 26,119 files, concerning 32,007 persons.

1 CGRS, *Figures,* available in English, Dutch and French here.
2 Myria, Contact group international protection, available in French and Dutch at: https://bit.ly/3sE592s.
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 2025. Yearly statistics of the CGRS are also publicly available here: CGRS, Asylum statistics – Survey 2024, available in English, Dutch and French 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, the numbers provided directly by the CGRS are used.

(3) Decisions were taken in 27,473 files, concerning 34,106 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 (1,211), the number of persons whose application was declared inadmissible (4,561), the number of persons whose status was ended or revoked (76), the number of persons whose procedure was ended before a decision was made (e.g. renunciation, technical closure, etc) (1,915).
(5) Humanitarian protection is not used as a form of international protection in Belgium.
(6) This includes both the number of decisions refusing refugee status and subsidiary protection status (9,093), the number of decisions for manifestly unfounded applications (896) and the number of decisions of exclusion of international protection (85).
(7) This number includes in-merit rejections (see (6)), decisions of inadmissibility (4,561) and decisions by which a protection status was ended or revoked (76). 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 2024

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	62%	60%	2%	38%
Breakdown by countries of origin of the total numbers				
Palestine	98%	98%	0%	2%
Syria	96%	90%	5%	5%
Afghanistan	52%	52%	0%	48%
Eritrea	97%	96%	1%	3%
Türkiye	57%	57%	0%	43%
DRC	33%	33%	1%	66%
Guinea	36%	36%	1%	63%
Cameroon	37%	36%	1%	63%
Burundi	90%	90%	0%	10%
Georgia	11%	10%	0%	90%

Source: Calculations by author based on the data (raw numbers) provided by the CGRS in March 2025.

Gender/age breakdown of the total number of applicants: 2024

	Men	Women
Number	26,265	13,245
Percentage	66%	34%

Source: Eurostat[5]

First instance and appeal decision rates: 2024[6]

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 (1)		Appeal	
	Number	**Percentage**	**Number**	**Percentage**
Total number of decisions	20,831	100%	8,083	100%
Positive decisions	12,452	60%	1,921	23.8%
• *Refugee status*	11,957	57%	708	8.8%
• *Subsidiary protection*	601	3%	55	0.7%
• *Other*[7]	N/A	N/A	1,158	14.3%
Negative decisions	8,379	40%	6,162	76.2%

Source: Statistics CGRS and annual report CALL[8]

(1) Contrary to the first statistical table, for coherence with the presentation for appeals, these numbers concern decisions (which may include several people), rather than people.

5 Eurostat, Asylum applicants by type, citizenship, age and sex - annual aggregated data, Consulted on 18 March 2025, available here.

6 The rates are calculated based on in merit decisions only, excluding non-in merit rejections. Contrary to the first table of this report, the current table provides the number of files in which a decision was taken, not the number of persons. One file may include several persons.

7 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

8 Statistics CGRS, available here; Annual report 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/4cBHIyv (FR) https://bit.ly/43DV0Xs (NL)
Law of 12 January 2007 regarding the reception of asylum applicants and other categories of aliens	Loi de 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/1MKlTbo (NL)
Law of 30 April 1999 concerning employment of foreign workers	Loi de 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 de 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 Vreemdelingenzaken 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	KB Cumul	KB Cumul (NL) KB 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 for Security Personnel	http://bit.ly/1IuWwLu (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 12 May 2024 establishing the list of safe countries of origin	Arrêté royal du 12 May 2024 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 12 mei 2024 tot uitvoering van het artikel 57/6/1, vierde lid, van de wet van 15	Royal Decree on Safe Countries of Origin	Royal Decree on Safe Countries of Origin (FR) Royal Decree on Safe Countries of Origin (NL)

	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	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 **May 2024**.

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.[9] Incoming Minister of Asylum, Migration and Social Integration Anneleen Van Bossuyt (N-VA) announced that she wanted to move towards 'more controlled migration'.[10] In order to achieve this objective, the government has proposed what Prime Minister Bart de Wever (N-VA) has described as Belgium's 'strictest migration policy yet'. It includes announced measures such as modernising and stepping up the deterrence campaigns targeting asylum seekers[11] and accessing their telephones for identification and verification. Regarding reception, it foresees that people seeking asylum will only be housed in collective centres, putting an end to emergency accommodation and small-scale local reception initiatives. In addition, the government plans to prioritise subsidiary protection over refugee status, temporarily halt resettlement,[12] optimise the execution of return decisions, limit family reunifications, make 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. Several civil society organisations and other actors, including three former Commissioner-Generals for Asylum applicants and Stateless persons (CGRS), the president of the Council for Alien Law litigation (CALL) and academics, have voiced concerns about the envisaged measures and their impact on fundamental rights of applicants and beneficiaries of international protection.[13]

Asylum procedure

- **Key asylum statistics:** In 2024, a total of 39,615 persons applied for international protection in Belgium, an average of 3,301 applications per month – an increase of 11.6% compared to 2023. 38,463 applications were registered on the Belgian territory (at the registration centre in Brussels), 753 at the border and 399 in detention facilities. Out of the total number, 6,469 were subsequent

9 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.

10 Le Soir, 'La nouvelle ministre Anneleen Van Bossuyt promet d'« aller vers une migration davantage contrôlée', 2 February 2025, available in French at https://www.lesoir.be/652582/article/2025-02-02/la-nouvelle-ministre-anneleen-van-bossuyt-promet-d-aller-vers-une-migration; Schengen.news, 'Belgium Set to Introduce Some of the Toughest Anti-Immigration Measures', 18 February 2025, available in English here; RTBF, 'Voici les principales mesures décidées par le nouveau gouvernement de Bart De Wever', available in French here.

11 A first deterrence campaign was already effectively launched in March 2025. Via Youtube and Whatsapp, deterrent messages are shared with potential asylum seekers. The campaign mainly targets asylum seekers from Cameroon and Guinea who are currently in Greece and Bulgaria, and contain information and images of the saturated reception network and people without reception sleeping rough. Belga, 'Belgium launches social media campaigns to deter asylum seekers', 20 March 2025, available in English here.

12 The discontinuation of the Belgian resettlement program was effectively announced in March 2025: The Brussels Times, 'Belgium discontinues resettlement programme, only legal route into country', 26 March 2025, available in English here.

13 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.

applications. 2,345 applications were presented by applicants who declared to be unaccompanied minors on the moment of application (see Age assessment of unaccompanied children).

Throughout 2024, the CGRS granted refugee status to 15,668 persons and subsidiary protection status to 601 persons, making for a protection rate of 47.2% according to CGRS calculations. If only in-merit decisions are considered,[14] the protection rate was 62%. Refugee status was mostly granted to Palestinians (3,281), Syrians (2,774), Eritreans (2,155), Afghans (1,944) and Burundians (1,326). Subsidiary protection status was mostly granted to Syrians (169) and Eritreans (30). A total of 14,711 persons were refused international protection. This includes decisions refusing refugee status and subsidiary protection status (9,093), decisions declaring an application manifestly unfounded (896), 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) (4,561) , decisions of exclusion of international protection (85) and decisions by which a protection status was ended or revoked (76) (see Statistics).

In the context of the Dublin procedure, a total of 12,501 take charge and take back-requests were sent to other states, 9,318 of which were accepted. For context, several requests can be sent to different Member States regarding the same person. A total of 954 persons were effectively transferred from Belgium to other Member States in 2024. There were 3,939 incoming take charge and take back requests, of which the Belgian authorities accepted 2,514. 566 persons were transferred to Belgium in the Dublin procedure[15] (see Dublin).

- **Continued increase of backlog with asylum instances:** Overall, the caseload for asylum authorities has further increased over the last year. The number of pending applications in front of the Immigration Office increased to 12,888 in December 2024, compared to 8,229 in December 2023.[16] The CGRS reported 26,119 pending applications in December 2024 compared to 26,525 pending applications in December 2023.[17] Overall, the combined number of pending applications increased from 34,754 in December 2023 to 39,507 in December 2024. In 2024 the CGRS applied several measures to increase the efficiency of its decision-making. Therefore, despite the significant increase in the number of applications in 2024 their backlog has remained relatively stable. Currently, the biggest increase of the backlog is situated at the Immigration Office. Because they transfer the file to the CGRS after Belgium has declared itself responsible for the treatment of the application, the backlog at the CGRS level is expected to increase. The CGRS indicated that it requires additional staff to clear the backlog[18] (see Regular procedure – General).

  On the level of the Council for Alien Law Litigation (CALL), for the second year in a row, the overall backlog of pending appeals nearly doubled from 4,700 in December 2023 to 8,232 in December 2024.[19] The average processing time of appeals concerning decisions on applications for international protection (where the CALL has 'full judicial review' competence) was 145.3 days calendar days or around 5 months for those appeals introduced in 2024 and for which a decision was taken in 2024. When adding appeals introduced before 1 January 2024 for which a decision was taken in 2024, and thus taking into account the backlog of pending cases, the average processing time was 257.8 days. (see Regular procedure – Appeal)

14 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, …).

15 Immigration Office, 'Application of Regulation n° 604/2013', December 2024, available in French here.

16 Immigration Office, 'Applications for international protection: monthly statistics December 2024, available in French here, p. 13 and 'Applications for International protection: monthly statistics December 2023, available in French here, p. 13.

17 CGRS, 'Asylum statistics: Survey 2024', 16 January 2024, available here and 'Asylum Statistics: Survey 2023',12 January 2023 available here.

18 CGRS, 'Asylum statistics: Survey 2024', 16 January 2025, available here: 'It is clear that in addition to internal efficiency measures, additional staff is needed to clear the backlog given the high influx'.

19 CALL, 'Year report 2024', available in Dutch here and in French here, p. 20.

- **New law on a 'proactive return policy':** On 10 May 2024 a new law introducing a 'proactive return policy' was adopted by the Belgian Parliament and is in effect since 20 July 2024.[20] Among other things, the bill enshrines in the Aliens Act, 1) the duty to cooperate in the organisation of transfer, expulsion, return or removal, including an extensive list of situations in which the person is presumed to be 'absconding' (see Transfers and the return procedure) 2) the obligation of cooperating with medical examinations, with the possibility of imposing medical examinations under constraint in certain circumstances; 3) individual follow up ('case-management' or ICAM) of foreigners who have been ordered to leave the territory (see Voluntary return procedure); 4) an expansion of the list of competent escorts (see Forced return procedure); 5) a listing of new 'preventive measures' and 'less coercive measures' that can be taken as alternatives to detention (see Alternatives to detention) and 6) the prohibition of detention of families with minor children in closed centres (see Detention of vulnerable applicants). Several civil society organisations from both the sectors of migrants' and medical rights have voiced their concerns and have introduced an appeal at the Constitutional Court, denouncing a violation of constitutional rights and European and international law by several Articles of the new law and requesting their annulment.[21] At the time of writing (March 2025), the appeal is pending.

- **Suspension of Belgian resettlement program:** In March 2025, the new Minister of Asylum and Migration has announced to suspend the Belgian resettlement program. The shortage of reception places and high backlog of cases at the asylum institutions are indicated as main reasons for this measure[22] (see Legal access to the territory).

- **New location of the registration centre for asylum applications:** On 24 October 2024, the Registration Centre for international protection moved from Pachecolaan 44 to Belliardstraat 68 in Brussels.[23] During the first weeks after the move, the overall security situation for applicants waiting to enter the registration centre raised concerns, the centre being 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 some tension.[24] In January 2025 the Immigration Office started with a test project, opening the doors earlier (from 07:00 instead of 8:30, until 08:45).[25] The new system is still applied at the time of writing (March 2025) (see Registration of the asylum application).

- **Limited capacity for registration of asylum applications:** Limited capacity at the registration centre remained an issue throughout 2024. The available registration capacity on a given day depends on the profile and number of persons wanting to make an application, the available interpretation services and the available staff.[26] If the maximum capacity of the day has been reached, the remaining applicants are given a non-individualised 'certificate of presentation' with an invitation to return on a later day.[27] Although these are mostly given to single men, families and vulnerable persons might also receive such an invitation, but the Immigration Office verifies whether they have

20 Law of 12 May 2024 on a proactive return policy, available in Dutch and French here.
21 Doctors of the world, 'Return bill: Médecins du Monde opposes forced medical examinations for people without a residence permit and seeking asylum', available in French and Dutch here; MSF, 'Forced medical examinations: MSF is concerned about the new bill which opens the door to ill-treatment', available in French and Dutch here.
22 VRT, 'Minister Van Bossuyt (N-VA) stops resettlement, the only legal way to come to Belgium', 26 March 2025, available in Dutch here.
23 Immigration Office, 'Registration Centre for International Protection: New Location!', 23 October 2024, available in English here.
24 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.
25 Federal Chamber of representatives, Commission of Internal Affairs, Security, Migration and Administrative matters, CRIV 56 COM 068, 15 January 2025, p. 3, available here.
26 Immigration Office, 'Myria: Contact Meeting International Protection', 21 September 2022, p. 9, available here.
27 Immigration Office, 'Making an application for international protection', consulted on 22/01/2025, available here.

an option for accommodation until the day of the appointment (this mostly concerning people who already have a right of residence in Belgium, such as people with family reunification permits). The Immigration Office has up to a maximum of ten working days to register an application after it was made. Due to a low registration capacity in Fall and Winter of 2024, the Immigration Office regularly gave 'certificates of presentation' with an invitation to return two to three weeks later, in violation of the legally prescribed registration deadline. The 'certificate of presentation' does not contain the name of the applicant, so that it does not serve as proof that they have applied for international protection. This significantly impacts the effectiveness of the rights to which they should be entitled as asylum seekers, such as their right to reception: the certificate of presentation is not recognised by Fedasil to get access to a reception place or, in the context of the reception crisis, to register on the waiting list. In 2025, the registration services received additional staff and the number of applicants slightly decreased. As a result, applicants who receive a 'certificate of presentation' are invited to return within maximum 10 days.[28] (see Registration of the asylum application)

- **CGRS Recommendations on the use of medical elements:** In the context of a project 'Vulnerability and asylum: applicants for international protection' that the CGRS started in 2023, the CGRS published recommendations on the use of medical elements in the asylum procedure in July 2024. [29] 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. The CGRS has organised several online information sessions for professionals in the (mental) heath care sector and other stakeholders to inform about these recommendations and gather input for further finetuning (see Use of medical reports).

- **CALL launches child-friendly court room and adapted convocation letters:** In 2024, 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 is running from December 2024 until May 2025, after which it will be evaluated. Also, as of 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[30] (see Adequate support during the interview).

- **Fast-track procedure for certain nationalities:** As of 1 February 2024, a 'fast track procedure' is applied for applicants from safe countries of origin (Albania, Bosnia-Herzegovina, Northern-Macedonia, Kosovo, Serbia, Montenegro, India and Moldova) and certain applicants from countries with a low recognition rate (in 2024: Georgia and DRC). Fast-tracked cases are treated with priority by the Immigration Office and the CGRS: within 50 working days or even 15 days for safe countries of origin. In 2024 (until December), the CGRS treated 650 in the context of a fast-track-procedure. An evaluation of this new procedure has yet to take place[31] (see Prioritised examination and fast-track processing).

- **Update list safe countries of origin:** A new Royal Decree of 27 May 2024 lists the following countries as safe countries of origin: Albania, Bosnia and Herzegovina, the Republic of North-Macedonia, Kosovo, Montenegro, Serbia, India and Moldova.[32] These are the same countries as those listed in the previous Royal Decree, adding Moldova (see Safe Country of Origin).

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28 Federal Chamber of representatives, Commission of Internal Affairs, Security, Migration and Administrative matters, CRIV 56 COM 068, 15 January 2025, p. 3, available here.

29 CGRS, 'CGRS Project 'Vulnerability and asylum: applicants for international protection'', available in English here.

30 CALL, 'Adapted convocation letters and a court room tailormade for minors', 2 December 2024, available in Dutch here and in French here.

31 Myria, Contact meeting 4 December 2024, p. 22-23, available in French and Dutch here

32 Royal Decree of 12 May 2024, available in French at: https://tinyurl.com/mrxjn377.

- **Interviews through videoconference:** In 2022, civil society actors filed an appeal at the Council of State regarding two Royal Decrees regulating interviews by the Immigration Office and the CGRS by videoconference. On 18 March 2025, the Council of State annulled the articles of the Royal Decrees that allow for the exclusion of guardians and lawyers from the interview in certain situations.[33] The Council of State also referred a preliminary question to the Constitutional Court, requesting whether the Aliens Act could provide for this matter, that concerns the transmission of personal data, to be arranged by Royal Decree or whether it needed to be regulated by law instead[34] (see Personal interview).

- **Suspension and resumption of processing of files of specific nationalities by the CGRS:** Throughout 2024, the CGRS has on several occasions suspended the processing of cases or decision-making for applicants originating from certain countries due to instability in the country and/or the need for research on the country of origin information, and has resumed processing or decision-making regarding other countries (see Differential treatment of specific nationalities):
  - Resumption of processing of Russian files: On 1 February 2024, the CGRS resumed the processing of applications filed by Russian nationals, which were temporarily blocked due to the war in Ukraine.[35] Conscientious objectors might qualify for international protection, a case-by-case examination is deemed necessary.[36]
  - Resumption of processing of Sudanese files: After a suspension of the processing of Sudanese files and forced transfers to Sudan since mid-2023,[37] decision-making in Sudanese cases of was resumed for applicants from certain regions on 26 February 2024 and has resumed for all Sudanese applicants at the time of writing (March 2025). The CGRS provides subsidiary protection for applicants from Khartoum, Kordofan, Orduhan, Darfour, Sennar en Al Jazera. The overall recognition rate increased from 37% in 2023 to 87% in 2024.[38]
  - Temporary suspension of certain decisions regarding Lebanese files: Since October 2024 the CGRS temporarily suspended the notification of decisions granting or rejecting subsidiary protection status to Lebanese applicants, due to the unstable situation in Lebanon.[39]
  - Temporary suspension of processing of Syrian files: Since December 2024, the CGRS temporarily suspended the processing of files of Syrian applicants, until it will have gathered sufficient objective information to accurately assess the security situation in Syria and the risk of persecution.[40]

- **Long processing times for Palestinian files:** After a temporary suspension of the processing of applications from applicants from Gaza and the West-Bank in October 2023, the CGRS resumed all decision-making for Palestinians from Gaza and West Bank in December 2023, indicating that there is a clear need for protection for applicants from Gaza but applications would continue to be examined on a case-by-case basis.[41] However, the CGRS had difficulties delivering a decision within the legal time limit of 6 months, due to both an increase of Palestinian applications (2,963 first time applications in 2023 compared to 5,332 in 2024[42]) and due to the need to permanently reassess the security

33 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.

34 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, red 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.

35 CGRS, 'Resuming Case Processing of Russian Nationals', 1 February 2024, available here.

36 CGRS, 'Myria: Contact Meeting International Protection', 24 January 2024, p. 15, available here.

37 CGRS, 'Myria: Contact Meeting International Protection', 18 October 2023, p. 18, available in French and Dutch here.

38 CGRS, 'Myria: Contact Meeting International Protection', 16 October 2024, p. 16, available in French and Dutch here.

39 CGRS, 'Processing of cases of applicants from Lebanon', 2 October 2024, available here.

40 CGRS, 'Temporary suspension of processing files of Syrian applicants', 9 December 2024, available here.

41 CGRS, 'CGRS resumes the processing of all Palestinian cases', 19 December 2023, available here.

42 CGRS, 'Asylum statistics december 2024, 16 January 2025, p. 6 available here and 'Asylum statistics december 2023', p. 5, 12 January 2024 available here.

situation. Upon appeal filed by several NGOs, the Brussels Court of First Instance requested that the CGRS communicate about any delays to Palestinian applicants and stated that although the legal deadlines are not binding, the CGRS should take a decision within a reasonable timeframe.[43] Therefore, the CGRS communicated in May 2021 that it would apply the legal possibility to make decisions within a prolonged time limit of 21 months in cases where the situation in the country of origin is uncertain.[44] It sent a letter to all Palestinian applicants informing them of the long processing times (see Differential treatment of specific nationalities).

- **Belgian age assessment procedure in violation of Article 8 ECtHR:** On 6 March 2025, the European Court of Human Rights found a violation of Article 8 ECHR. 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. As such, the age assessment procedure in Belgium lacks adequate procedural safeguards. 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.[45] The impact of this judgment on the Belgian practice related to age assessment remains to be seen (see Age assessment of unaccompanied children).

- **Sufficient guardians for unaccompanied minors:** Where in previous years, the Guardianship Serivce was confronted with a lack of guardians for unaccompanied minors, it reported in November 2024 that for the first time in three years, there was no longer a waiting list for the appointment of a guardian.[46] This is due to both a decrease of the number of non-accompanied minors arriving in Belgium and successful campaigns by the Guardianship Service to try and find more guardians. As a result, the Guardianship Service can assign a guardian within the legal timeframe of eight weeks (see Legal representation of unaccompanied children).

Reception conditions

- **Continued reception crisis:** 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 2024, 10,191 single male applicants were denied their right to reception.[47] They have to register on a waiting list of Fedasil on which, at the end of 2024, around 3,000 isolated men were registered.[48] The average waiting time on the waiting list amounted to 112 days in 2024.[49] 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). 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). Despite more than 10,407 convictions of Fedasil by Labour Courts for violation of the right to reception, more than 2,284 interim measures by the European Court of Human rights to the Belgian state and multiple condemnations of both Fedasil and the Belgian State by several Belgian Courts in collective procedures initiated by NGOs, these legal

43 Brussels Court of Appeal, '2024/KR/21', 7 October 2024.
44 Article 57/6, al. 4 Aliens Act; CGRS, *Processing time for Palestinian cases,* 21 May 2024, available in English here.
45 ECtHR, Decision n° 47836/21 of 6 March 2025, available in French here.
46 VRT NWS, 'Waiting list for guardians for non-accompanied minors has dissaperead', 20 November 2024, available in Dutch here.
47 Fedasil, 'Contact Meeting International Protection', 29 January 2025, available in French and Dutch here, 50-51.
48 Fedasil, 'Reception of asylum seekers: key figures of 2024', 22 January 2025, available in English here.
49 Information provided by Fedasil, March 2025.

proceedings have not led the Belgian government to implement a structural solution to the reception crisis. The reception crisis, as well as the lack of respect for court decisions and thus the rule of law, has been largely criticised on both the national and the international level, including in a joint memorandum by Belgians three highest courts expressing their concern about the state of the rule of law in Belgium[50], by the Committee of Ministers of the Council of Europe in its review of the implementation of the ECtHR Camara v. Belgium judgment[51] and by Amnesty International in its report 'Belgium: Unhoused and unheard – How Belgium's persistent failure to provide reception violates asylum seekers' rights', published in April 2025[52] (see [Inter]national reaction).

- **Emergency accommodation for families:** Due to a lack of reception places, Fedasil has opened different types of emergency places to ensure reception for families. In that context, 8 emergency shelters ('NOCs') with a total of 833 places were opened in hotels in Brussels in 2024. 480 of those places were closed again throughout the year. In January 2025, Fedasil has reopened 120 of those places because of acute shortage of places. In the winter of '24-'25, Fedasil has also opened 260 temporary places for families in youth centers to cover the winter months; these will close again between February and April 2025. 238 more temporary winter places were opened to cover the winter months; these will also close by April 2025. The average stay of families in these centres was 55 days in the NOCss and 67 days in the other emergency locations.[53] (see Types of accommodation) The quality of the reception offered in the NOCs is below standards, as it appears from complaints by residents received by the author of this report and as is confirmed by the Director-General of Fedasil.[54] An evaluation of this new type of reception is ongoing but is not finished at the time of writing (March 2025)[55] (see Conditions in reception facilities).

- **Exclusion of beneficiaries of international protection in other EU countries from reception:** In November 2024, the Secretary of State announced that she wanted to tackle the issue of the high amount of asylum applications in Belgium by persons who have already been granted international protection in another Member State.[56] In practice, this mostly concerns Syrian and Palestinian applicants who have already been granted international protection in Bulgaria and Greece. The Secretary of State issued an instruction according to which such applications should be considered as a 'subsequent applications', even if it is their first application in Belgium, which would allow for a limitation of the reception conditions of these applicants. To support this definition of subsequent application, the Secretary of State declared that she had received a written approval by the European Commission to frontload certain parts of the Reception Directive 2024/1346. Reference was also made to the definition of 'subsequent application' adopted by the CJEU in the judgement in joined cases C-123/23 and C-202/23 *Khan Yunis and Baabda*.[57] Civil society organisations appealed this instruction at the Council of State, which, on 27 December 2024, suspended the instruction on the grounds that the legally prescribed steps for issuing such a reglementary act – including submitting the act for prior advise to the Council of State – hadn't been followed.[58] In reaction to this judgement, the Secretary of State stated that she would not accept this decision and repeated her wish to use all legal means possible to 'tackle the phenomenon of secondary migration by applicants with an M-

50 Constitutional Court, Council of State and Court of Cassation, 'Common Memorandum', July 2024, available in French here and in Dutch here, 7-8.
51 Committee of Ministers of the Council of Europe, 'H46-6 Camara c. Belgique (Requête n° 49255/22)', 19 September 2024, available in French here.
52 Amnesty International, 'Belgium: Unhoused and unheard – how Belgium's persistent failure to provide reception violates asylum seekers' rights', 2 April 2025, available here.
53 Information provided by Fedasil, March 2025.
54 De Tijd, 'Fedasil-director Pieter Spinnenwijn: "We cannot make the same mistake of massively closing asylum centres", 26 February 2025, available in Dutch here.
55 Information provided by Fedasil, March 2025.
56 VRT, 'Nicole De Moor (CD&V) wants to end asylum applications by persons who are recognized as refugee elsewhere', 27 November 2024, available in Dutch here.
57 CJEU, judgment of 19 December 2024 in joined cases C-123/23 and C-202/23 *Khan Yunis and Baabda*, available here.
58 Council of State, 'The Council of State suspends the limitation of reception for certain applicants', 27 December 2024, available in French here.

status'.[59] On 13 March 2025, the Brussels Labour Court issued a decision on an individual appeal introduced by an applicant who had been subject to a decision restricting his right to material assistance in the context of this measure. The Labour Court decided that current Belgian legislation does not allow for the concept of 'subsequent application' to be applied to applications of beneficiaries in other Member States who apply for the first time in Belgium. No legal provisions in Belgian law justify the limitation of the right to material assistance in the context of such applications.[60] At the time of writing (March 2025), it remains unclear whether this judgment will halt altogether the practice of Fedasil to limit the right to material assistance of this category of applicants (see Right to reception: Applicants with a protection status in another EU Member State).

- **End of the right to reception after final negative decision instead of after return decision:** Changes to the Reception Act made by the law of 14 March 2024 changed, among other things, the moment on which the right to material reception ends.[61] Before the change, applicants with a right to reception who received a final negative decision had a right to reception until they received a return decision and the term to leave the territory indicated on this order, had expired. Since the order to leave the territory is not given at the same time as the final negative decision, this could lead to a prolonged right to reception for applicants with a final negative decision. The right to reception now ends 30 days after a person receives the final negative decision to their asylum application (see End of the right to reception).

- **Financial contribution to reception for professionally active applicants:** In July 2024, the legislation regarding the consequences of exercising a professional activity while staying in the reception network has been thoroughly revised. The modified Reception Act[62] and a new Royal Decree nicknamed "KB Cumul"[63] introduced a new contribution scheme and broadened Fedasil's competences to verify the income of its residents – for example by requestion personal data from their residents to social security institutions[64] - and to claim the contribution directly from them. Since 1 July 2024, Fedasil received 9,226 declarations of professional income and € 2,8 million was contributed[65] (see Reduction or withdrawal of reception due to a professional income).

- **Scaling back of local small-scale reception:** On 17 March 2025, the new Minister for Asylum and Migration announced that she would stop financing LRI's.[66] This measure aligns with the intention voiced in the new federal government agreement to gradually decrease the number of local reception places and focus on collective reception of asylum applicants. Several actors have reacted to this measure with criticism, pointing out the ongoing reception crisis the advantages of small-scale local reception for the well-being of residents (see Collective or individual?).

- **Relevant case law on the reception crisis**
  - **Court of Appeal Brussels, 23 January 2024:**[67] NGOs have tried to demand payment of the penalty fees due by Fedasil following its numerous condemnations in the context of the reception crisis,[68] attempting to pressure the agency to respect the court decision. In January 2024, the

59 VRT, 'Council of State suspends reception stop of Secretary of State Nicole de Moor of persons who are recognized as refugee elsewhere', 27 December 2024, available in Dutch here.
60 Labour Court Brussels, judgment nr. 2025/CB/2 of 13 March 2025, available in French here.
61 Article 6, §1 Reception Act.
62 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.
63 Royal Decree of 16 April 2024 on the allocation of material assistance to asylum applicants receiving professional income and other categories of income ("KB Cumul"), available in French and in Dutch. This new Royal Decree replaces the previous Royal Decree of 12 January 2011.
64 Article 35/3 Reception Act; article 12 KB Cumul.
65 Compared to 736 declarations and € 334,000 of contributions in 2023.
66 VRT, 'Van Bossuyt ends subsidy for new Local Reception Initiatives (LRI), 17 March 2025, available in Dutch here.
67 Court of Appeal Brussels, 2024/QR/3, 23 January 2024, available in French here.
68 At that point, up to 2,9 million euros of penalties was due by Fedasil; see Court of Appeal Brussels, 2024/QR/3, 23 January 2024, available in French here.

Court of Appeal of Brussels authorised the seizure of certain specific bank accounts of Fedasil, under specific conditions outlined by the Court. The NGOs announced that the amounts that would be seized following this authorisation would be entirely used for the direct support of victims of the reception crisis.[69] Fedasil appealed this decision, but the Court of Appeal of Brussels confirmed the decision in June 2024 (see below). After this, the NGOs proceeded with the seizure of a first bank account of Fedasil, which has appealed this seizure. This appeal procedure is still pending, and judgement is expected in Spring of 2025. Until a decision has been taken in this last procedure, the amounts on the seized bank accounts remain frozen.

- **Court of Appeal Brussels, 11 June 2024:**[70] In June 2024, the Court of Appeal of Brussels confirmed its previous judgment allowing for the seizure of Fedasil's bank accounts under certain conditions. The Court stated that the protection of public authorities against seizure of goods is not absolute. It stated that (own translation from French to English) "it is unacceptable that Fedasil, as a legal person of public order, which should set an example to those who are supposed to respect and execute the judicial decisions pronounced against it, is hiding behind the fact that, as a general rule, its bank assets cannot be seized in order to escape execution of the main sentence, which it is not voluntarily complying with. This is why the judge had to attach a sufficiently high penalty to the judgment to compel Fedasil to comply with the court orders against it". The Court, "by authorising the defendants to seize and detain Fedasil's bank funds, does not hinder the continuity of the public service; on the contrary - in the very specific circumstances of the case - it indirectly supports and helps to re-establish the continuity of the service" (own translation from French to English).
- **Council of State, 27 December 2024:**[71] In December 2024, the Council of State suspended the instruction of the Secretary of State for Asylum and Migration that limited the right to reception for male applicants with a protection status in another Member State. According to the Council, this instruction has a general regulatory scope and should therefore have been submitted to the Legislation Section of the Council of State. The Council of State therefore suspended the instruction for procedural reasons and did not pronounce itself on the question whether an application for international protection can, in such circumstances, be considered a 'subsequent application', allowing for the limitation of the right to reception. The procedure to annul the instruction is still pending before the Council of State.
- **Labour Court Brussels, 13 March 2025:**[72] The Brussels Labour Court issued a decision on an individual appeal introduced by an applicant who had been subject to a decision restricting his right to material assistance in the context of this measure. The Labour Court decided that current Belgian legislation does not allow for the concept of 'subsequent application' to be applied to applications of beneficiaries in other Member States who apply for the first time in Belgium. No legal provisions in Belgian law justify the limitation of the right to material assistance in the context of such applications.

Detention of asylum applicants

❖ **Prohibition of detention of children legally enshrined:** 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.[73] Families with minor children can only be held in 'return houses', not in detention centres. Less than a year after the prohibition on child detention was legally enshrined, the new minister for Asylum and Migration has

69 Vluchtelingenwerk Vlaanderen, 'Government omission forces NGO's to seize bank accounts of Fedasil', 2 February 2024, available in Dutch here; Ciré, 'Court authorizes NGO's to seize Fedasil's bank accounts', 2 February 2024, available in French https://www.cire.be/la-justice-autorise-des-ong-a-saisir-les-comptes-de-fedasil/ and Le Soir, 'Three million seized on bank account of Fedasil on behalf of several NGO's', 2 February 2024, available in French here.

70 Court of Appeal Brussels, 2024/AR/423, 11 June 2024, available in French here.

71 Council of State, 261.887, 27 December 2024, available in French here.

72 Labour Court Brussels, judgment nr. 2025/CB/2 of 13 March 2025, available in French here.

73 Article 74/9, §1 Aliens Act.

indicated that the prohibition might be revised during the new legislative period[74] (see Detention of vulnerable applicants).

- **'Proactive return policy' – 'Individual case management' as alternative to detention**: On 2 May 2024, a new law introducing a 'proactive return policy' has been adopted by the Belgian Parliament.[75] The law introduced, among other things, a system of 'individual case management' (ICAM) for persons having received a return decision as an alternative measure to detention. 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.[76] Attendance to these 'ICAM interviews' is mandatory. Not attending without giving valid justification can be considered as a failure to cooperate with the return procedure which may, eventually, result in detention and forced return (see Voluntary return procedure).

- **'Proactive return policy' – Preventive and less coercive measures:** The new law introducing a 'proactive return policy' also introduces three new 'preventive measures' which can be imposed during the period of voluntary return: the presentation or deposit of identity or travel documents with the authorities, the obligation to report to the police or the Aliens Office and the house arrest.[77] Furthermore, in case the person fails to cooperate proactively with their return, a new obligation to report to the police or the Aliens Office or a house arrest can be imposed as 'less coercive measures' to detention.[78] Due to the strict legal framework under which these conditions can be imposed, civil society actors such as the Move coalition fear that preventive or less coercive measures will rarely be applied in practice (see Alternatives to detention).

Content of international protection

- **Housing crisis – Shortage of housing for beneficiaries of international protection:** Since several years, the outflow of beneficiaries of international protection from reception centres is hindered by a shortage in housing supply. In practice, it is common that beneficiaries stay in the reception centre longer than the 'transitioning period' of 4 months. At the end of 2024, 3,691 persons having received international protection from the CGRS were staying in the Fedasil reception network. In 2024, applicants who were granted international protection stayed on average for 121 more days in the reception network.[79] Although several civil society organisations and many volunteering groups offer support to refugees and beneficiaries of subsidiary protection by helping them to search a place to stay[80], 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.[81] In March 2025, the European Committee of Social Rights (ECSR) ruled that a lack of affordable housing for low-income and vulnerable families in Flanders violates the European Social Charter, stating that the Flemish Region "has implemented an unfair

74 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."

75 Chamber of representatives, Act on proactive return policy, 12 May 2024, available in Dutch and French here.

76 Immigration Office, Annual Rapport 2023, available in French here (p. 63) and in Dutch here (p. 61).

77 Article 74/27 Aliens Act.

78 Article 74/28 Aliens Act.

79 Information provided by Fedasil, March 2025.

80 For example: Orbit vzw, project "De nieuwe buren: citizens for housing of recognized refugees", https://denieuweburen.be/; Thope vzw, a volunteer group with focus on finding housing for recognized refugees: https://www.thopevzw.be/.

81 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.

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.[82] (see Housing)

- **Language requirements as condition for social housing in Flanders:** From 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.[83] In the coalition agreement of the Flemish government it was decided that this language level will be raised to level B1 from 2027[84] (see Housing).

- **Belgian Nationality – Palestinian children born in Belgium:** Legal discussions are ongoing on the application of Article 10 Nationality Code on Palestinian children born in Belgium. On the basis of this article, local administrations have granted certain children in this situation the Belgian nationality. In 2023, the Immigration Office has sent 55 letters to local administrations 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 children. The federal Ombudsman has intervened, stating that the Immigration Office is not legally competent to instruct local administrations on the matter of nationality, this competence being reserved to the Central Authority for nationality or the public prosecutor, and asking the Immigration Office to stop this practice and inform the local administrations that it does not dispose of any advisory competence in this matter and the received letter should not be considered.[85] In January 2025, the Federal Ombudsman directed two new recommendations to the Immigration Office and the Minister of Justice[86], having found that despite its previous recommendations, the Immigration Office continued to communicate with local administrations about the interpretation of Article 10. Consequently, some local administrations 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 the nationality on the basis of Article 10 Nationality Code, who had themselves applied for a residence permit based on the nationality of their child. The Immigration Office had contacted the relevant local authorities and expressed doubts about the application of Article 10 in these cases, and postponed decisions on the requests for residence permit of the parents. Six of the seven cases concerned Palestinian parents, whose requests for residence permit had 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 (see Naturalisation).

- **New law limits possibility of family reunification for ex-unaccompanied minor beneficiaries or young-adult children of beneficiaries:** A new law of 13 March 2024 modifying certain rules related to family reunification[87], has modified the term during which children, who were minor on the moment of registration of the asylum application (either of themselves if they were unaccompanied minor

82 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/.

83 Website of Flanders regional administration: conditions for social renting. Available in Dutch at: https://bit.ly/49cVDbC.

84 Flemish government agreement 2024-2029, available in Dutch at: https://publicaties.vlaanderen.be/view-file/69476

85 Federal Ombudsman, 'Advice 2023/06 to the Immigration Office: respect the legal competences regarding nationality', available in French at: https://bit.ly/3xlASwU.

86 Federal Ombudsman, 'Advice 2024/4 and 2024/05 to the Immigration Office and the Minister of Justice', 9 January 2025, available here, 2.

87 Law of 10 March 2024 modifying the Aliens Act concerning the right to family reunification, available in Dutch here and in French here. For an overview of all the changes by this act, see AGII, 'Several modification family reunification', available in Dutch here; and Myria, 'Modifications following the new law on family reunification', 10 September 2024, available in French here.

applicant, or of their parent if they are reunited with the parent-beneficiary) but who reached the age of 18 during or shortly after the granting of international protection can apply for family reunification. Previously, the Council of State had ruled in 2022 that an extra term of 12 months after the granting of international protection could be considered as reasonable.[88] However, the new law now grants an extra term of only 3 months after international protection has been granted. Several actors have criticised this legislation, since a term of only 3 months will often be too short to gather all necessary documents and take the necessary steps for the application. On the initiative of several civil society organisations, an appeal against this new legislation – related to this and several other aspects of the new law - has been introduced at the Belgian Constitutional Court in January 2025. The appeal is currently (March 2025) pending (see Family reunification).

- **Obstacles for family reunification with beneficiaries of international protection in Belgium:** On publishing the part of its year report 2023 related to the right to family life, the Federal Migration Centre (Myria) published a press release entitled "Family reunification: still many obstacles".[89] For years, several organisations have been highlighting the many difficulties encountered by beneficiaries of international protection who want to be reunited with their families. A recurring issue is the great lack of support 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. 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.[90] Another issue relates to the long waiting times to receive an appointment at the Belgian diplomatic post, due to an increase of the number of applications and lack of personnel in the diplomatic posts. In certain cases, it has even been impossible to make an appointment. These waiting times make it very difficult to meet the strict deadline of one year during which family members of beneficiaries of international protection should apply in order to be exempt from certain strict conditions (see Family reunification – Criteria and conditions).

- **Applications for family reunification exceptionally remotely following *Afrin*-judgment:** In the *Afrin* judgement from 18 April 2023[91], 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. On the basis of 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.[92] In October 2024, Myria has published a note on the occasion of the 1-year application of this new measure. The note contains information on the practice, relevant case-law and recommendations. Although Myria considers this 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.[93] Myria also recommends that this remote method of application should

88 Council of State 23 December 22, nr. 255.380. More information available in Dutch at: https://bit.ly/3nMsGkK.
89 Myria, 'Family reunification, still many obstacles', 13 September 2024, available in Dutch here and in French here.
90 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.
91 CJUE, 18 avril 2023, *Afrin*, C-1/23. Available in French at: https://tinyurl.com/2u8mxeuw.
92 Immigration Office, 'Visa D application (Family reunification)', available in English here (last consulted on 3 April 2025).
93 Myria, 'Note: One year Afrin in Belgian practice', 26 October 2024, available in Dutch here and in French here.

become the rule rather than the exception, in order to ensure effective access to the procedure.[94] (see Family reunification – Criteria and conditions).

- **Waiting lists for schools for non-Dutch speaking children:** Since several years, local schools' capacity is not always sufficient to absorb all non-Dutch speaking children entitled to education. Several sources reported shortages in certain regions in 2024.[95] 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 (see Access to education).

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.

- **Key statistics:** Between 10 March 2022 and December 2024, 92,259 persons received a temporary protection certificate in Belgium.[96] In 2024, Ukrainians accounted for 98.94% of temporary protection holders.[97] In 2024, 13,277 temporary protection certificates were given, as opposed to 883 refusal decisions.[98] 66,006 people were effectively registered in the Aliens Register by the municipalities as of 31 December 2024.[99] From 10 March 2022 to end of March 2025, 63,546 persons stated upon registration not to be in need of reception, while 18,334 indicated needing it.[100] This means that since the outbreak of the war, 22% of the people fleeing from Ukraine indicated being in need of support concerning accommodation upon registration.

- **Extension of temporary protection directive:** As a result of the extension of TPD, Ukrainian nationals now have a temporary residence permit that is valid until 4 March 2026.

- **Limited registration capacity:** Applicants for temporary protection are expected to present themselves at the registration centre from Monday to Friday between 8h30 and 13h. A shortage of personnel at the Immigration Office has led to limited registration capacity as of December 2023. Until the time of writing (May 2025), there are days on which not all persons presenting themselves to apply for temporary protection are able to register. Civil society organisations observed that during a certain period, a quota of maximum 75 applications has been applied.[101] People who are not able to register receive an invitation to apply with priority on another day, which on average can be up to two weeks later.[102] Persons who were not able to register due to the registration quota are not provided with reception solutions by Fedasil, but may find other solutions provided through Ukrainian Voices.[103]

94 Myria, 'Family reunification, still many obstacles', 13 September 2024, available in Dutch here and in French here.

95 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.

96 IBZ, *Temporary protection monthly statistics 2024 December,* available in Dutch and French here (see table 1.1).

97 Calculations made based on numbers provided by the Immigration Office: IBZ, *Temporary protection monthly statistics 2024 December,* available in Dutch and French here (see Table 1.4).

98 IBZ, *Temporary Protection Monthly statistics*, December 2024, available in Dutch and French here.

99 IBZ email, information provided on 5 April 2025.

100 Statbel, *Displaced persons from Ukraine,* available in English at: https://bit.ly/3ZmG5O4.

101 Based on several observations done by the author of this report and its partner organisations. However, the DVZ contests this and argues no quotas were applied.

102 These two weeks are a rough estimation based on visits to the registration center from Caritas and Vluchtelingenwerk during the course of the year, with the most recent observations dating from January 2025 The Migration office has communicated in December 2024 that persons were invited to come back the next day, see; Myria, *contact meeting,* 4 December 2024, available in French and Dutch here.

103 Communication Flemish Task Force Ukraine (VLOT), 29 February 2024.

- **Increased burden of proof for applicants with passports issued after 24 February 2022:** Potential beneficiaries must provide documents that prove they fall under the scope of the temporary protection directive.[104] For persons whose passport was issued after 24 February 2022, the Immigration office requires the person to proactively present proof of his residence in Ukraine at the time of the outbreak of the war. The absence of such proof will not only lead to a negative decision but also prevents the person from qualifying for temporary protection as a family member under article 2(4) of the implementation decision. The fact that other (nuclear) family members may have received temporary protection, does not exclude the applicant from presenting individual proof that they fall under the scope.[105]

- **No guaranteed reception upon arrival:** While the reception needs have declined over time, certain obstacles arise with regard to the right to reception upon arrival. In 2024, not everyone who indicated a need for reception (an estimated 15% of the arrivals[106]) effectively obtained a place. Already in the summer of 2022, there were reports that the emergency centre of Ariane was becoming saturated, and as a result, referrals to Ariane were almost exclusively made for people considered vulnerable.[107] Since then, the profiles of people eligible for emergency reception, as well as the availability of places, has fluctuated, and emergency reception could never be fully guaranteed for any group. At the beginning of 2025, the government stated that the current needs for reception can be accommodated and future accommodation for reception needs can be addressed depending on the inflow.[108] The persons most at risk of not receiving reception are those who are not able to apply for temporary protection on the day on which they present themselves (see the paragraph on 'Limited registration capacity' above), or those who do not immediately receive a positive decision. The waiting times for registration and, after registration, of decision-making, have been fluctuating. While people wait for registration or a decision, Fedasil does not usually take responsibility as these people have no temporary protection yet.[109] Ukrainian Voices, a Brussels based refugee-led organization that provides services and emergency housing (Hotel Plasky & Centre Marie Curie) for Ukrainians, serves as a back-up when Fedasil is not able to accommodate everyone at Ariane. However, the duration of the stay there is limited and a place in emergency reception through Ukrainian Voices is also not always guaranteed. In 2025, there are still signals of persons being unable to register or waiting for a decision not being able to obtain reception, including families with children.[110]

- **Closure of collective reception centres and increased focus on orientation to private housing market:** The focus on creating emergency reception places has shifted to integration and participation-trajectories, as part of which beneficiaries were increasingly guided towards the private housing market. As a result, the offer of public reception places has started to decrease significantly going back to mid-2023. Since the 1 January 2025, it is no longer possible for municipalities to create and thus offer new reception places through the 'housing tool'. This means that there will be no increase in available places possible. This measure was taken along with other measures as part of the phasing out of public subsidized reception places towards March 2026.[111]

  As part of the plan to increasingly direct people towards the private housing market, only the reception centre in Ghent is still operational until approximately March 2026.The reception centre in Mechelen has closed in December 2024, while the reception centre in Antwerp completely closed in March 2025. At the beginning of March however, it was signalled that some 128 beneficiaries had not

104 IBZ, *Procedure,* available at: https://bit.ly/3IDfIMQ.
105 IBZ in response to enquiry Vluchtelingenwerk and Myria on new law on family reunification, 22 January 2025
106 Response from the Flemish Vice minister-President of interior affairs to *Parliamentary Questions*, available in Dutch here, 5 December 2024; see also Myria, *contact meeting,* 29 January 2025, available in French and Dutch here, 58.
107 Myria, *contact meeting*, 18 October 2023, available in Dutch and French here.
108 Myria, *Contact meeting,* 29 January 2025, available in Dutch and French here, 57.
109 Communication Flemish Task Force Ukraine (VLOT), 29 February 2024.
110 Observations of the author of the report based on calls received through the Infoline for Ukranian refugees: https://vluchtelingenwerk.be/infolijn.
111 Decision of the Flemish government on the subsidies for Temporary protection beneficiaries of 8 April 2022, Last amended on 6 December 2024, available in Dutch here.

managed to obtain a place on the private market, leading to the setting up of a “city-camping”, as well as concerns for persons ending up on the street.[112]

- **Asylum applications by Ukranians remain frozen**: Under the implementation decision, the Belgian Aliens Act provides that temporary protection is applied to the same categories of people who are eligible for temporary protection under the EU decision.[113] While this is the case overall, there are slight differences in interpretation and application. Belgium does not offer temporary protection to those who do not have a permanent residence permit in Ukraine. For those who fall outside the scope of Temporary protection, there is the possibility to apply for international protection. However, since the Council Implementation Decision, the asylum applications of Ukrainian nationals have been frozen, meaning that their request is not processed, and this will most likely remain so for as long as temporary protection is not suspended on a European level. On the other hand, there is in specific cases the possibility for a ‘derived status’ (flexible family reunification) with a beneficiary.

- **Changes in the law regarding the right to family reunification with TP beneficiaries**: a new law of 13 March 2024 modifying certain rules related to family reunification resulted in stricter conditions to obtain a derived status. Before, there was the possibility of specific categories of family members of TP beneficiaries to apply for this derived status on the sole condition that they could prove their family ties. Generally speaking, this derived status is still a more favourable framework than the one of regular family reunification. Specifically, where the implementation decision does not provide for a right to temporary protection of family members of third country nationals with a permanent residence permit who cannot return in a safe and durable manner, this derived status envisions to also include the family members of this category of persons.[114] Since the implementation of the new law, additionally, the derived status is made conditional on the fact that the family was already existent at the time of the outbreak of the war and that the separation was caused because of the war.[115] Family members not meeting this criteria may still be eligible for regular family reunification.

112 See; Gazet van Antwerpen [newspaper], *128 Ukrainian refugees still looking for a house, emergency centre makes way for city camping,* 5 March 2025, available in Dutch here, and; VRT New [news] *Three families in Antwerp Emergency centre receive eviction order from justice,* available in Dutch here.

113 Law of 15 December 1980 regarding the entry, residence, settlement and removal of aliens (Aliens Act), Article 59/27, available in Dutch and French at: https://bit.ly/3YaTMyC.

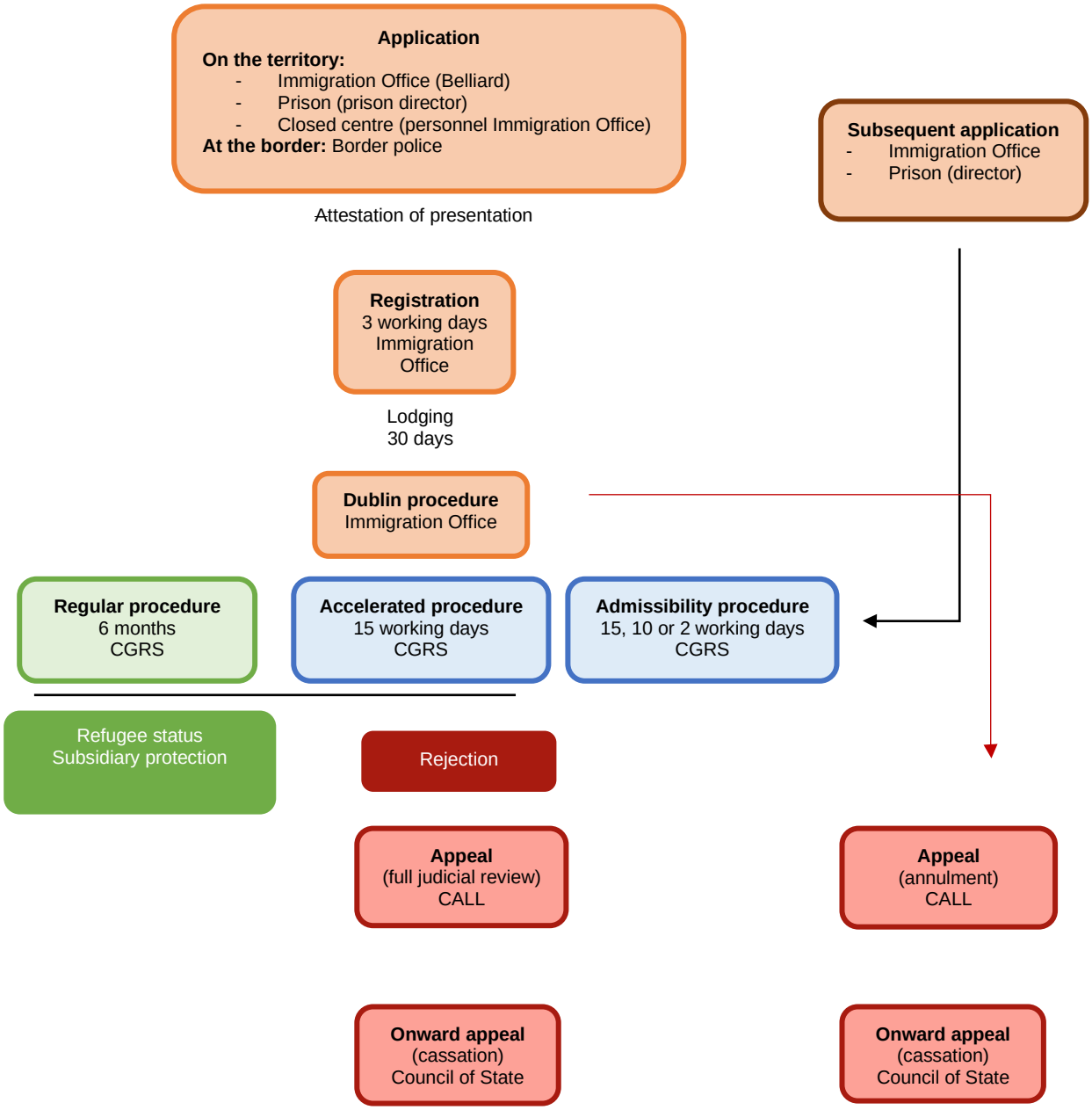
114 IBZ, Clarification on the interpretation of Article 57/34/1 Aliens Act, 22 January 2025

115 Aliens Act, Article 57/34/1

Asylum Procedure

A. General

1. Flow chart



2. Types of procedures

Indicators: Types of Procedures

Which types of procedures exist in your country?

- ❖ Regular procedure: ☒ Yes ☐ No
  - ▪ Prioritised examination:[116] ☒ Yes ☐ No
  - ▪ Fast-track processing:[117] ☒ Yes ☐ No
- ❖ Dublin procedure: ☒ Yes ☐ No
- ❖ Admissibility procedure: ☒ Yes ☐ No
- ❖ Border procedure: ☒ Yes ☐ No
- ❖ Accelerated procedure: ☒ Yes ☐ No
- ❖ Other: Regularisation procedure[118]
- ❖ Other: Residence permit for unaccompanied children

Are any of the procedures that are foreseen in the law, not being applied in practice? ☐ Yes ☒ No

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) I Federale politie (Algemene directie van de bestuurlijke politie)
❖ On the territory	Immigration Office	Office des étrangers (OE) I Dienst Vreemdelingenzaken (DVZ)
Dublin	Immigration Office	Office des étrangers (OE) I Dienst Vreemdelingenzaken (DVZ)
Refugee status determination	Commissioner General for Refugees and Stateless Persons (CGRS)	Commissariat général aux réfugiés et aux apatrides (CGRS) I Commissariaat-generaal voor de Vluchtelingen en de Staatlozen (CGVS)
Appeal	Council of Alien Law Litigation (CALL)	Conseil du contentieux des étrangers (CCE) I 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) I Commissariaat-generaal voor de Vluchtelingen en de Staatlozen (CGVS) Dienst Vreemdelingenzaken (DVZ) I Office des étrangers (OE)
Revocation / Withdrawal	Commissioner General for Refugees and Stateless Persons (CGRS)	Commissariat général aux réfugiés et aux apatrides (CGRS) I Commissariaat-generaal voor de Vluchtelingen en de Staatlozen (CGVS)

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

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

118 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.

4. Number of staff and nature of the determining authority

Name in English	Number of staff in 2023[119]	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)	520 FTE	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.[120] It thus takes individual decisions on asylum applications and does not take any instruction from the competent Minister – or State Secretary – 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.[121]

In 2022, the CGRS had a total of 520 FTE staff, with a total of 643 collaborators. During 2022 and in the first two months of 2023, around 170 new caseworkers were hired. An increase of around 50 to 70 new caseworkers is planned in March and April 2023, bringing the total to about 600 FTE staff. This number is higher than ever before and aims to eliminate the backlog of cases on the level of the CGRS (see also: Audit of the Belgian asylum authorities).[122] No data was provided regarding number of staff in 2024.

Regarding its internal structure, the CGRS is divided into geographical departments and units responsible for certain asylum procedures and/or certain asylum applicants. 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 further has internal guidelines on the decision-making process to be applied by caseworkers on asylum claims. These guidelines cover a variety of issues, 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. However, they are not made available to the public. Moreover, 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.

119 No data was provided for 2024.
120 Article 57/2 Aliens Act.
121 Article 57/6 §2(3) Aliens Act.
122 Myria, Contact meeting 25 January 2023, available in French and Dutch at: https://bit.ly/3KATnSl, 16.

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. It registers 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 for more information: Registration of the asylum application) either:

(a) on the territory with the Immigration Office, within 8 working days after arrival;[123]
(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 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 (and for a certain period in 2022, within 10 working days or in 2024 even on a date after the legally admitted term of 10 days) to register and lodge their application[124] (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 procedure: 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 Secretary of State for Asylum and Migration; or
(d) the application is manifestly well-founded.

123 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 termination of stay. Those in Belgium with a legal stay of less than three months must apply for international protection within this legal stay.

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

There is no time limit for taking a decision in these cases.[125]

Accelerated procedure: The CGRS takes a decision within 15 working days – although there are no consequences if the time limit is not respected – where 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.[126]

Admissibility procedure: 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.[127]

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).[128]

125 Article 57/6(2) Aliens Act.
126 Article 57/6/1 Aliens Act.
127 Article 57/6(3) Aliens Act.
128 CGRS, 'Addition of clause in some refusal decisions', 21 February 2019, available at: https://bit.ly/30uGPDd.

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 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 (www.movecoalition.be). 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).

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.[129] 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 operations (see Resettlement), the Immigration Office distinguishes two types of situations in which humanitarian visa are granted:[130]

- ‘Enlarged family reunification’: 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: 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 2023, the Immigration Office received a total of 2,083 applications for a humanitarian visa: 275 in the context of resettlement procedures, 1,246 considered as ‘enlarged family reunification’, 32 in the context of the transfer of a child and 251 on the basis of other grounds. In 2023, 1,256 humanitarian visas were granted and 1,357 requests were refused.[131] No data is available yet for 2024.

Positive decisions on humanitarian visas in 2023, per nationality	
Country	Number
Afghanistan	329
Syria	290
Congo (DRC)	206
Palestine	107
Türkiye	38
Other nationalities	286
Total	**1,256**

Source: Immigration Office, Annual Rapport 2023, available in French here (p. 21) and in Dutch here (p. 20).

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

129 Articles 9 & 13 in the Aliens Act provide the only legal basis for humanitarian visa.
130 Immigration Office, *Activity report 2022*, available in French: https://bit.ly/3TCCTMU, 18-19.
131 Immigration Office, Annual Rapport 2023, available in French here (p. 21) and in Dutch here (p. 20). 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.

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. The CALL considers 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 finds that, by not considering this information, the Immigration Office has violated the duty of care and Article 8 ECHR.[132]

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.[133] Remote applications, such as those exceptionally allowed for applications for family reunification (see 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.[134]

The applicant needs to pay an administrative fee of € 236 per adult person.[135] 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.

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 2024?
500 places were pledged, 487 applicants were resettled in practice

Since 2013, Belgium has a structural resettlement programme based on annual quotas.[136] 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 residence – in order to screen the person's vulnerability and to 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'.[137] IOM is involved for the reservation of flights, some last medical checks and the accompaniment of the person from departure until arrival in Belgium.[138] Upon arrival in Belgium, the person can lodge an application for international protection.

132 CALL, Decision N° 292036, 17 July 2023.
133 Article 9, Aliens Act.
134 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.
135 Article 1/1 Aliens Act; Website Immigration Office, *Frequently Asked Questions*, available in Dutch here and in French here.
135 www.resettlement.be
136 www.resettlement.be
137 Fedasil, BELCO – Belgian cultural orientation, available in French at: https://bit.ly/3xdmC9y.
138 Fedasil, '10 years of resettlement in Belgium', 5 October 2023, available in French at: https://bit.ly/43D2mKs.

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 the right to shelter) the resettlement programme is severely impacted. During 2022, only 71 out of 1,250 resettlements (6%) were effectively carried out.[139] In 2024, 487 persons were resettled to Belgium, mainly Congolese refugees from Rwanda and Syrian refugees from Türkiye.[140]

Number of third country nationals resettled to Belgium[141]									
2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
276	452	1,309	880	239	176	964	71	287	487

In 2023, Fedasil opened a reception centre dedicated to the reception and support of resettled refugees.[142] It also started to invest in a Community Sponsorship programme in collaboration with Caritas International,[143] as an alternative reception model to secure the effective implementation of resettlement programmes in the future.

At the start of 2025, the new Minister of Asylum and Migration has announced a stop to the Belgian resettlement program. The reasons provided for this measure are the lack of reception places and high backlog of cases at the asylum institutions.[144]

Relocation

1. Are there relocation operations in place? ☐ Yes[145] ☒ 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 the year? 0

Up until 2021, Belgium had an annual relocation policy in place. The highest number of relocated asylum applicants were registered in 2016 and 2017 (200 and 895, respectively) but significantly decreased in the following years, reaching only 18 in 2020 and 43 in 2021. After the fire in the Moria camp in Greece on 9 September 2021, the Belgian government pledged to relocate 117 persons in 2021. Due to administrative issues in Greece and the reception crisis in Belgium, only 43 persons were effectively relocated. The remaining 74 persons would be relocated in 2022.[146] Of this remaining group, 6 persons (1 family) was relocated in 2022. The remaining 68 persons were taken of the Belgian relocation list, so they could be relocated by other Member States. In 2023, 32 persons were relocated from Cyprus and in 2024 another 18 persons from Cyprus. These relocations from Cyprus took place in the context of a voluntary pledge linked to the negotiations on the EU Migration Pact.[147] No further data on relocations in 2024 are available.

139 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.

140 Fedasil, '487 resettled refugees in 2024, 11 February 2025, available in English here.

141 Fedasil, Resettlement of refugees (2013-2023), available in English at: https://tinyurl.com/3z5z3yc9.

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

143 Information available at: http://bit.ly/3ZBB0Sr.

144 VRT, 'Minister Van Bossuyt (N-VA) stops resettlement, the only legal way to come to Belgium', 26 March 2025, available in Dutch here.

145 This was valid until 2021, while no pledge for relocation was made in 2022 and since 2022 relocation programme stopped.

146 Myria, *Contact Meeting,* 19 January 2021, available in French: https://bit.ly/3HQ18z7.

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

No pledge was made for 2023, as the Belgian government indicated it does not consider relocation as an effective solution to structural issues of the European asylum system.[148] After European Commission president Ursula von der Leyen called on other EU Member States for solidarity with Italy during her visit to Lampedusa, Secretary of State Nicole de Moor announced Belgium would not reply positively to a request of relocation from migrants having arrived on Lampedusa, stating that the reception crisis Belgium is facing makes it impossible to agree to ad-hoc relocation requests. Unofficially, this position was also prompted by Italy's refusal to take back applicants for international protection for which it is responsible under the Dublin regulation[149].[150]

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 days[151]
3. Are registration and lodging distinct stages in the law or in practice? ☒ Yes[152] ☐ 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.[153] During the first weeks after the move, the overall security situation for applicants waiting to enter the registration centre raised concerns. The centre 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 some tension.[154] In January 2025 the Immigration Office started with a test project, opening the doors earlier (from 07:00 instead of 8:30, until 09:00).[155] The new system is evaluated positively and has continued as of time of writing (March 2025).

148 Chambre des représentants de Belgique, Policy note on asylum and migration, 3 November 2021, available in French: https://bit.ly/3rKjJH4.

149 The Immigration Office, in the context of their right of reply to the 2024 AIDA Belgium country report update, notes that, in agreement with the European Commission, no additional persons were relocated from Cyprus in 2023 or 2024 (or other frontline Member States) because of Belgian migratory pressure.

150 De Standaard, 'Despite Von der Leyen's call, Belgium is not helping Italy', 19 September 2023, available in Dutch at: https://bit.ly/3PBFp4A.

151 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).

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

153 Immigration Office, 'Registration Centre for International Protection: New Location!', 23 October 2024, available in English here.

154 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.

155 Federal Chamber of representatives, Commission of Internal Affairs, Security, Migration and Administrative matters, CRIV 56 COM 068, 15 January 2025, p. 3, available here.

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.[156] An application at the border is made with the Border Police Section of the Federal Police immediately when the person is apprehended at the border and asked about their motives for entering Belgium.[157] 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).[158]

   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'.[159] 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.[160] 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.[161]

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.[162] 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.[163]

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, also in 2024.

156 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.
157 *Ibid*.
158 Article 50(2) Aliens Act.
159 Articles 1(11) and 1(2)(1) Aliens Act.
160 Article 50(2) Aliens Act.
161 *Ibid*.
162 Article 50(3) Aliens Act.
163 *Ibid*.

Limitations to the right to apply for asylum

During the COVID-19 pandemic, the Immigration Office used an online system for persons who wanted to make an asylum application. This system was stopped in November 2020, after the Brussels court of first instance found it to be unlawful.[164] Since then, it is only possible to make an application in person.

Since 2021 there have been limitations on access to the procedure for international protection, mostly due to limited registration capacity of the Registration Centre.[165] The available registration capacity on a given day depends on the profile and number of persons wanting to make an application, the available interpretation services and the available staff of the Immigration Office.[166] If the number of persons wishing to make an application for international protection exceeds the maximum registration capacity, the Immigration Office works with a priority system. Vulnerable persons such as families with children, single women and non-accompanied minors are allowed to enter the Registration Centre first. If the registration capacity has not been reached, single men can enter to make their application. As soon as the maximum capacity of the day has been reached, the remaining single men are given a non-individualised invitation to return on a later day.[167] The Immigration Office has up to a maximum of ten working days to register an application.[168] On several occasions since 2021, the Immigration Office has given such invitations to come back on another day. These were mostly given to single men. However, on some days, when the number of vulnerable persons wanting to make an application already exceeded the available registration capacity, it was also given to families with children. In that case, the Immigration Office effectively inquires with these families whether they have a place to stay.[169] If this is not the case, the Immigration Office allows these families to enter immediately that day. The invitation to come back on another moment is not individualised and is thus not considered as proof of making an asylum application by any other Belgian government institution, such as Fedasil (the federal agency responsible for the reception of asylum applicants). Since Fedasil requires an annexe 26 or other proof of making an asylum application before allowing access to the reception network, persons who receive an appointment to come back at a later time do not have access to reception during that waiting time. This practice is not in conformity with the case law of the Court of Justice of the European Union, which states that a person must be considered an applicant for international protection as soon as they present this request to the relevant authorities; as of this moment, the person must be granted the rights to which an asylum applicant is entitled, such as the right to reception.[170] This has been confirmed by the Brussels Court of first instance in a judgment of 29 June 2023, in which the Belgian State was condemned for not respecting the right to access the asylum procedure:

164 Brussels Court of First Instance, Decision nr. 2020/105/C of 5 October 2020, available in French here.

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

166 Immigration Office, 'Myria: Contact Meeting International Protection', 21 September 2022, available here, 9.

167 Immigration Office, 'Making an application for international protection', consulted on 22/01/2025, available here.

168 Article 50, §2 Aliens Act.

169 In their right of reply, the Immigration Office notes that the aim is to give priority to single men who may be in a more vulnerable position than some families who already have a right of residence in Belgium - e.g., through family reunification.

170 EU Court of Justice, *Commission vs. Hungary,* 17 December 2020, §97, available in English here; EU Court of Justice, C-36/20 PPU, 25 June 2020, available in English here, §91-94: 'Lastly, it is important to note again that recital 27 of that directive states that third-country nationals and stateless persons who have expressed a wish to apply for international protection are applicants for international protection, and that they should therefore comply with the obligations, and benefit from the rights, under Directives 2013/32 and 2013/33. The second sentence of that recital further states that, to that end, Member States should register the fact that those persons are applicants for international protection as soon as possible. It follows from all of the foregoing that a third-country national acquires the status of an applicant for international protection, within the meaning of Article 2(c) of Directive 2013/32, from the point when he or she 'makes' such an application. Whilst it is for the Member State concerned to register the application for international protection, pursuant to the first and second subparagraphs of Article 6(1) of that directive, and the lodging of that application requires, in principle, that the applicant for international protection complete a form provided for that purpose, in accordance with Article 6(3) and (4) of that directive, the act of 'making' an application for international protection does not entail any administrative formalities, as the Advocate General observes in point 82 of his Opinion, since those formalities must be observed when the application is 'lodged'.'

(translation from French) '*While the Court can understand that it is not possible to register every application for international protection on the same day as it is made, which is not required by the applicable provisions nor claimed by the applicants, it is inadmissible that some people were obliged to sleep outside the building for several days in a row in the hope that the next day they would be able to enter the building so that a certificate of presentation could be issued to them in accordance with Article 50 §2 of the Law of 15 December 1980. (...) Indeed, as long as the person concerned has not been issued with a document certifying that he has presented himself, not only will he not be able to claim material aid, but the following delays, set by the Directive and the Law of 15 December 1980, will not begin to run: * the 3 (or 10) day time limit within which the responsible authority must register the application; * the time limit for submitting the application, which then determines the start of the time limit within which the responsible authority must rule on the application. (…) The Belgian State's assertion that the applications were always registered within 3 (or 10) days of their submission, assuming it to be correct, is, in this respect, irrelevant, since it is established, on the basis of the foregoing, that, it has, unjustifiably, delayed the moment at which the person is finally offered the opportunity to submit his application for international protection (even though this stage does not require the completion of any particular administrative formality) and, consequently, the running of all subsequent legal deadlines.*'[171]

In the fall and winter of 2024, the registration capacity decreased because of long term absentees among registration staff and a high number of staff leaving the Immigration Office. In addition, 4,383 applications were registered in October 2024 which put significant pressure on the Immigration Office. This context made it difficult for the Immigration Office to respect the legal time limits.[172] As a result, the Immigration Office regularly gave invitations to return two to three weeks later, thus exceeding the legally allowed ten working days. According to unofficial 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.[173]

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

171 Tribunal of first Instance Brussels, 29 June 2023, nr. 2022/4618/A, available in French here.

172 Federal Chamber of representatives, Commission of Internal Affairs, Security, Migration and Administrative matters, CRIV 56 COM 046, 27 November 2024, available here, 5-8.

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

submitted. Afterwards, the file, including this questionnaire, is sent to the CGRS for further examination and a decision. [174] 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.[175] 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 commune of residence with either the decision granting them subsidiary protection or refugee certificate issued by the CGRS. The commune 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 commune, upon request of the beneficiary, needs to ask a prior instruction from the Immigration Office.[176]

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 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.[177] 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.[178]

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 2024:	
	❖ Immigration Office	12,888[179]
	❖ CGRS	26,119[180]
4.	Average length of the first instance procedure in 2024:	N/A[181]

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

174 Articles 51/3-51/10 Aliens Act; Articles 10 and 15-17 Royal Decree on Immigration Office Procedure.
175 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.
176 See Immigration Office, 'Protection Status', available in Dutch, French and English here.
177 Immigration Office, 'Applications for International protection: monthly statistics December 2024', p. 12, available in French here.
178 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.
179 Information provided by the Immigration Office, March 2025.
180 CGRS, 'Asylum statistics: survey 2024', available in English here. The working load of 26,119 cases concerned a total of 32,007 persons.
181 No data is available for 2024.

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.[182]

The CGRS has the competence to:[183]

- Grant or refuse refugee status or subsidiary protection status;
- Reject an asylum application as manifestly unfounded;[184]
- Reject an asylum application as inadmissible;[185]
- Apply cessation and exclusion clauses or revoke refugee or subsidiary protection status (including upon request of the Immigration Office or the competent Minister);[186]
- Terminate the procedure in case the person does not attend the interview, among other reasons, and reject the application in some cases;[187] and
- Issue civil status certificates for recognised refugees.

The CGRS has to decide within 6 months after receiving the asylum application from the Immigration Office.[188] 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.[189]

Where needed, the deadline can be prolonged by 3 more months.[190] 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.[191]

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.[192]

As in previous years, the CGRS was unable to reduce the backlog of pending cases in 2024. It reached a peak of 28,554 pending files in April 2024. In December 2024 this number was at 26,119 pending files. The normal workload is considered to be 6,500 files. Hence, the backlog is considered to be 19,619 files.[193] In order to reduce this backlog, the CGRS tried to increase its output in 2024. 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.[194]

1.2. Prioritised examination and fast-track processing

182 Article 49/3 Aliens Act.
183 Article 57/6(1) Aliens Act.
184 Article 57/6(1)(2) Aliens Act.
185 Article 57/6(3) Aliens Act.
186 Article 49, §2 Aliens Act.
187 Article 57/6(5) Aliens Act sets out the reasons for terminating the procedure.
188 Article 57/6(1) Aliens Act.
189 *Ibid*.
190 *Ibid*.
191 Article 57/6(1) Aliens Act.
192 *Ibid*.
193 CGRS, 'Asylum statistics: survey 2024', 16 January 2025, available here.
194 Ibidem.

The CGRS may prioritise the examination of an asylum application where:[195]

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 Secretary of State 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, unaccompanied minors, applicants who obtained a protection status in another EU Member State and applicants from safe countries of origin. 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.[196]

As of 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 will be applied can vary. In 2024, the procedure has been applied to applicants from safe countries of origin (currently: Albania, Bosnia-Herzegovina, Northern-Macedonia, Kosovo, Serbia, Montenegro, India and Moldava)[197] and the following countries with low recognition rates: Georgia and DRC. For these last countries, a screening of the file takes place before deciding to treat them in a fast-track procedure; for example, cases of Congolese applicants with a political profile or coming from East-Congolese regions are not treated under *fast track*. 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.[198]

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 ☒ Rarely[199] ☐ 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.[200] 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.[201]

195 Article 57/6(2) Aliens Act.
196 Myria, Contact meeting 24 January 2024, available in French and Dutch here, 17.
197 Royal Decree of 12 May 2024, available here.
198 Myria, Contact meeting 4 December 2024, available in French and Dutch here, 22-23.
199 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.
200 Article 57/5-ter(1) Aliens Act.
201 Article 57/5-ter(2) Aliens Act.

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.[202] The CGRS has elaborated an interview charter as a Code of Conduct for the protection officers, available on its website.[203]

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.[204] In practice, however, these persons will be invited for a personal interview.[205]

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 2021, refugee status was granted without a personal interview in around 1,000 cases, mostly concerning applicants from Burundi, Syria and Eritrea.[206] 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.[207]

Between September 2023 and January 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.[208] One of the measures includes 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.[209] After a positive evaluation, the CGRA wants to incrementally introduce this new way of working in the whole organisation starting from February 2025.[210] Several NGOs and lawyer associations have voiced their concerns about the current functioning of this new measure. The new system entails a significant increase in the amount of work and responsibilities required from the applicant's lawyers, to help their client fill out the questionnaire. In case a lawyer is not capable or willing to take up this extra work, NGOs' first line legal services have taken up this task. Concerns have been raised regarding their ability and resources for handling such responsibility.

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

202 Article 13/1 Royal Decree on CGRS Procedure.
203 CGRS, *Interview Charter*, available at: http://bit.ly/1FAxkyQ.
204 Article 57/6/7(2) Aliens Act.
205 Myria, *Contact meeting*, 22 January 2020, available in French at: https://bit.ly/2VhsVE6.
206 Myria, Contact meeting 19 January 2022, available in French and Dutch at: https://bit.ly/3sy9SFN, 33.
207 Myria, Contact meeting 20 March 2024, available in French and Dutch here, 33.
208 CGRS, Tabula Rasa, 18 July 2023, available in English at: https://bit.ly/3IV90CA.
209 Myria, Contact meeting 20 September 2023, available in French and Dutch at: https://bit.ly/3TyUvZW, 24-25.
210 CGRA, 'Myria: Contact Meeting International Protection', 19 June 2024, available in French and Dutch here.

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 or audio clips can be submitted by regular or registered mail or handed in at the reception desk.[211] The CGRS has drafted an explanatory document about the submission of documents, including an inventory that it recommends using for this purpose.[212]

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.[213] 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.[214] 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.[215] 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.[216] 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.

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,[217] 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.[218]

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.[219] 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

211 CGRS, 'Adjustment of the procedure for submitting documents in support of an application for international protection', available in English at: https://bit.ly/4auXwkP.
212 CGRS, 'Information for applicants, their lawyers and trusted persons', available in English at: https://bit.ly/4aqg8mF.
213 Article 51/4(2) Aliens Act.
214 *Ibid*.
215 Article 20, §3 Royal Decree on CGRS Procedure.
216 CGRS, *Deontology for translations and interpretations*, available at: http://bit.ly/1ROmcHs.
217 Article 57/5-quater(1) Aliens Act.
218 Articles 16-17 and 20 Royal Decree on CGRS Procedure.
219 Article 57/5-quater(2) Aliens Act.

taken.[220] The asylum applicant or their lawyer may provide comments within 8 working days after the reception of the file.[221] 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.[222]

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[223] that allow for the interviewer to be physically present in another room than the applicant and conduct 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 interview remotely. In case of a negative decision, applicants can formulate their objections as an element in their appeal before the CALL.

Guardians (and at the CGRS, also lawyers and trustees) can attend the remote interview.[224] 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'[225] which requires the presence of guardians during interviews of their pupils.[226] On 18 March 2025, the Council of State confirmed its previous judgment and annulled the exception with regard to guardians.[227] 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.[228]

220 Myria, *Contact meeting*, 20 June 2018, available in Dutch at: https://bit.ly/2WiFPjf, para.35.
221 Article 57/5-quater(3) Aliens Act.
222 *Ibid*.
223 Royal Decree of 26 November 2021 modifying the Royal Decree of 11 July 2003 on the functioning and the procedure before the Commissary General for Refugees and Stateless persons and Royal Decree of 26 November 2021 modifying the Royal Decree of 11 July 2003 concerning certain elements of the procedure that has to be followed by the Immigration Office charged with the investigation of asylum applications on the basis of the law of 15 December 1980, available in Dutch and French at http://bit.ly/3m4azX6.
224 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.
225 Title XIII, Chapter VI of the Program Law of 24 December 2002, https://bit.ly/40N0JHV.
226 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.
227 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.
228 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, red 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.

Since the entry into force of these Royal Decrees, 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'.[229] 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.[230] In 2023, the CGRS conducted 356 interviews by videoconference in closed centres, and 90 in the first three months of 2024.[231]

1.4. Appeal

Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure? ☒ Yes ☐ No
   - ❖ If yes, is it ☒ Judicial ☐ Administrative
   - ❖ If yes, is it suspensive ☒ Yes ☐ No
2. Average processing time for the appeal body to make a decision in asylum cases (full judicial review competence) in 2024: 145.3 days[232]

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.[233] 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.[234] The time limit is also reduced to 10 days for appeals 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'.[235] 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 deposing the documents physically at the clerk service of the CALL against receipt, and can no longer be sent by fax.[236] For applicants in detention, the petition's introduction remains possible in the hands of the director of the

229 Myria, 'Contact Meeting International Protection', 23 November 2022, available in French and Dutch at: https://tinyurl.com/2w2ubuhx, 21.
230 CGRS, 'Videoconferences in closed reception centres', 19 September 2022, available in Dutch at https://bit.ly/3MEV6aR.
231 Myria, Contact meeting 20 March 2024, available in French and Dutch here, 32.
232 CALL, Activity Report 2024, available in Dutch here (p.26) and in French here (p. 25). This number concerns appeals introduced in 2024 and for which a decision was taken in 2024. When adding appeals introduced before 1 January 2024, for which a decision was taken in 2024, the average processing time was 257.8 days; this number is significantly higher because it includes the processing of the backlog of cases pending before the CALL.
233 Article 39/57(1) Aliens Act.
234 *Ibid*.
235 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.
236 Article 3, § 1, 2nd al. Royal Decree 21 December 2006.

detention facility.[237] Finally, the Royal Decree allows the CALL to send procedural documents (such as invitations for hearings, judgements, etc) to the parties through J-BOX.[238] 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.[239]

Effects of the appeal

The appeal has an automatic suspensive effect on the regular procedure.[240]

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.[241]

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.[242] 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.[243] 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.[244] 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 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' if it does not consider an oral hearing necessary to render a judgement. The parties then receive a provisional decision containing the reasons why the written procedure is being applied as well as the judgement the CALL makes 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 which case an oral hearing will be organised. If none of the parties asks to be heard, they are supposed to consent to the judgment, which is subsequently confirmed by a final judgment.[245]

Since 10 December 2021, two new possibilities of applying a purely written procedure were added to the Aliens Act:

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237 Article 39/69, § 2 Aliens Act and Article 3, §1, al. 4 Royal Decree 21 December 2006.
238 Article 3bis Royal Decree 21 December 2006.
239 CALL, Frequently Asked Questions, https://bit.ly/3tIiGbF.
240 Article 39/70 Aliens Act.
241 Article 39/2 Aliens Act.
242 Article 39/69 Aliens Act.
243 Article 39/60 Aliens Act.
244 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.
245 Article 39/73 Aliens Act.

(1) Both parties can always ask to apply a purely written procedure.[246] Both the counterpart and the judge have to agree. In that case, the judge decides when the debates will be closed. Until that day, both parties can introduce pleading notes with written arguments.
(2) In exceptional circumstances (e.g. a sanitary crisis, a natural disaster, fire in the buildings of the CALL), the Aliens Act allows for the adoption of a Royal Decree to activate an 'emergency scenario' in which the possibilities of applying a purely written procedure are enlarged during a (prolongable) period of six months.[247] During this period, the parties' right to demand to be heard in case of application of the purely written procedure in the application of Article 39/73, §2 Aliens Act, is replaced by the possibility of introducing a pleading note. After receiving the provisional decision containing the reasons why the written procedure is being applied and the judgement the CALL makes based on the elements in the administrative file, both parties have 15 days to introduce a pleading note arguing why they disagree with the content of the decision. If none of the parties asks to be heard, they are supposed to consent to the judgment, which is subsequently confirmed by a final judgment. In case one of the parties introduced a pleading note, the judge can either take a decision, considering the arguments developed in the pleading note, or decide to reopen the debates. In the last case, the other party has 15 days to introduce its own pleading note.[248] The judge can apply a purely written procedure in accelerated procedures with full judicial review and suspension procedures in extremely urgent necessity.[249]

In the preparatory works of this new legislation, it is explained that the expansion of the possibilities for applying the written procedure aims to clear the backlog of pending cases at the second instance and render the procedure more efficient. It is argued that the organisation of oral hearings significantly increases the length of the procedure, especially given the sanitary measures and necessity of 'social distancing'.[250]

In the regular procedure, the CALL must decide on the appeal within 3 months.[251] There are no sanctions for not respecting the time limit. In practice, the appeal procedure often takes longer. In 2024, the average processing time (the total of the delays divided by the total number of files) of appeals concerning decisions on applications for international protection (where the CALL has 'full judicial review' competence) was 145.3 days[252] calendar days or around 5 months for those appeals introduced in 2024 and for which a decision was taken in 2024. When adding appeals introduced before 1 January 2024, for which a decision was taken in 2024, the average processing time was 257.8 days;[253] this number is significantly higher because it includes the processing of the backlog of cases pending before the CALL (see below).[254]

Decisions of the CALL are publicly available.[255]

For several years, there has been a significant difference in jurisprudence between Francophone and Dutch chambers of the CALL.[256] According to the former President of the CALL, the discrepancy in the case law is not necessarily related to language but stems from the individual judges as each of them is independent. It is up to the CALL to ensure that the case law is consistent, either through a judgment

246 Art. 39/73-2 Aliens Act.
247 Art. 39/73-3 Aliens Act.
248 Art. 39/73-3, §§1-3 Aliens Act.
249 Art. 39/73-3, §4 Aliens Act.
250 Chamber of representatives, Proposition of law changing the law of 15 December 1980, Doc. Nr. 55 2034/001, 1 June 2021, available in Dutch and French at: https://bit.ly/3tEcjpJ, 6.
251 Article 39/76(3) Aliens Act.
252 Compared to 153.7 days in 2023.
253 Compared to 230.9 days in 2023.
254 CALL, Activity Report 2024, available in Dutch here (p.26) and in French here (p. 25).
255 Judgments are available on the website of the CALL at: http://bit.ly/2waz6tu.
256 CALL, *Report of activities of the year 2019*, available in Dutch at: https://bit.ly/2YjQlsQ, 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.

taken in the general assembly or in the united chamber (where 6 judges sit, namely 3 French judges and 3 Dutch judges).[257] 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. In 2022, Francophone chambers recognised international protection in 9.54% of the appeals (7.93% refugee status, 1.61% subsidiary protection), compared to a recognition rate of only 1.5% (1.03% refugee status, 0.47% subsidiary protection) in Dutch chambers.[258] In 2023, the discrepancy between recognition rates was much smaller for the first time in years: Francophone chambers recognised international protection in 11.73% of the appeals (9.67% refugee status, 2.06% subsidiary protection), compared to a recognition rate of 7.36% in Dutch chambers (7.24% refugee status, 0.12% subsidiary protection). However, the discrepancy between rejection rates remains high: 67.86% of the appeals were rejected by French chambers, compared to 85.19% in Dutch chambers. This is explained by a discrepancy in the number of annulment decisions: French chambers annulled the decision of the CGRS in 20.42% of the appeals compared to only 7.45% in Dutch chambers. [259] These discrepancies remain in 2024: Francophone chambers recognised international protection in 13.37% of the appeals (11.72% refugee status, 1.65% subsidiary protection), compared to a recognition rate of 6.85% in Dutch chambers (6.81% refugee status, 0.04% subsidiary protection). French chambers annulled the decision of the CGRS in 20.94% of the appeals compared to only 10.07% in Dutch chambers. 65.69% of the appeals were rejected by French chambers, compared to 83.07% in Dutch chambers.[260]

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).[261] The decision is then suspended until a judgment is issued.[262] 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.[263]

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 remedies, as the ECtHR calls this system too complex to meet the requirement of an effective legal remedy under Article 3 ECHR.[264]

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257 Myria, *Contact meeting*, 20 March 2019, available in French: https://bit.ly/306X4GF, 319-329.
258 CALL Activity report 2022, available in Dutch and French at: http://bit.ly/3nQHrmA, 29.
259 CALL Activity report 2023, available in Dutch and French at: https://tinyurl.com/3rec62sr.
260 CALL, Activity Report 2024, available in Dutch here (p.23) and in French here (p. 24).
261 Article 39/82(4) Aliens Act; Article 39/57(1) Aliens Act.
262 Articles 39/82 and 39/83 Aliens Act.
263 Article 39/82(4) Aliens Act.
264 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.

In 2024, the overall backlog of pending appeals nearly doubled for a second year in a row, from 4,700 in December 2023 to 8,232 in December 2024.[265] This backlog consists of 3,528 appeals in the full jurisdiction procedure (applied for contestations of decisions of the CGRS) and 4,704 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).

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.[266] 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.[267] 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.[268] If the decision under review is annulled ('quashed'), the case is sent back to the CALL for a new assessment of the initial appeal.

1.5. Legal assistance

Indicators: Regular Procedure: Legal Assistance

2. 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

3. 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

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. The Aliens Act guarantees free 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). 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. 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.[269]

The asylum procedure itself is free of charge. Regarding the lawyer honorarium and costs, asylum applicants are legally entitled to free judicial assistance.

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265 CALL, 'Year report 2024', available in Dutch here and in French here, p. 20.
266 Article 39/67 Aliens Act.
267 Article 14(2) Acts on the Council of State.
268 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).
269 Article 33 Reception Act.

There are two types of legal assistance: first-line and second-line.[270] The competence of the organisation of first-line assistance lies at the regional level.

1.5.1. First-line legal assistance

The so-called 'first-line assistance' is organised by local commissions for legal assistance, composed of lawyers representing the local bar association and the Public Centres for Social Welfare (CPAS / PCSW). 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

'Second line assistance' is organised by the local bar associations of each judicial district. Each bar association has a bureau for legal assistance that can appoint a lawyer for (entirely or partially) free second-line assistance, the so-called 'Pro Deo lawyer'. In practice, this might limit the free choice of a lawyer to a certain extent. Still, in theory, every lawyer can accept to assist someone 'pro-Deo' and ask the bureau to be appointed as such upon the direct request of an asylum applicant. Within this 'second-line assistance', a lawyer is assigned to give substantial legal advice and to assist and represent the person in the asylum procedure.

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 with few lawyers simply lack specialised lawyers and some even oblige their trainees, who are not specialised, to register on the list.[271] In 2024, this is for instance the case in Antwerpen.

The 2003 Royal Decree on Legal Aid determines the conditions under which one can benefit from this second-line legal assistance free of charge. Different categories are generally defined depending on the income or financial resources level and, concerning specific procedures, on the social group they belong to. There is a rebuttable presumption of being without sufficient financial resources for asylum applicants and persons in detention. Concerning children, unaccompanied or not, this presumption is conclusive. In contrast, adults should prove their lack of financial resources to support said presumption. The local bureau for legal assistance assesses the proof provided. Applicants residing in a reception centre during their asylum procedure are considered to meet the conditions for free legal assistance, given that the condition of having insufficient resources also applies to access the reception system. 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. Because of the presumption of being without sufficient financial resources, the elements of proof provided are assessed less strictly than is the case for other categories of people applying for free legal assistance. Practice varies between the different bureaus for legal assistance, however.[272] 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.

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

271 UNHCR, *Accompagnement juridique des demandeurs de protection internationale en Belgique*, September 2019, available in French at: https://bit.ly/35G2h9s, 44.

272 Based on the experience of the Vluchtelingenwerk Vlaanderen, the NGO responsible for writing the AIDA-report, January 2025.

Depending on the Bar Association, asylum applicants might experience problems when wanting to change 'pro-Deo' lawyers. Some Bars do not allow a second Pro-Deo lawyer to take over the case from the one that was initially assigned. Although this limits – to a certain degree – 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.[273] 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.[274] The amount of points equals the estimated work time for each intervention, with one point equalling one hour of work. For example:

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 requestion 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.[275] 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 renumerated – 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.[276]

273 Article 508/14 Judicial Code.

274 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.

275 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.

276 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.

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.[277] 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,[278] 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. Many lawyers confirm that legal aid is problematic as it is currently based on low, unpredictable, and deferred compensation.[279]

2. Dublin

2.1. General

Dublin statistics: 1 January – 31 December 2024[280]

Outgoing procedure				Incoming procedure			
	Requests	Accepted	Transfers		Requests	Accepted	Transfers
Total	12,425	9,262	954	**Total**	3,938	2,509	566
Total Take Charge	4,097	4,145	147	Total Take Charge	784	467	120
Germany	240	191	25	France	375	212	24
France	789	658	36	Germany	184	120	23
Italy	1,536	1,895	0	The Netherlands	46	43	5
Croatia	45	38	3	Switzerland	27	21	10
Spain	853	754	52	Italy	80	14	0
Total Take Back	8,328	5,117	807	Total Take Back	3,154	2,042	466
Germany	2,098	1,391	243	France	1,232	750	140
France	1,519	754	139	Germany	1,060	760	179
Italy	571	390	0	The Netherlands	391	292	40
Croatia	1,084	885	88	Switzerland	135	72	35
Spain	160	120	16	Italy	80	54	0

Source: Immigration Office, 'Procédure Dublin, Application du règlement (UE) n° 604/2013', December 2024, available here and information provided by the Immigration Office, March 2024.

Nationalities of persons subject to Dublin requests and transfers in 2024							
Outgoing procedure				Incoming procedure			
	Take Back Requests	**Take Charge Requests**	**Transfers**		**Take Back Requests**	**Take Charge Request**	**Transfers**
Total	8,328	4,097	954	**Total**	3,154	784	566

277 Based on the experience of the Vluchtelingenwerk Vlaanderen, the NGO responsible for writing the AIDA-report, January 2025.

278 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.

279 UNHCR, *Accompagnement juridique des demandeurs de protection internationale en Belgique*, September 2019, availabe in French here, p. 7.

280 Immigration Office, 'Procedure Dublin, Application du règlement (UE) n° 604/2013', December 2024 available in French here.

Syria	749	299	39	Afghanistan	1,423	22	227
Eritrea	391	581	46	Congo	36	242	26
Moldova	837	3	22	Moldova	253	7	14
Afghanistan	683	102	159	Guinea	140	11	23
Palestine	305	402	41	Syria	84	60	33

In 2024, the total number of outgoing take-charge and take back-requests was 12,425 (4,097 take-charge and 8,328 take-back requests). 9,977 of these requests were based on a hit from the Eurodac database. None were for dependency reasons and three for humanitarian reasons to Germany, Croatia and Austria.[281] 9,262 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.[282]

A total of 954 persons were transferred from Belgium to other Member States in 2024. The top 3 most transferred nationalities are Afghanistan (159 persons), Morrocco (100) and Algeria (94). 843 of these transfers were carried out within six months, 64 within 12 months, and 11 within 18 months after the acceptance by the other Member State.

In 2024, there was a total of 3,938 incoming take charge and take back requests (784 take charge requests, and 3,154 take back requests), of which two for dependency reasons[283] and seven for humanitarian reasons.[284] Out of the total of incoming requests, 2,509 were accepted, none for dependency reasons and one for humanitarian reasons. 566 persons were effectively transferred to Belgium.

According to available statistics,[285] the Immigration Office applied the sovereignty clause for 2,634 persons.[286] In 2024, Belgium further became responsible 'by default' for 5,099 persons who were not transferred in within the legal time limits.[287]

Application of the Dublin criteria[288]

Since 2021, the Immigration Office has provided statistics about the application of the Dublin criteria.[289] 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.[290] The numbers below were provided by the Immigration Office upon request.

281 Immigration Office, 'Procédure Dublin, Application du règlement (UE) n° 604/2013', December 2024 available here and information provided by the Immigration Office, March 2024.

282 "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, 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.

283 Art. 16 Dublin III Regulation.

284 Art. 17 Dublin III Regulation.

285 Immigration Office, 'Procédure Dublin, Application du règlement (UE) n° 604/2013', December 2024, available in French here and information provided by the Immigration Office, March 2024.

286 Art. 17(1) Dublin III Regulation.

287 Art. 29(2) Dublin III Regulation.

288 Information provided by the Immigration Office, March 2024.

289 Immigration Office, 'Procédure Dublin, Application du règlement (UE) n° 604/2013', December 2024 available in French here and Dutch here.

290 See, for example, the reports in French available here.

Outgoing Dublin requests by criterion: 2024			
Dublin III Regulation criterion	Requests sent	Requests accepted	Transfers
'Take charge': Articles 8 to 17	**4,008**	**4,063**	**142**
Article 8 (minors)	0	0	1
Article 9 (family members granted protection)	0	0	0
Article 10 (family members pending determination)	3	1	1
Article 11 (family procedure)	20	7	0
Article 12 (visas and residence permits)	2,420	2,168	122
Article 13 (entry and/or remain)	1,560	1,885	18
Article 14 (visa free entry)	2	2	0
'Take charge': Article 16	0	0	0
'Take charge' humanitarian clause: Article 17(2)	3	0	0
'Take back': Articles 18 and 20(5)	**7,844**	**4,900**	**812**
Article 18 (1) (a)	66	58	5
Article 18 (1) (b)	4,103	1,814	323
Article 18 (1) (c)	336	334	83
Article 18 (1) (d)	2,627	1,970	327
Article 20(5)	712	724	74

Source: information provided by the Immigration Office, March 2024. Totals by author.

Incoming Dublin requests by criterion: 2024			
Dublin III Regulation criterion	Requests sent	Requests accepted	Transfers
'Take charge': Articles 8 to 17	**778**	**461**	**117**
Article 8 (minors)	43	10	18
Article 9 (family members granted protection)	10	5	3
Article 10 (family members pending determination)	14	10	9
Article 11 (family procedure)	21	2	1
Article 12 (visas and residence permits)	653	430	72
Article 13 (entry and/or remain)	28	3	2
Article 14 (visa free entry)	0	0	0
'Take charge': Article 16	2	0	2
'Take charge' humanitarian clause: Article 17(2)	7	1	12
'Take back': Articles 18 and 20(5)	**3,013**	**1,980**	**447**
Article 18 (1) (a)	8	8	1
Article 18 (1) (b)	1,765	798	169
Article 18 (1) (c)	155	155	41
Article 18 (1) (d)	1,084	1,019	236
Article 20(5)	1	0	0

Source: Source: information provided by the Immigration Office, March 2025.

In 2024 the Immigration Office sent 23 take charge requests for family reasons, 20 based on Article 11, and three based on Article 10. Seven of these requests were accepted based on Article 11, and one 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.[291]

In 2024 the Immigration Office received 88 take charge requests for family reasons, out of which 43 were based on Article 8, ten were based on Article 9, 14 were based on Article 10 and 21 were based on Article 11 of the Dublin Regulation. The Immigration Office accepted 27 of these requests. Ten based on Article 8, five based on article 9, ten on Article 10 and two on Article 11. There were 31 incoming transfers based on family reasons, with 18 based on Article 8, three based on Article 9, nine based on Article 10 and one based on Article 11. The majority of these incoming transfers came from Cyprus (18) and Greece (9).[292] Since the number of implemented transfers based on family reasons is higher than the number of agreements based on family reasons in 2024, some transfers were based on agreements given before 2024.

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.[293] However, this observation does not consider the decisions in which the Immigration Office declared itself responsible for applications. In practice, it 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.[294] 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 have to be indications of a 'more than usual relationship of dependency', which has to be proven by substantial evidence.[295]

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 and 2,634 times in 2024. These statistics do not provide a detailed breakdown per member state.[296] 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,[297] the CALL pays particular attention to the risk of inhuman 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

291 Information provided by the Immigration Office, April 2023.
292 Information provided by the Immigration Office, April 2023.
293 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.
294 Based on exchanges of Vluchtelingenwerk Vlaanderen, the NGO responsible for writing this AIDA-report, with lawyers and practitioners, January 2025.
295 CALL, Decision No 234423, 25 March 2020; CALL, Decision No 230767, 22 December 2019
296 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.
297 CJEU, Case C-578/16, *C. K. and Others*, Judgment of 16 February 2017.

does not demonstrate systematic flaws.[298] 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.[299] Heavy reliance is placed on medical attestations for both the state of health and the impact of a transfer thereon.[300]

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? 79 days until moment of effective transfer[301]

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 asylum applicants are fingerprinted and checked in the Eurodac and Visa Information System databases after making their asylum application with the Immigration Office.[302] In case they refuse to be fingerprinted, their claim may be processed under the Accelerated Procedure.[303] In 2019, the CGRS stated that it did not use this legal possibility in practice and it did not keep statistics of these cases.[304] Nevertheless, refusal to get 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 asylum 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 state, the asylum applicants' file is transferred to the CGRS, and it is further mentioned on the registration proof of the asylum 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*,[305] the time limit for issuing a Dublin request starts running from the moment an asylum applicant makes an application at the Immigration Office and not from the moment they are issued a 'proof of asylum application' ('Annex 26').[306]

A decision to transfer following an implicit or explicit agreement to take back or to take charge of an asylum 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 asylum applicant's lawyer does not automatically receive a copy of the decision sent to the asylum applicant.[307]

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 asylum applicant's

298 See for example CALL, Decision No 215 169, 15 January 2019; CALL, Decision No. 223 809, 9 July 2019.
299 CALL, Decision no 245144, 30 November 2020
300 CALL, Decision No 206588, 5 July 2018.
301 Information provided by the Immigration Office, March 2025.
302 Article 51/3 Aliens Act.
303 Article 57/6/1(i) Aliens Act.
304 Myria, *Contact meeting*, 16 January 2019, available in French here, para 290.
305 CJEU, Case C-670/16 *Mengesteab*, Judgment of 26 July 2017.
306 Myria, *Contact meeting*, 22 November 2017, para 10.
307 Article 71/3 Royal Decree 1981.

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.[308]

In 2022, some decisions of the Immigration Office to transfer an asylum applicant with a specific vulnerability to Croatia were suspended by the CALL, because no guarantees concerning the possibility to reintroduce an asylum application had been demanded beforehand. [309] In November 2022, the Croatian Ministry of Internal Affairs sent out a communication regarding its willingness to correctly apply the provisions of the Dublin III Regulation and to guarantee the possibility for applicants transferred under the Dublin III Regulation to reapply for international protection. However, the CALL ruled that this communication from the Croatian Ministry of Internal Affairs does not provide the same guarantee as individualised guarantees, which means that this communication is not sufficient to exclude any risk of a violation of Article 3 ECHR.[310] In order to overcome this risk, the Immigration Office systematically requests individual guarantees from the Croatian authorities. In such a case, the CALL does not suspend the transfer.[311]

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'.[312] Attendance to these 'ICAM interviews' is mandatory. Not attending without giving valid justification can be considered as a 'failure to cooperate'[313] 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 a reception centre, non-attendance can lead to the limitation of the right to material assistance by Fedasil.[314]

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

308 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.

309 CALL, Decision No 278 106, 29 September 2022; CALL, Decision No 278 108, 29 September 2022; CALL, Decision No 279 783, 7 November 2022; CALL, Decision No 280 105, 14 November 2022; CALL, Decision No 280 106, 14 November 2022; CALL, Decision No 281 086, 29 November 2022; CALL, Decision No 281 327, 5 December 2022; CALL, Decision No 281 547, 7 December 2022; CALL, Decision No 281 730, 13 December 2022.

310 CALL, Decision No 281 547, 7 December 2022.

311 See e.g. CALL, Decision No 297.920, 29 November 2023; CALL, Decision No 297.919, 29 November 2023 and CALL, Decision no 297.83, 20 November 2022.

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

313 Article 74/22 §1 4° Alien Act.

314 Article 4 §1, 2° Reception Act.

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.[315]

Previously, the Immigration Office and the CALL referred to the CJEU's *Jawo* judgment of 19 March 2019,[316] and its interpretation of 'absconding' in Article 29(2) Dublin III Regulation.[317] According to this interpretation by the CALL, the concept of absconding in this context requires the establishment of both a material and an intentional aspect. The material aspect can be proven whenever the applicant has not communicated a place of residence to the Immigration Office or the applicant cannot be found at this address if a check is conducted. As for the intentional element, the mere circumstance that the applicant indicates that they will not voluntarily comply with the transfer decision is not sufficient to consider that someone is absconding.[318] An analysis of the case law of the CALL on this concept of 'absconding', indicates that the CALL allows to conclude that the applicant has absconded in mainly two types of cases: (1) the applicant did not provide the Immigration Office with their latest address or (2) the applicant could not be found by the police at the latest known address. In the context of the ICAM procedure, the Immigration Office considered applicants to be absconding when they did not show up for an ICAM interview, or when they expressed during the ICAM interview that they did not want to cooperate with the voluntary return. The CALL has ruled against this policy in several cases.[319], arguing that the fact that an applicant does not give voluntary effect to the transfer decision, is insufficient to consider that person as absconding.

To address the above ambiguities regarding interpreting the concept of 'absconding', the Aliens Act was amended in May 2024.[320] Article 51/5, §6 Aliens Act now contains a definition of absconding with a list of non-exhaustive criteria:

- 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.

Some of these criteria continue to rely 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 appoint 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.[321]

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

316 EDAL, CJEU, *Jawo*, Judgment in case C-163/17, 19 March 2019, available here.

317 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.

318 See e.g. CALL, Decision No 296473, 30 October 2023.

319 See e.g. CALL, Decision No 278 146, 29 September 2022; CALL, Decision No 281 100, 29 November 2022; CALL, Decision No 282 524, 23 December 2022; CALL, Decision No 282 525, 23 December 2022; CALL, Decision No 282 966, 10 January 2023.

320 Law of 12 May 2024 on a proactive return policy, available in Dutch here and in French here.

321 MOVE, 'Avis de move sur le project 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.

The average processing time between the asylum 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 79 calendar days in 2024.[322]

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 2024, Belgium became responsible by default 5,099 times because the transfer was not carried out within the time limits.[323]

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

Asylum applicants must attend a specific Dublin interview, during which 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, among other things, about the route taken to arrive in Belgium, 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. During this interview, applicants can state their reasons for opposing a transfer to the responsible Member State.[324] 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 asylum procedure in the responsible state or with regard to individual circumstances of vulnerability, presence of family members and relatives or others.[325] 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.

During this interview, asylum applicants can state their reasons for opposing a transfer to the responsible country according to the Dublin Regulation.[326] When a request to take back or take charge an asylum applicant is being sent to another state, this is mentioned in the 'proof of asylum application' ('Annex 26').

The questionnaire contains relevant elements for determining if the sovereignty clause should be applied to avoid potential inhuman treatment of the person concerned in case of transfer to another responsible EU or Schengen Associated state. The asylum applicants are asked why they cannot or do not want to return to that country, whether they have a specific medical condition and why they came to Belgium. However, no questions are explicitly asked about the reception conditions, the asylum procedure and the access to an effective legal remedy in the responsible Member State. This is for the asylum applicant to invoke and they have to prove that such general circumstances will apply in their individual situation or that they belong to a group that systematically endures inhuman treatment.

322 Information provided by the Immigration Office, March 2025.
323 Immigration Office, 'Procédure Dublin, Application du règlement (UE) n° 604/2013', december 2024 available in French here.
324 Article 10 Royal Decree on Immigration Office Procedure.
325 Article 18 Royal Decree on Immigration Office Procedure.
326 Article 10 Royal Decree on Immigration Office Procedure.

When the Immigration Office accepts that Belgium is responsible for the asylum claim, 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.

2.4. Appeal

Indicators: Dublin: Appeal
☐ Same regular procedure

1. Does the law provide for an appeal against the decision in the Dublin procedure? ☒ Yes ☐ No
   - ❖ If yes, is it ☒ Judicial ☐ Administrative
   - ❖ If yes, is it suspensive
     - ○ 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.[327] 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.[328]

The CALL further verifies if the Immigration Office has respected all substantial formalities.[329]

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 asylum procedure 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 asylum procedure 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.[330]

327 CJEU, case C-194/19, H. A. v. Belgium, 15 April 2021, available here.
328 Council of State, Judgement No 252.462, 7 December 2021.
329 Article 39/2(2) Aliens Act.
330 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.

Following the *Tarakhel* judgment, in these suspension and action for annulment 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).[331]

There is no information available with regard to 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.

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.[332]

2.5. Legal assistance

Indicators: Dublin: 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 Dublin decision in practice?
   ☒ Yes ☐ With difficulty ☐ No
   - ❖ Does free legal assistance cover ☒ Representation in courts
     ☒ Legal advice

Although assistance by a lawyer is not allowed during the Dublin interview, asylum applicants are entitled to a 'pro-Deo' lawyer in the context of the Dublin procedure. The lawyer can advise them prior to the interview and, if useful, write a letter containing certain information and arguments that are relevant in the context of the Dublin-procedure. Although the Ministerial Decree on Second Line Assistance, laying down the remuneration system for lawyers providing free legal assistance[333], has not determined specific points for a lawyer's intervention in the Dublin procedure at first instance with the Immigration Office, 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, 3 points). 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').[334]

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).

331 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.

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

333 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.

334 Information provided by the Brussels Bar Assocation.

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.[335] 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.[336] This might have a negative impact on the applicant's ability to explain their situation.

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?	Greece and Hungary

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 2016, the Immigration Office stopped Dublin transfers to Hungary, and Belgium started to declare itself responsible for the concerned asylum applications.[337] The situation has continued like this since. In January 2025, the Immigration Office confirmed that no transfers were carried out to Hungary and that no Dublin-transfer decisions are currently taken for Hungary.[338] The Dublin procedure takes place, but Belgium declares itself responsible for the asylum application by applying Article 17(1) of the Dublin Regulation.[339]

Greece: In January 2025, the Immigration Office confirmed that no Dublin-transfer decisions are currently taken for Greece.[340] In most cases, Belgium declares itself responsible for the asylum application by applying Article 17(1) of the Dublin Regulation.[341] In a limited number of cases in 2024, the Immigration Office has sent take over or take back-requests to Greece which, however, refused them.[342]

Bulgaria: In April 2023, transfers to Bulgaria were resumed by the Belgian authorities. This was confirmed by the Immigration Office in June 2023.[343] This change is based on the latest AIDA report, the EUAA factsheet 'Information on procedural elements and rights of applicants subject to a Dublin transfer to Bulgaria' and a working visit to Bulgaria by the Immigration Office. These sources show 'that Bulgaria acts in accordance with the provisions provided for in the Dublin Regulation and that transfers can take place in accordance with national and international regulations' according to the Immigration Office.[344] This policy has been confirmed by the CALL in several cases, and remains unchanged in 2025.[345]

335 Information based on the 'Legal Helpdesk' project of Vluchtelingenwerk Vlaanderen. The project, a collaboration between the NGO Vluchtelingenwerk Vlaanderen and the Brussels Bar Association, provides free first line legal assistance to destitute applicants and ensures 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.

336 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.

337 Myria, *Contact meeting*, 21 December 2016, available in French and Dutch here.

338 Myria, *Contact meeting*, 29 January 2025, available in French and Dutch here, 10.

339 Information provided by the Immigration Office, August 2024.

340 Myria, *Contact meeting*, 29 January 2025, available in French and Dutch here, 10.

341 Ibidem.

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

343 Myria, *Contact Meeting,* 21 June 2023, available in French and Dutch here, 9.

344 Ibidem, p. 10.

345 E.g.: CALL, No 296780, 9 November 2023; No 296571, 6 November 2023 and No 296884, 10 October 2023.

Italy: As a general rule, transfers to Italy are upheld by the CALL. In cases concerning an applicant with a vulnerable profile, the CALL has ruled against a transfer.[346] Based on case law, the decisive factor appears to be the lack of individualised guarantees or an inadequate investigation of the situation upon return to 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'.[347] In practice, this means that forced transfers are not organised by the Immigration Office and that article 17(1) is not applied. In 2024 Belgium obtained 2,301 agreements of Italy, and in 2023 2,430 agreements. No statistics are available on the number of applicants that returned voluntarily to Italy.

Croatia: In 2022, some decisions of the Immigration Office to transfer an asylum applicant with a specific vulnerability to Croatia were suspended by the CALL, because no individualised guarantees concerning the possibility to reintroduce an asylum application had been demanded beforehand.[348] In 2023, the Immigration Office has solved this issue by asking for individualised guarantees for every individual applicant.[349] Further information can be found under the heading 'Individualised guarantees'. The situation remained unchanged in 2025.

2.7. The situation of Dublin returnees

The procedure applied to Dublin returnees depends on the current state of the asylum procedure that started before they left Belgium. In case the person had not yet applied for asylum 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 asylum in Belgium. In this case, the application will be considered as a first asylum application. For persons who had already applied for asylum in Belgium and whose asylum procedure is still pending on the moment of their return, the procedure is resumed upon their return. In case the previous procedure was closed because of a final negative decision, or after a 'technical closure',[350] a Dublin returnee will have to apply for asylum 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 almost systematically excluded from reception (see Right to reception: subsequent applications).[351] Applicants who are not considered subsequent applicants suffer the consequences of the ongoing reception crisis (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, several male applicants who had to return to Belgium based on the Dublin regulation introduced an appeal at the court of First Instance of the Hague. In 2023, the court suspended a number of transfers, since access to the reception network for single male Dublin returnees could not be guaranteed by the Belgian authorities.[352] When asked by the Dutch Court what the average waiting time

346 See e.g. CALL, Decision No 272 323, 5 May 2022; CALL, Decision No 278 667, 12 October 2022; CALL, Decision No 278 668, 12 October 2022.
347 Myria, *Contact Meeting,* 20 September 2023, p. 14, available in French and Dutch here.
348 CALL, Decision No 281 327, 5 December 2022 and Decision No 281 547, 7 December 2022.
349 Myria, *Contact Meeting,* 26 April 2023, p. 10, available in French and Dutch here.
350 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.
351 Myria, *Contact meeting*, 21 June 2016, available here, para 9.
352 Knack, 'Nederlandse rechters vrezen onmenselijke behandeling voor asielzoekers in België', 13 October 2023, available in Dutch here; De Tijd, 'Nederlandse rechter legt vinger op de wonde in Belgische asielcrisis', 21 February 2023, available in Dutch here; Rechtbank Den Haag, case n° ECLI:NL:RBDHA:2025:6096, 11 April 2025, available in Dutch here; De Morgen, 'Fear for systemic issues in Belgian reception crisis: Dutch judges refuse to send asylum seekers back to Belgium', 16 April 2025, available in Dutch here.

on the waiting list is, the Immigration Office responded that it could not give an indication of how long an applicant has to wait before receiving a place in the reception network.[353] In this same questionnaire, the Belgian authorities indicated that they are unable to respect domestic judgements within the legal time limits.[354] On 13 March 2024, the Dutch Council of State overruled this decision. The Council ruled that the court of first instance wrongly considered that the State Secretary did not provide adequate reasons why he may still rely on the principle of interstate trust for Belgium.[355] However, following new information regarding the asylum and accommodation situation in Belgium, several Dutch courts have again cancelled transfer decisions to Belgium based on the Dublin-regulation.[356] The Dutch Council of State handled another onward appeal in a Belgian Dublin case on 10 December 2024, for which there has not been a judgment yet.

In Denmark, the Refugee Appeals board ruled in a similar manner for three Dublin returnees: 'In February 2023, the Belgian authorities informed the Danish Immigration Service that they cannot guarantee that accommodation can be offered shortly after arrival as the reception system was under great pressure. As a result, the Refugee Appeals Board overturned the Immigration Service's decisions on the Dublin transfer'.[357]

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;[358]
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 2024, the CGRS issued 4,561 inadmissibility decisions.[359]

353 Rechtbank Den Haag, 'ECLI:NL:RBDHA:2023:15458', 12 October 2023, available in Dutch here.
354 'Currently, however, the Belgian authorities are not in a position to immediately act on a court ruling that obliges to grant a shelter' (author's translation).
355 Dutch Council of State, '202304212/1/VR', 13 March 2024, available in Dutch here.
356 Rechtbank Den Haag, case n° ECLI:NL:RBDHA:2025:6096, 11 April 2025, available in Dutch here; De Morgen, 'Fear for systemic issues in Belgian reception crisis: Dutch judges refuse to send asylum seekers back to Belgium', 16 April 2025, available in Dutch here.
357 EUAA, 'Quarterly Overview of Asylum Case Law: Issue no 2', June 2023, p. 14, available at:
358 Note that this ground is not foreseen in Article 33(2) recast Asylum Procedures Directive.
359 CGRS, Asylum statistics 2024, available in English here.

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
   - ❖ If so, are questions limited to identity, nationality, 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

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.[360]

3.3. Appeal

Indicators: Admissibility Procedure: Appeal
☐ Same as regular procedure

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

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).[361] The appeal has an automatic suspensive effect, except for some cases concerning Subsequent Applications.[362] The CALL shall decide on the application within 2 months,[363] 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).

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

360 Article 57/5-ter(2) Aliens Act.
361 Article 39/57(1)(3) Aliens Act.
362 Article 39/70 Aliens Act.
363 Article 39/76(3)(3) Aliens Act.

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. In application of the CJUE *Ibrahim* and *Jawo* decisions[364], 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.[365]

In 2024, 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.[366] The CALL assessed the situation in Bulgaria, and even more so 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. As regards applications from beneficiaries in Greece, the CALL has found that 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.[367] For applicants with a valid Greek residence permit, the CALL assesses that it is necessary that the applicant has a certain level of independence and lack of specific vulnerabilities. All elements related to the personal situation of the applicant need to be considered. In a judgment from October 2024, the CALL annulled an inadmissibility decision by the CGRS regarding a beneficiary of international protection in Greece, finding that the psychological vulnerability of the latter led to a risk that he would be exposed to a situation of extreme material poverty when returned to Greece.[368]

In November 2024 the CALL annulled an inadmissibility decision by the CGRS regarding a family with six young children, four of whom have developmental disabilities and speech disorders, who had received international protection in Bulgaria.[369] 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.

364 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.
365 See, among others, CALL, Decision n° 300.342 of 22 January 2024, available in Dutch here, p. 27
366 CALL, 'Beneficiaries of international protection in Bulgaria and Greece', 5 March 2024, available in Dutch and French here.
367 CALL, Decision n° 300.342 of 22 January 2024, available in Dutch here.
368 CALL, Decision no 313.706, 30 September 2024, available in French here.
369 CALL, Decision no 317.036, 21 November 2024, available in Dutch here.

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, primarily within the competence of the Local Police.

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').[370] 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.[371] 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.[372]

The CGRS shall examine whether the application:[373]

- ❖ Is inadmissible; or
- ❖ Can be accelerated on the grounds set in the Accelerated Procedure.[374]

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 protection[375] (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.[376] The only exception based

370 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.
371 Articles 50-ter and 50 Aliens Act.
372 Article 39/70 Aliens Act.
373 Article 57/6/4 Aliens Act.
374 Except for the ground relating to the failure of the applicant to apply for asylum as soon as possible.
375 Article 74/5(1)(2) Aliens Act.
376 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

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).[377]

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.[378]

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 that applications in detention are treated by priority.[379] If the CGRS has not taken a decision within four weeks, the asylum applicant is admitted to the territory.[380] 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.[381] 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.

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.

377 Article 74/9 Aliens Act.

378 For jurisprudence on the fictitious extraterritoriality at the borders, see CBAR-BCHV, *Grens, Asiel, Detentie – Belgische wetgeving, Europese en internationale normen*, January 2012, available in Dutch at: http://bit.ly/1wNTXfc, 13-15.

379 Article 57/6(2)(1) Aliens Act.

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

381 Article 74/4 Aliens Act.

In 2024, 2,556 persons were notified a decision of refusal of entry to the territory and '*refoulement*' by the Immigration Office ('Annex 11') upon arrival at the (air) border, most of them coming from Albania, Palestine, Türkiye, Kosovo and Congo (DRC).[382] 753 persons applied for asylum at the border.[383] 1,883 persons were effectively expulsed:

Effective expulsions at the borders - 2024	
Nationality	Number
Albania	456
Kosovo	133
Georgia	106
Moldova	106
Congo (DRC)	101
Other	981
Total	**1,883**

Source: Immigration Office[384]

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 protection needs and taking a decision.[385] 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).[386]

382 Information provided by the Immigration Office, March 2025.
383 Information provided by the Immigration Office, March 2025.
384 Information provided by the Immigration Office, March 2025.
385 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.
386 Article 48/9(1) Aliens Act.

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?
   ☒ Yes ☐ No
   - ❖ If yes, is it ☒ Judicial ☐ Administrative
   - ❖ If yes, is it suspensive ☒ 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.[387]

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 difficulty[388] ☐ 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.[389]

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 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 always easy to contact the lawyer over the phone or in-person to discuss the reasons given in the decision. Often the lawyer decides that there are no arguments/grounds to lodge an appeal with the CALL and advises the

387 Article 39/57 Aliens Act.
388 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).
389 UNHCR, Accompagnement juridique des demandeurs de protection internationale en Belgique, September 2019, https://bit.ly/35G2h9s, 34.

asylum applicant not to appeal without explaining why.[390] 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[391] (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:[392]

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.[393] When the application is treated under the accelerated procedure on the aforementioned grounds, it may pronounce the application as manifestly unfounded.[394] This affects the order to leave the territory, which will be valid between 0-7 days instead of 30 days.

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

390 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.
391 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.
392 Article 57/6/1(1) Aliens Act.
393 *Ibid*.
394 Article 57/6/1(2) Aliens Act.

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.[395] 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.[396] 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).

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 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),[397] a special residence procedure for unaccompanied minors aimed at finding a durable solution for them,[398] a procedure that can lead to a residence permit for certain victims of human trafficking and certain aggravated forms of human

395 Article 13 Royal Decree on CGRS Procedure.
396 Article 39/57(1)(2) Aliens Act.
397 Article 9ter Aliens Act.
398 Article 74/16 Aliens Act.

smuggling,[399] and a procedure to obtain a residence permit on humanitarian grounds (so-called 'humanitarian regularisation or '9bis'-procedure).[400] All four must be initiated by the applicant, or by the guardian in the case of an unaccompanied minor.

6.1.1. Medical regularisation[401]

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.[402]

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 letter[403];
- 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;[404]
- contain a medical attestation following the obligatory template of the Immigration Office, containing the nature of the illness;[405]
- indicate an effective residence address in Belgium;[406]
- 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;[407]
- 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).

399 Article 61/2 – 61/5 Aliens Act and Articles 110bis and 110ter Aliens Decree.
400 Article 9bis Aliens Act.
401 Immigration Office, 'Medical Reasons (article 9ter)', last consulted on 3 April 2025, available here.
402 Article 9ter Aliens Act.
403 Article 9ter §1, al. 2 Aliens Act.
404 Article 9ter, §2 Aliens Act.
405 Article 9ter, §1, al. 4 Aliens Act.
406 Article 9quater Aliens Act.
407 Article 9ter, §3, 4° Aliens Act.

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:[408]

- 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.[409] 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 way[410], of 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.[411] 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.

Medical regularisation applications and decisions per year[412]				
Year	Applications	Positive	Negative	Other negative decisions[413]
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

In 2024 the Immigration Office gave 325 positive decisions in the medical regularisation procedure, regarding 454 persons. The main countries of origin of persons receiving a positive decision were Congo DRC (56 persons), Morocco (40 persons) and Cameroon (29 persons). The majority (912) of the 1,360 negative decisions in 2024 were negative decisions on the merits.[414]

6.1.2. Best Interest Procedure for unaccompanied minors[415]

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.[416] Following such a request, the Immigration Office

408 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.
409 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.
410 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.
411 Article 13 §1, al. 2 Aliens Act.
412 Immigration Office, *Activity Report 2023*, available in French here, 28; and information provided by the Immigration Office in May 2025.
413 This includes exclusion decisions (25), application without subject (112) and explicit withdrawal (6).
414 Information provided by the Immigration Office in May 2025.
415 Immigration Office, 'Best Interest Procedure for Unaccompanied Minors', last consulted on 3 April 2025, available here.
416 Article 74/16 Aliens Act.

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.[417]

This procedure can be initiated regardless of other procedures initiated by the minor or his guardian, including a request for international protection.[418] 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.[419]

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.[420] 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.[421]

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*).[422] 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.[423]

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417 See articles 61/14 to 61/25, Aliens Act.
418 Art. 61/15, Aliens Act.
419 Art. 61/16 Aliens Act.
420 Art. 61/17 Aliens Act and Articles 9 and 10 of the UN Childrens Rights Treaty.
421 Art. 61/19, Aliens Act.
422 Art. 61/18, Aliens Act.
423 Plate-forme Mineurs en exil, 'A 18 ans', last consulted on 3 April 2025, available here.

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.[424] After three years, the minor can request permanent residence permit, in the form of a B card.[425] If the minor turns 18 during this period of temporary residence, they are informed about how they can obtain permanent residence as an adult.[426] In this case, the person does not have to apply for humanitarian regularisation themself, the file is automatically transferred to the 'long stay' Unit of the Immigration office.[427] 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, he is 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.[428]

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.[429]

Decisions in Best Interest Procedures per year		
Year	Legal stay in Belgium	Return order
2021	91	32
2022	60	27
2023	69	15

Source: Information provided by the Immigration Office

In 2023 the Immigration Office decided in 69 cases that the durable solution was a legal stay in Belgium. In 15 cases the Immigration Office decided that the durable solution was not in Belgium.

6.1.3. Protection for victims of human trafficking or smuggling[430]

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 Belgium[431] – 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 tree 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.[432] Afterwards, the applicant receives a temporary residence permit valid

424 Art. 61/20, Aliens Act.
425 Art 61/23, Aliens Act.
426 Art 61/14, Aliens Act.
427 Immigration Office, 'Follow-up & Life Plan', last consulted on 3 April 2025, available here.
428 Vreemdelingenrecht,' Best Interest Procedure for Unaccompanied Minors', last consulted on 3 April 2025, available here.
429 EMN, 'Comparative overview of national protection statuses in Belgium 2010-2019', April 2020, available here, 73.
430 Immigration Office, 'Human trafficking', last consulted on 3 April 2025, available here.
431 Payoke in Flanders (www.payoke.be); Pag-asa in Brussels (pag-asa.be); Sürya in Wallonia (www.asblsurya.org)
432 Article 61/2, §2, Aliens Act.

for three months (attestation of matriculation).[433] 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 is unclear whether the applicant's situation falls under the definition of human trafficking or human smuggling.[434] As soon as the prosecutor's office decides to open a criminal investigation, the applicant receives a renewable temporary residence permit of 6 months.[435] During the procedure, the temporary residence permit can be withdrawn if the applicant returns to the environment of exploitation,[436] does not cooperate with the investigation[437] or if the authorities end the investigation.[438]

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.[439]

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).

Residence permits granted to victims of human trafficking and smuggling[440]			
	2021	2022	2023
Bijlage 15	42	49	27
(Extension of) Attestation of matriculation	104	208	122
(Extension of) A-card	460	535	712
B-card	25	35	38
Order to leave the territory	0	0	0

6.1.4. Humanitarian regularisation[441]

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.[442] 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

433 Article 61/3, §1, Aliens Act.
434 Article 61/3, §2, Aliens Act.
435 Article 61/4, §1, Aliens Act.
436 Article 61/2, §3 and article 61/4, §2, 1°, Aliens Act.
437 Article 61/4, §2, 2°, Aliens Act.
438 Article 61/4, §2, 3°, Aliens Act.
439 Article 61/5, Aliens Act.
440 Immigration Office, *Activity Report 2023*, available in French here, 26.
441 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.
442 Article 9bis Aliens Act.

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 urgence.[443]

The procedure is entirely written and can only be initiated by submitting a written application to the commune of the applicant's actual residence. After conducting a residence check, the commune 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').[444] This retribution is indexed on a yearly basis; since 1 January 2025, it is € 368;[445]
- Indication of the applicants' effective residence address in Belgium;[446]
- 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 necessarily need to be valid. Applicants for international protection who have not received a final negative decision are exempt from this requirement.[447]
- 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.[448] 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.[449]

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

443 Information provided by the Immigration Office in the context of their right of reply, May 2025.
444 Article 1/1 Aliens Act.
445 Immigration Office, 'Contribution Fee', last consulted on 3 April 2025, available here.
446 Article 9quater Aliens Act.
447 Article 9bis, §1 Aliens Act.
448 Council of State 9 April 1998, n°73.025.
449 Article 9bis, §2 Aliens Act.

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.

Humanitarian regularisation applications and decisions per year[450]				
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

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.[451]

6.2. 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 decision[452]. 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

450 Immigration Office, *Activity Report 2023*, available in French here, 28; and information provided by the Immigration Office through their right of reply, May 2025.

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

452 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.

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.[453] During this term provided for voluntary return, the person is protected from forced return.[454]

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 higher interest of the child, the family life and the health situation of the person.[455] 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 CALL[456] and the Council of State[457] 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 secretary of state 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.[458]

When taking a return decision, the Immigration Office must also consider the higher interest of the child, the private- and family life and the health situation of the person(s) concerned.[459]

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453 Article 74/14 §1 Aliens Act.

454 Article 74/14 §2 Aliens Act.

455 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.

456 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

457 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;

458 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.

459 Article 74/13 Aliens Act.

The Belgian return policy consists of two pillars: voluntary and forced return.[460] 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.[461] 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, among other things, 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.

6.2.1. Voluntary return procedure

Applicants who receive a return decision can either leave Belgian territory by their 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. In 2024, 76% of returnees benefited from reintegration assistance.[462]

Fedasil is the government agency responsible for the voluntary return program from Belgium. The return journey is organised by Fedasil or by it's 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.[463] 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'.[464] 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.[465] 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'.[466]

The ICAM procedure comprises the following stages:[467]

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.

460 Immigration Office, 'Voluntary return', available in English here (last consulted on 28 March 2025).
461 Chamber of representatives, Act on proactive return policy, 12 May 2024, available in Dutch and French here.
462 Fedasil, *3,267 voluntary returns in 2024,* 3 February 2025, available in English here.
463 A list of the return desks is available here.
464 Immigration Office, 'What is ICAM coaching', last consulted on 3 April 2025, available here.
465 Immigration Office, Annual Rapport 2023, available in French here (p. 63) and in Dutch here (p. 61).
466 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.
467 Article 74/24, §1 Aliens Act

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 2023, 7,651 of such invitations have been sent out, mainly to persons from Morocco (641), Afghanistan (633), Albania (294), Cameroon (268) and El Salvador (171). This led to 3,994 ICAM-interviews, mainly with persons from Morocco (539), Albania (313), Cameroon (232), Afghanistan (227) and Brasil (210).[468] 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 2023, the Immigration Office conducted 973 house visits; 326 cases, they were able to get in contact with the person ('positive'), in 347 cases, the person did not live at the address anymore ('negative') and in 300 cases it was not possible to establish whether the person was still living at the address ('unknown'). In 2023, 14 ICAM-trajectories were started for unaccompanied minors in irregular stay. This led to the start of 7 new residence procedures in Belgium and 2 returns; in 2 cases the trajectory was abrogated.[469] In a few cities and communes, 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.[470]

- 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 a Fedasil centre (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.[471] In 2023, 850 ICAM-files were ongoing in the context of the open return places, 576 of which for persons with an annexe 26quater and 274 of which for persons with an annexe 13quinquies.[472] 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 then the track in the context of the open return places.[473] (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. 3 ICAM-coaches are permanently stationed in the centre of Zaventem to this purpose. In 2023, 2,235 ICAM-interviews took place in the centre of Zaventem.[474]
  - At the 'Dublin Pacheco desk'[475], for persons with an annexe 26quater who are not in the reception network. In 2023, 1,920 persons were invited for a first ICAM-interview at the Dublin Pacheco desk (279 Afghanistan, 185 Burundi, 181 Türkiye, 164 Syria, 142 Palestine, 969 other); 476 showed up for their first ICAM-interview (85 Burundi, 58 Afghanistan, 43 Palestina, 40 Syria, 39 Eritrea, 211 other).[476]

Attendance to these 'ICAM interviews' is mandatory. Not attending without giving valid justification can be considered as a 'failure to cooperate'[477] with return procedures that may, eventually, result in detention

468 Immigration Office, Annual Rapport 2023, available in French here (p. 63) and in Dutch here (p. 61).
469 Immigration Office, Annual Rapport 2023, available in French here (p. 63) and in Dutch here (p. 61).
470 Immigration Office, Annual Rapport 2023, available in French here (p. 67) and in Dutch here (p. 65).
471 Article 4, §1, 2° Reception Act.
472 Immigration Office, Annual Rapport 2023, available in French here (p. 65) and in Dutch here (p. 63).
473 Fedasil Instruction 19 June 2024, *The return track and open return places*, available in Dutch here and in French here; p. 4-5.
474 Immigration Office, Annual Rapport 2023, available in French here (p. 66) and in Dutch here (p. 64).
475 This desk is situated in the main building of the Immigration Office at Boulevard Pachec 44, 1000 Bruxelles.
476 Immigration Office, Annual Rapport 2023, available in French here (p. 67) and in Dutch here (p. 65).
477 Article 74/22 §1 4° Alien Act.

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.[478] 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.[479]

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.[480]

In 2024, 3,267 persons returned voluntarily to their country of origin, an increase of 11% compared to 2023. Around half of the returnees were migrants without a residence permit in Belgium, 23% were asylum seekers and the remaining 28% were persons at the end of their asylum procedure.[481]

6.2.2. 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.[482] 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.[483] 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.[484] 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.[485] The staff members of the Immigration Office are allowed to use certain means of coercion after receiving a special training.[486]

The use of force and presence of an escort is based on the willingness to return and follows a 'sliding scale'.[487] 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

478 Article 74/28 §3, al. 3, 2° Aliens Act.
479 Information based on exchanges with members of the Brussels Bar Association.
480 Immigration Office, *Voluntary return,* available in English here (last consulted on 28 March 2025).
481 Fedasil, *3,267 voluntary returns in 2024,* 3 February 2025, available in English here.
482 Article 74/15 Aliens Act.
483 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.
484 Article 28/1, §2 Aliens Act, introduced by Article 6 of the Law of 12 May 2024 on a proactive return policy, available in Dutch and French here.
485 Article 28/1, §2 second paragraph Aliens Act
486 Article 28/2 Aliens Act
487 Immigration Office, 'Steps in return', consulted on 3 April 2025, available here.

as possible.[488] 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.

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 he is subject to the visa requirement, he 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 he arrives in Belgium.[489] In 2023 the Immigration Office recovered € 258,235 from employers, and € 872,850 from foreign nationals, a significant increase compared to 2022.[490]

Type of removals (2021 – 2023)						
Year	Forced returns			Refoulements 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

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

Source: Immigration Office, *Activity Report 2023*, available in Dutch here, 78-81.

In 2023, 5,322 removals were conducted. These consisted of 1,843 refoulements at the border, 96 transfers of detainees and 3,383 forced returns. Of these forced returns, the majority (2,174) was conducted using a commercial airliner without escort. In 331 cases, the Immigration Office used an escort. The most recurring nationalities among forced returnees were Albania (14%), Afghanistan (7%) and Morocco (7%).[491] In the case of Afghanistan it is important to note that forced returns to Afghanistan are not organised, so these returns take place in the framework of the Dublin Regulation or in the context of a bilateral agreement with an EU Member State.

488 Article 27 Aliens Act.
489 Immigration Office, 'Reimbursement of return expenses', consulted on 3 April 2025, available here.
490 Immigration Office, 'Activity Report 2023', available in Dutch here, 85.
491 Immigration Office, 'Activity Report 2023', available in Dutch here, 80.

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.[492]

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.'[493] However, there is no common policy, both regarding the asylum procedure and reception, to address the situation of all vulnerable applicants.[494]

1.1. Screening of vulnerability

Both the Immigration Office and the CGRS have 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,[495] which consists of officials who are trained to identify vulnerabilities and to conduct interviews with persons with a vulnerable profile.[496] 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.[497] 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, there are few specific provisions regarding the screening, processing and assessing of vulnerabilities of asylum applicants. There is a general obligation to consider the asylum applicant's individual situation and personal circumstances, particularly the acts of persecution or serious harm already undergone, which could be regarded as a specific vulnerability.[498] In case of a gender-related claim, applicants can refuse being interviewed by a protection officer from the other sex or with the

492 Article 1(12) Aliens Act.
493 Article 36 Reception Act.
494 In this regard see: Saroléa, S., Raimondo, F., Crine, Z., 'Exploring Vulnerability's Challenges and Pitfalls in Belgian Ayslum System – Research Report on the Legal and Policy Framework and Implementing Practices in Belgium', 2021, available at: https://tinyurl.com/5n87tacv.
495 Information provided by the Immigration Office in the context of their right of reply, May 2025.
496 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.
497 Fedasil, *Study into vulnerable persons with specific reception needs*, February 2017, available at: http://bit.ly/2jA2Yhj.
498 Article 27 Royal Decree on CGRS Procedure.

assistance of an interpreter from the other sex.[499] Whether unaccompanied or accompanied, children should be interviewed in appropriate circumstances, and their best interests should be decisive in the examination of the asylum application.[500]

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 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.[501]

At the CGRS, 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;[502]
- 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.[503]

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.[504]

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.[505] Following critiques around the accuracy of the medical test to establish the age of non-Western children by order of Physicians,[506] 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

499 Article 15 Royal Decree on CGRS Procedure.
500 Article 14 Royal Decree on CGRS Procedure.
501 Article 57/1(3) Aliens Act.
502 Information provided by the CGRS, 21 December 2022.
503 Information provided by the CGRS, 24 August 2017.
504 Article 7 UAM Guardianship Act.
505 Myria, *Contact Meeting September: answer provided by Guardianship Service*, 15 September 2021, available in French and Dutch at: https://bit.ly/3AMqXOR.
506 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.

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.[507]

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.[508] 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.[509]

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.[510] 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.[511] Finally, the Council of State stated in 2024 that age determination based on medical tests should be thoroughly motivated. In this 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.[512]

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.[513] The impact of this judgment on the Belgian practice related to age assessment remains to be seen.

In 2024, 4,068 unaccompanied children were registered in the country, a decrease of 6.83% compared to 2023.[514] 2,345 applicants declared themselves unaccompanied minor on the moment of their application for international protection.[515]

507 Platform Kinderen op de vlucht, *Leeftijdsschatting van NBMV in vraag: probleemstelling, analyse en aanbevelingen*, September 2017, available in Dutch at: http://bit.ly/2GyEJsd.
508 See inter alia previous updates to this country report, available here.
509 De Tobel, J. & Thevissen, P., Adviesraad medische leeftijdsonderzoeken, 30 June 2022.
510 Court of First Instance Liège, Decision n° 22/1560/B of 16 June 2023, available in French here.
511 Court of First Instance Namur, Decision n° 24/147/B of 17 April 2024, available in French here.
512 Council of State, Decision n° 260.988 of 10 Octobre 2024, available in French here.
513 ECtHR, Decision n° 47836/21 of 6 March 2025, available in French here.
514 Myria Myria, Contact Meeting 29 January 2025, p. 60, available in Dutch and French here.
515 Immigration Office, Applicants for International Protection – Monthly Statistics, December 2024, available in Dutch here and in French here, 7-9.

The top 5 nationalities (among those applying for asylum) were:

Unaccompanied children applying for asylum: 2024	
Country	Number
Eritrea	513
Syria	422
Afghanistan	397
Guinea	171
Palestine	143

Source: Immigration Office[516]

In 2,168 cases (related to all registered unaccompanied children, not only those applying for asylum), doubt was expressed about the age of the declared minors. In 1,713 cases, an age assessment was conducted. Of these assessments, 1,154 found the declared minor to be over 18 years old.[517] Regarding unaccompanied minor applicants for international protection, of the 2,345 persons who claimed to be unaccompanied minor upon applying, 1,522 were confirmed after undergoing age determination assessments.[518]

During the reception crisis in December 2021 (see Country Report: Belgium - 2021 Update), Fedasil and the Immigration Office briefly conducted a screening of minors waiting in line at the arrival centre based on physical appearances. If a young man waiting in line did not look like a minor, he was sent to the line of single men resulting in a denial of reception. This practice being in clear violation of the legal framework, it was promptly stopped after an intervention from the Flemish Children's Rights Commissioner[519].[520]

Also, in the context of the reception crisis, no age assessments were conducted between 16 October and 13 December 2022. According to the Guardianship Service, asking minors without access to reception to undergo an age assessment was not justified. As a result, these minors were not given access to the reception network and could not dispute the doubt about their minority. In the second week of January 2023, Caritas International Belgium reported that 24 of these minors were gone missing. No similar reports were made in 2023 and 2024.

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:

2.1. Adequate support during the interview

The identification of a special procedural need is done on the basis of information in the administrative file, the questionnaire on specific procedural needs and all other elements and documents presented by the applicant and other actors intervening in the context of the procedure (such as the lawyer, guardian or social assistant). The Immigration Office and the CGRS indicate that the evaluation of procedural needs

516 Immigration Office, Applicants for International Protection – Monthly Statistics, December 2024, available in Dutch here and in French here, 7-9.
517 Myria, Contact Meeting 29 January 2025, available in Dutch and French here, 60.
518 Immigration Office, Applicants for International Protection – Monthly Statistics, December 2024, available in Dutch here and in French here, 7-9.
519 Flemish Children's Rights Commissioner, *Standpunt Opvangcrisis: dringend oplossingen voor niet-begeleide minderjarige vreemdelingen,* available in Dutch here.
520 The Immigration Office, in the context of their right to reply to the 2024 AIDA update, notes that this did not consider a screening but merely a prioritisation of groups in view of access to the building.

is an ongoing process and tries to determine procedural needs as soon as possible and offer special supporting measures if needed. Throughout the entire procedure, the applicant or other actors supporting them can make their special procedural needs known.

At the start of the asylum procedure, asylum applicants are informed about the possibility to indicate specific procedural needs and are requested to fill in a questionnaire determining any specific procedural needs.[521] Through this questionnaire, applicants are requested to provide information on elements that need to be taken into account to allow them to share their story under the best possible conditions.[522] New elements can still be added in a later stage of the procedure.

To support the indication of special procedural needs, the applicant may submit a report from a psychologist, psychiatrist or other doctor attesting to their needs. This usually concerns psychological problems resulting from trauma, in which case a specialised protection officer is called in to conduct an adequate interview. However, the medical certificate must be comprehensive, and the needs must be clearly demonstrated. In one case in 2019, for example, an applicant's anxiety attacks, psychological problems and various physical injuries were mentioned in a letter from the medical service of a pre-reception arrangement in Brussels and in a medical report from Fedasil. However, the Immigration Office judged these were insufficient to demonstrate that the applicant was not fit to conduct an interview. The CGRS confirmed that it did not notice any particular needs during the interview and stated the medical attestations were not recent enough to prove current problems. Similarly, the CALL did not consider the medical attestations in its judgement.[523]

While certain applicants mention the reasons to be considered in need of special procedure during interviews and although they receive information about this on the moment of registration of their asylum application, 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.

Furthermore, a doctor appointed by the Immigration Office can recommend procedural needs based on a medical examination. However, this is not mandatory,[524] and the Immigration Office does not provide statistical information on if and how often this is applied in practice.

If the procedural needs have not been signalled at the beginning of the asylum procedure, the asylum applicant can still submit a written note to the CGRS describing the elements and circumstances of their request.[525] However, this does not entail an obligation on the part of the CGRS to restart the examination of the asylum application. The Immigration Office and the CGRS remain free to decide if any special procedural needs apply, and their decision is not appealable.[526]

On the level of the CGRS, (i) a first evaluation will take place when the file is transferred to the CGRS, (ii) a second assessment will be undertaken during the interview, and (iii) another evaluation is conducted at the moment of the decision. Those different evaluations can be conducted both in relatively short or long timelines.[527]

521 Article 48/9(1) Aliens Act.
522 Immigration Office, 'Information brochure – International protection in Belgium', available in English here, p. 16.
523 CALL, Decision No 217.807, 28 February 2019.
524 Article 48/9(2) Aliens Act.
525 Article 48/9(3) Aliens Act.
526 Article 48/9(4) Aliens Act.
527 Myria, *Contact meeting*, 18 April 2018, available in Dutch at: https://bit.ly/2sIMaXC, para. 56; information confirmed by the CGRS in December 2022.

Furthermore, according to the law, reception centres should evaluate if special reception needs apply and proactively look for signs of special procedural needs themselves. Where such needs are identified, the centres must inform the Immigration Office and/or the CGRS accordingly on the condition that the asylum applicant consents.[528]

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,[529] to organise several breaks during the interview, to postpone the interview after the birth of a child 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.[530]

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.[531] 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.[532]

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.[533] 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, 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 is running from December 2024 until May 2025, after which it will be evaluated. Also, as of 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.[534]

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.[535] Women and girls applying for asylum in

528 Article 22(1/1) Aliens Act.
529 CALL, Decision No 214.454, 20 December 2018; CALL Decision No 215.972, 30 January 2019; CALL, Decision No 213 350, 30 November 2018.
530 CALL, Decision No 217807, 28 February 2019.
531 Program Law (I) (art. 479), 24 December 2002 – Title XIII – Chapter VI: Guardianship of unaccompanied minors.
532 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.
533 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.
534 CALL, 'Adapted convocation letters and a court room tailormade for minors', 2 December 2024, available in Dutch here and in French here.
535 Article 8 Royal Decree on Immigration Office Procedure.

their own name are also handed in a brochure called 'Information for women and girls that apply for asylum', published by the CGRS in 9 languages.[536]

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.[537]

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.[538]

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

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.[539] However, refusal to undergo a medical examination shall not prevent the CGRS from deciding on the asylum application.[540] 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 below).[541]

If no such request is made by the CGRS and the applicant declares to have a medical problem, the CGRS should inform him or her 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.[542]

The CGRS should evaluate the report together with all the other elements of the case.[543]

In 2023, the CGRS started a project 'Vulnerability and asylum: applicants for international protection',[544] focusing on the participation of applicants with physical and/or mental vulnerabilities in the asylum procedure in general and in the personal interview in particular. 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

536 CGRS, *Women, girls and asylum in Belgium: Information for women and girls who apply for asylum*, available at: http://bit.ly/2kvQCpP. The brochure is not otherwise distributed or freely available.
537 Article 48/9(5) Aliens Act.
538 Myria, *Contact meeting*, 16 January 2019, available in Dutch at: https://bit.ly/2HeyRXu, para 290.
539 Article 48/8(1) Aliens Act.
540 Article 48/8(3) Aliens Act.
541 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.
542 Article 48/8(2) Aliens Act.
543 Article 48/8(4) Aliens Act.
544 CGRS, 'CGRS Project 'Vulnerability and asylum: applicants for international protection'', available in English here.

context of this project and in collaboration with 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.[545] The CGRS has organised several online information sessions for professionals in the (mental) heath care sector and other stakeholders to inform about these recommendations and gather input for further finetuning.

3.1. Mental state and credibility

Given that the burden of proof lies on the asylum applicant, the CGRS considers that it is the role of the applicant to provide a psycho-medical attestation if they want to justify 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.

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. 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.[546] 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.[547]

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.[548]

3.2. Medical evidence of past persecution or serious harm

Medical reports demonstrating physical harm as evidence of past persecution or inhuman treatment are regularly put aside by the CGRS, arguing that they cannot determine the exact cause of the harm, their perpetrator or the reasons behind it.[549] However, in some cases, the CALL requested the CGRS to

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

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

547 CALL, Decision No 222091, 28 May 2019.

548 CALL, Decision No 242762, 22 October 2020.

549 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.

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.[550]

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.[551]

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.[552]

Some NGOs, such as 'Constat' or 'Exil', deliver free medical examinations and attestations. The main objective of the organisation 'Constat' is to defend and promote the full implementation of the Istanbul Protocol into the Belgian asylum procedure, in particular regarding the examination of physical and psychological consequences of torture and other cruel, inhuman and degrading treatments or punishments over asylum applicants. Another organisation acting in this specific field is 'Exil', which offers medical, psychiatric, psychological, psychotherapeutic and/or fascia-therapeutic consultations to victims of human rights violations and torture.

In this context, it is also important to mention the so-called 'medical regularisation procedure', which is not technically part of the asylum procedure but is closely related to it. In cases where return to the country of origin would 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.[553] This application for protection based on medical reasons has been removed from the asylum procedure and replaced with a separate procedure that entails fewer procedural guarantees. 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. The existence of this procedure is a way for the CGRS to avoid having to consider medical elements put forward during the asylum procedure, even if they could be relevant to the asylum application (see National protection statuses).

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

[550] Article 48/7 Aliens Act.
[551] Council of State, Judgment No 244 033, 26 March 2019, available in French at: https://bit.ly/2uWoO57.
[552] CGRS, Change in frequency of "FGM monitoring", available in English here.
[553] Article 9-ter Aliens Act.

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 at the Ministry of Justice. The so-called Programme Law of 24 December 2002 has established the service and procedures to be followed in such a case.[554]

Once identified as a child, a guardian will be assigned to the child applicant. The guardian represents their pupil in legal acts and is responsible for ensuring that all necessary steps are taken during the unaccompanied child's stay in Belgium. The guardian has to arrange for the child's accommodation and ensure that the child receives the necessary medical and psychological care, attends school etc. The guardian has to see to the child's asylum or other residence procedures, represent and assist the child 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).[555] 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.[556] 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, since, 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.[557]

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.[558]

At the end of 2024, there were 3,654 guardianships, of which 2,716 were new guardianships since the start of the year. [559] 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 2024 that for the first time in three years, there was no longer a waiting list for the appointment of a guardian.[560] This is due to both a decrease in the number of non-accompanied minors arriving in Belgium and successful campaigns by the Guardianship Service to try and find more guardians. As a result, the Guardianship Service is able to assign a guardian within the legal timeframe of eight weeks.

554 Article 479 Title XIII, Chapter VI of Programme Law of 24 December 2002 (UAM Guardianship Law).
555 Article 61/15 Aliens Act.
556 Article 479(9)(12) UAM Guardianship Law.
557 Article 11 UAM Guardianship Law; 9 Royal Decree Immigration Office Asylum Procedure; Article14 Royal Decree CGRS Procedure; Guardianship Service, *General guidelines for guardians of unaccompanied children*, 2 December 2013, available in Dutch at: http://bit.ly/2FFW1GG.
558 Article 479(6) UAM Guardianship Law.
559 Myria, Contact Meeting 29 January 2025,, available in French and Dutch here.
560 VRT NWS, 'Waiting list for guardians for non-accompanied minors has disappeared', 20 November 2024, available in Dutch here.

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

The Immigration Office is also 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.[561]

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 qualifies as a beneficiary of international protection.[562] The claim is deemed admissible because the previous application was terminated based on implicit withdrawal.[563]

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.[564] If the CGRS declares the application admissible, it examines the merits under the Accelerated Procedure. The final decision should be made within 15 working days.[565] Generally, this delay is not respected. The CGRS indicates it cannot decide within this strict legal deadline but stresses that treating subsequent applications is a priority.[566]

If the subsequent application is dismissed as inadmissible, the CGRS should determine whether the applicant's removal would lead to direct or indirect *refoulement*.[567] Recent case law of the CALL concerning Afghan applicants confirmed this.[568]

An appeal to the CALL against an inadmissibility decision should be made within 10 days, or 5 days when the applicant is in detention.[569] The appeal has an automatic suspensive effect, except where:[570]

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 exactly the same way as concerning first asylum applications. However, in practice, some asylum applicants or lawyers have experienced difficulties obtaining 'Pro-Deo' assignments because they are generally not accommodated in a reception centre, which makes the proof of their lack of income more burdensome (see Legal assistance) .

561 Article 51/8 Aliens Act.
562 Article 51/8 Aliens Act.
563 *Ibid*, citing Article 57/6/5(1)-(5) Aliens Act.
564 Article 57/6(3) Aliens Act.
565 Article 57/6/1(1) Aliens Act.
566 Myria, Contact meeting 15 June 2022, available in Dutch and French at: https://bit.ly/3ZHDEVL.
567 Article 57/6/2(2) Aliens Act.
568 CALL, *Specific questions concerning Afghanistan*, 20 October 2022, available in Dutch and French at: http://bit.ly/3UbUECF.
569 Article 39/57 Aliens Act.
570 Article 39/70 Aliens Act.

An applicant does not have a right to remain on the territory even before the CGRS pronounces itself on admissibility in cases where:[571]

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).

A total of 6,469 applicants lodged subsequent applications in 2024:

Subsequent applicants by 5 main countries of origin: 2024	
Country	Number
Afghanistan	1,673
Palestine	360
Syria	270
Georgia	284
Guinea	238

Source: CGRS, 'Asylum statistics: Survey 2024', 16 January 2025, available in English here, 6

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.[572]

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 and the principle

571 Article 57/6/2(3) Aliens Act.
572 Article 57/6/1(1)(b) Aliens Act.

of non-*refoulement* and the availability of an effective remedy against violations of these rights and principles.[573]

After receiving detailed advice from the CGRS, the government approves the list of safe countries of origin upon the proposal of the Secretary of State for Migration and Asylum and the Minister of Foreign Affairs. The list must be reviewed annually and can be adjusted.[574] Belgium approved an updated list of safe countries of origin that is applicable as of 27 May 2024. The following countries are currently considered safe countries of origin: Albania, Bosnia and Herzegovina, the Republic of North-Macedonia, Kosovo, Montenegro, Serbia, India and Moldova. These are the same countries as those listed in the previous Royal Decree, with the exception of Moldova, which was added to the list in 2024.[575]

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.

In 2024, a total of 1,912 persons from safe countries of origin applied for asylum. The breakdown per nationality was as follows:

Country	2017	2018	2019	2020	2021	2022	2023	2024
Kosovo	320	242	194	70	164	160	113	167
Albania	882	668	680	447	588	595	405	354
FYROM / North Macedonia	251	194	190	89	177	195	218	215
India	52	81	46	18	16	31	29	20
Bosnia-Herzegovina	44	23	45	34	72	104	56	59
Montenegro	5	8	20	5	9	9	13	15
Serbia	232	198	220	134	150	203	145	177
Georgia	468	695	563	266	593	1,026	911[576]	N/A
Moldova	N/A	N/A	N/A	N/A	N/A	N/A	N/A	905
Total	**2,722**	**2,804**	**2,521**	**1,329**	**2,362**	**2,323**	**1,890**	**1,912**

Source: Information provided by the CGRS, March 2025

2. Safe third country

Following the reform that entered into force on 22 March 2018, the Aliens Act contains the 'safe third country' concept[577] as a ground for inadmissibility.[578] 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.[579] In 2024, the concept was applied 2 times: once regarding an Indian applicant and once regarding an Armenian applicant.[580] The information on which country was considered the 'safe third country' for these applicants was not provided.

573 Article 57/6/1(3) Aliens Act.
574 Article 57/6/1 Aliens Act.
575 Royal Decree of 12 May 2024, available in French: https://tinyurl.com/mrxjn377.
576 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.
577 Article 57/6/6 Aliens Act.
578 Article 57/6(3)(2) Aliens Act.
579 Myria, Contact meeting 19 January 2022, available in French and Dutch at: https://bit.ly/3sy9SFN, 37.
580 Information provided by the CGRS, March 2025.

2.1. Safety criteria

A country may be considered as a safe third country where the following principles apply:[581]

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;
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.[582] 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'.[583]

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.[584] 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

581 Article 57/6/6(1) Aliens Act.
582 Article 57/6/6(2) Aliens Act.
583 *Ibid*.
584 See e.g. CALL, Decision No 129 911, 23 September 2014; No 123 682, 8 May 2014.

possible to return to that country, they had a residence permit there and because of their socio-economic situation.[585]

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.

In 2021 the application of the first country of asylum led to the inadmissibility of the asylum application in 11 cases, 10 of those concerning Tibetans, having India as the first country of asylum and one concerning a person having a status other than the international protection status, in Greece.[586] In 2024, the application of the first country of asylum led to the inadmissibility of the asylum application in 7 cases (1 Chinese applicant, 1 Syrian applicant, 3 Afghan applicants, 2 undetermined).[587] 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 and 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.[588]

1.2. Information provision tools

On the day of making the asylum application at the Immigration Office, applicants receive a folder containing various information, including information on the trajectory that will be followed on the day of making the application and an extensive brochure at the Immigration Office on the day they make the application. This brochure was recently updated.[589] In the context of the reception crisis, the Immigration Office also hands out flyers of the reception agency Fedasil, containing information on the ways one can register on the waiting list of Fedasil and for emergency homelessness reception by Samu Social.

A brochure entitled 'Asylum in Belgium', published by the CGRS and the reception agency, Fedasil, explains the different steps in the asylum procedures, the reception structures and rights and obligations

585 Myria, *Contact meeting*, 19 April 2016, available at: http://bit.ly/2jGUHTW, para 28.
586 Myria, Contact meeting 19 January 2022, available in French and Dutch at: https://bit.ly/3sy9SFN, 37.
587 Information provided by the CGRS, March 2025.
588 Articles 2-3 Royal Decree on Immigration Office Procedure.
589 See brochure in multiple languages, available here.

of the asylum applicants. It is distributed at the dispatching desk of Fedasil, where people are designated to a reception accommodation place.[590] In the context of the reception crisis, persons who don't receive accommodation are not automatically provided with this information.

In October 2019, Fedasil further launched the website www.fedasilinfo.be, which 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.

In March 2021, the CGRS launched the website www.asyluminbelgium.be, providing 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 four 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 this website, 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.

Besides this, some specific leaflets are also published and made available. The brochure 'Women, girls and Asylum in Belgium' was created for female asylum applicants and is translated in nine different languages. It not only contains information about the asylum procedure itself, but also on issues related to health, equality between men and women, intra-family violence, female genital mutilation and human trafficking. The CGRS also created brochures explaining the asylum procedure for unaccompanied and accompanied minors.[591] Leaflets with specific information are also available for asylum applicants in a closed centre, at a border or in prison. There is also the so-called 'Kizito' comic dated 2007, designed for unaccompanied children who do not speak any of the official languages in Belgium (Dutch, French and German), conceived to be understood only by the drawings, that explains the different steps of the asylum procedure and life in Belgium.

The Guardianship Service has developed a leaflet on assistance to unaccompanied children. This leaflet is available in 15 languages.[592]

Moreover, the CGRS has published several brochures on different aspects of the asylum procedure. A code of conduct for interpreters and translators and a so-called charter on interview practices serves as the CGRS protection officers' code of conduct (see Regular Procedure: Personal Interview). All these publications are freely available on the CGRS website.[593]

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.[594] In its first year, the Infopunt received nearly 11,500 visitors, the vast majority of whom were isolated men. Palestinians made up 36% of the total. More than 8,000 visitors were asylum seekers seeking information about accommodation.[595]

590 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.
591 CGRS, Guide for unaccompanied minors who apply for asylum in Belgium; Guide for accompanied minors in the asylum procedure in Belgium, available at: http://bit.ly/2kvQCpP.
592 The leaflets can be consulted at: http://bit.ly/2l019Xb.
593 CGRS, *Publications*, available at: http://bit.ly/2kvQCpP.
594 Fedasil, 'Ouverture du Point Info à Bordet', 29 September 2023, available in French here.
595 Fedasil, 'The Fedasil Info Point is one year old', 1 October 2024, available here.

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.[596]

A team from Vluchtelingenwerk Vlaanderen ('Startpunt') is present every morning at the entrance of the Immigration Office to provide asylum applicants waiting in line with information about the asylum procedure and their rights. They distribute brochures with legal and practical information on various topics – such as the asylum procedure, the Dublin procedure and practical tips for people who are refused reception – which is translated into 18 languages.[597]

A procedural guide by Ciré was updated in 2019, and available in French.[598]

On the websites of Agentschap Inburgering en Integratie (Dutch), Ciré (French) and ADDE (French), extensive legal information is made available on all aspects of the asylum procedure, reception conditions and detention.

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 coalition[599] visits every closed centre on a weekly basis. Their visitors provide preliminary socio-legal support, and they try to ensure that a lawyer is appointed to applicants in closed centres.[600] 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 – 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 websites or through their first line legal assistance helpdesks.[601]

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.[602] However, there is no structured

596 Fedasil, 'Reach Out – Informing migrants who are difficultly accessible', available in Dutch here and in French here.
597 Flyers available in English at: https://bit.ly/3NAuDJu.
598 Ciré, *Guide de la procédure d'asile*, 2019, available in French at: https://bit.ly/2tvuPFF.
599 A coalition of 4 NGOs (JRS, Caritas, Ciré, Vluchtelingenwerk Vlaanderen) working on the topic of administrative detention: https://movecoalition.be/.
600 For more information see: MOVE, available at:https://tinyurl.com/yc5w3x2s.
601 The websites of Kruispunt Migratie-Integratie: http://bit.ly/1HiBm4s (Flanders and Brussels) and of ADDE: http://bit.ly/1HcnMBS (Wallonia and Brussels) give an overview with contact details of all the existing legal assistance initiatives for asylum applicants and other migrants.
602 Article 33 Reception Act.

approach to this, so it depends on the reception centre. Currently, no information regarding such arrangements is available.

In any case, UNHCR's role during the asylum procedure should be highlighted. In Belgium, 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.[603] 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.[604]

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?[605] ☒ Yes ☐ No
   - ❖ If yes, specify which: Bosnia-Herzegovina, Serbia, Montenegro, Kosovo, Albania, FYROM, India

The CGRS uses the accelerated procedure for nationals of safe countries of origin. The list has been renewed by the Royal Decree of 7 April 2023 (see Safe country of origin).

Burundi: In a judgment of 10 February 2025,[606] the CALL confirmed its previous judgment of 22 December 2022 in which it stated, in a chamber composed of 3 judges, that the mere fact of having applied for asylum in Belgium constitutes a sufficient reason to deduct a risk of persecution in Burundi. The CALL considered that country of origin information shows that the Burundi regime considers this category of persons as opponents.[607] In the judgment of 10 February 2025, the CALL added that, although not all returnees risk being noticed by the Burundi authorities upon their return, applicants cannot be expected to prove that Burundi authorities are aware of their asylum application in Belgium; several elements can lead to the presumption that the person would get the specific attention from the Burundi authorities (in this case, for example, the fact that the applicant is Tutsi, that he has been staying in Belgium for a long time, etc). The CGRS has introduced a 'cassation appeal' before the Council of State (see Onward appeal to the Council of State) against the judgment of 22 December 2022, stating that it does not agree with the legal motivation and that the judgment would have the undesirable consequence that all people with the Burundi nationality would almost automatically receive a status of international protection in Belgium. It announced that it will continue to examine Burundi applications on an individual

603 Article 57/23 bis Aliens Act.
604 *Ibid*.
605 Whether under the 'safe country of origin' concept or otherwise.
606 CALL 10 February 2025, nr. 321.368, available here.
607 CALL 22 December 2022, nr. 282.473, available in French via https://bit.ly/3zOgi6o.
4.19. Il découle de ce qui précède que si les sources consultées pour la rédaction du COI Focus du 28 février 2022 n'ont relevé jusqu'à présent aucun cas documenté de ressortissants burundais, demandeurs de protection internationale ou non retournés au Burundi en provenance de la Belgique et ayant été persécuté de ce seul fait, il n'en apparaît pas moins clairement que les sources, s'étant prononcées plus spécifiquement sur les Burundais ayant introduit une demande de protection internationale en Belgique, considèrent que le seul fait d'avoir séjourné en Belgique en qualité de demandeur d'asile est de nature à rendre une personne suspecte de sympathies pour l'opposition, aux yeux des autorités burundaises. Il ressort tout aussi clairement des informations résumées plus haut que le fait d'être suspect de sympathie pour l'opposition au régime en place à Bujumbura suffit à faire courir à l'intéressé un risque sérieux d'être persécuté du fait de ses opinions politiques ou des opinions politiques qui lui sont imputées. Il s'ensuit que, dans le contexte qui prévaut actuellement au Burundi, la seule circonstance que la requérante a séjourné en Belgique où elle a demandé à bénéficier de la protection internationale, suffit à justifier dans son chef une crainte avec raison d'être persécutée du fait des opinions politiques qui lui seraient imputées.

basis.[608] Nevertheless, in 2023 the first instance protection rate for Burundian applicants remained high at 81%.[609]

Afghanistan: After the takeover of power by the Taliban in August 2021, the CGRS changed its policy with regards to Afghan applicants for international protection. Overall, the CGRS indicates that the situation for many Afghans has clearly deteriorated. As a result, various 'profiles at risk' can 'count on refugee status'. Among these are 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 women not supported by a family network, family members of specific profiles at risk.[610] Concerning the need for subsidiary protection, the CGRS states that the level of indiscriminate violence has significantly decreased since the Taliban takeover. It highlighted that there still is violence in the country but that most attacks are acts of targeted violence. As a result, the CGRS evaluated that there is no longer a real risk of falling victim to indiscriminate violence in Afghanistan. Therefore, subsidiary protection status will no longer be granted based on the security situation.[611] This policy was still applied in 2024.[612]

This policy is reflected in decreasing protection rates. In 2021 it was 49%, in 2022 44%, in 2023 35% and in 2024 it was 39%. Between 2022 and 2024 the CGRS granted subsidiary protection status only 9 times to Afghan applicants; in 2024, no subsidiary protection was granted to any Afghan applicant.[613]

The Belgian authorities do not organise forced returns to Afghanistan. Fedasil is currently the only entity organising voluntary returns to the country, given that IOM suspended its voluntary return programme in August 2021. IOM has confirmed this suspension in 2023 after an internal evaluation indicating that the economic and humanitarian crisis in Afghanistan have reached unprecedented levels.[614] In 2023, Fedasil received 15 requests for voluntary return to Afghanistan. 10 persons effectively returned using the Fedasil return programme.[615]

As a result, the group of Afghan persons not receiving international protection but not being able to return to their country of origin and thus being stuck in Belgium in irregular stay is steadily increasing.[616]

Palestine: In October 2023, the CGRS announced it would suspend the granting or refusal of subsidiary protection for applicants of Gaza and West-Bank due to the war.[617] In December 2023 the CGRS resumed all decisions for Palestinians from Gaza and West Bank. The Commissioner General stated that the situation in Gaza indicates a clear need for protection.[618] However, the CGRS had difficulties delivering a decision within the legal time limit of 6 months, due to both an increase of Palestinian applications (from 2,963 first time applications in 2023 to 5,332 in 2024)[619] and due to the need to permanently reassess the security situation. When asked about the timeframe it would take to deliver a decision, the CGRS initially

608 Myria, Contact meeting 25 January 2023, available in French and Dutch at: https://bit.ly/3KATnSl, 20-21.
609 CGRS, 'Asylum statistics December 2023, 12 Januari 2024, available at: https://bit.ly/420UFwY, 8.
610 CGRS, 'Afghanistan: New Policy', 2 March 2022, available in English: https://bit.ly/35H5pIe.
611 CGRS, 'Afghanistan: New Policy', 2 March 2022, available in English: https://bit.ly/35H5pIe.
612 For detailed information on this policy and reactions by other actors, see previous updates to this report available here.
613 CGRS, 'Asylum statistics December 2024, 16 January 2025, available here, 10.
614 Myria, Contact Meeting International Protection', 21 June 2023, available in French and Dutch on: https://bit.ly/3U1D9GU, 53-56.
615 Myra, Contact Meeting International Protection', 29 November 2023, available in French and Dutch on: https://tinyurl.com/bddp6ufc, 41-42.
616 De Standaard, 'Groen: 'We creëren groeiende groep mensen zonder papieren'', 10 June 2022, available in Dutch at: https://bit.ly/4dDShSa.
617 CGRS, 'Update: processing cases of applicants from Gaza and West Bank', 20 October 2023, available here.
618 CGRS, 'CGRS resumes the processing of all Palestinian cases', 19 December 2023, available here.
619 CGRS, 'Asylum statistics December 2024, 16 January 2025, available here, 6 and 'Asylum statistics december 2023', 12 January 2024 available here, 5.

did not reply.[620] Several NGOs asked the Brussels Court of First Instance to force the CGRS to take a decision for all Palestinian applicants within 15 days. The Court denied this request, but requested that the CGRS communicate about any delays to Palestinian applicants.[621] In addition, the Court stated that although the legal deadlines are not binding, the CGRS should take a decision within a reasonable timeframe.[622] After this judgement, the CGRS communicated in May 2024 that it would apply the legal possibility to take decisions within a prolonged time limit of 21 months in cases where the situation in the country of origin is uncertain.[623] It sent a letter to all Palestinian applicants informing them of the long processing times. However, the letter did not include an estimation of the time frame in which applicants can reasonably expect a decision on their application.

Currently, the recognition rate for Palestinian applications is 91%, with all positive decisions in 2024 being refugee status. This high recognition rate does not mean that there is an automatic recognition of all Palestinian applicants. According to the CGRS applications of Palestinians from Gaza and West Bank are 'probably founded'. However, this notion still requires an individual assessment. The CGRS further stated that an application can only be well-founded if the identity of person is established, as well as the person's origin, departure and recent residence of the person in Gaza. Furthermore, it must be examined whether there is possible protection in another country, and whether there are indications of the application of the exclusion clauses.[624]

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. However, the CGRS announced on 28 February 2022 that it would freeze the treatment of requests for international protection introduced by Ukrainian citizens. This means no decisions are taken, and no personal interviews are organised. In 2024, the treatment of asylum applications by Ukrainian applicants remained frozen.

Russia: After the war in Ukraine broke out, the CGRS froze decision-making on applications of Russian citizens. On 1 February 2024, the CGRS communicated it would resume the processing of applications for international protection filed by Russian nationals.[625] The CGRS has stated that considering that the conflict is in violation of international law, conscientious objectors might qualify for international protection, although a case-by-case examination to verify whether the refusal to fulfil military obligations is genuine is deemed necessary.[626]

Sudan: After a suspension of the processing of Sudanese files and forced transfers to Sudan since mid-2023,[627] decision-making in Sudanese cases of applicants from Darfur, Kordofan, Blue Nile and Khartoum was resumed on 26 February 2024. 250 Sudanese files were in the CGRS' workload at that time. [628] At the time of writing (March 2025), all Sudanese files are being processed again. CGRS provides subsidiary

620 ADDE, 'Délais de traitement des demandes de protection internationale par le CGRA', *Newsletter ADDE n° 209,* August 2024, p. 4, available in French here.
621 Brussels Court of Appeal, '2024/KR/21', 7 October 2024.
622 CGRS, 'Myria: Contact Meeting International Protection', 19 June 2024, p. 15-16, available in Dutch and French here.
623 Article 57/6, al. 4 Aliens Act; CGRS, *Processing time for Palestinian cases,* 21 May 2024, available in English here.
624 CGRS, 'Myria: Contact Meeting International Protection', 20 March 2024, p. 34-35, available in Dutch and French here.
625 CGRS, 'Resuming Case Processing of Russian Nationals', 1 February 2024, available here.
626 CGRS, 'Myria: Contact Meeting International Protection', 24 January 2024, p. 15, available here.
627 CGRS, 'Myria: Contact Meeting International Protection', 18 October 2023, p. 18, available in French and Dutch here.
628 CGRS, 'Myria: Contact Meeting International Protection', 20 March 2024, p. 37, available in French and Dutch here.

protection based on Article 15(c) of the Qualification Directive for these regions: Khartoum, Kordofan, Orduhan, Darfour, Sennar en Al Jazera. The overall recognition rate increased from 37% in 2023 to 87% in 2024. [629]

Lebanon: Since October 2024 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.[630]

Syria: Since December 2024, the CGRS has temporarily suspended the processing of files of Syrian applicants, until it will have gathered sufficient objective information to accurately assess the security situation in Syria and the risk of persecution.[631]

629 CGRS, 'Myria: Contact Meeting International Protection', 20 March 2024, p. 37, available in French and Dutch here.
630 CGRS, 'Processing of cases of applicants from Lebanon', 2 October 2024, available here.
631 CGRS, 'Temporary suspension of processing files of Syrian applicants', 9 December 2024, available here.

Reception Conditions

Short overview of the reception system

Fedasil – the Federal agency for the reception of asylum applicants – is responsible for the reception of applicants for international protection and certain other categories of people. Persons who are entitled to and 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 asylum 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 2024, the Fedasil reception network consisted of 36,307 reception places in total.[632] 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 2024, the first phase had 3,309 places in 12 different reception structures and the second phase 32,896 places.[633] Collective reception (31,076 places at the end of 2024, including first phase places) consists of reception centres managed by Fedasil, the Belgian Red Cross or other entities. Individual reception (4,790 places at the end of 2024) comprises housing managed by the Public Social Welfare Centre ('local reception initiatives' or LRI; 4,101 places at the end of 2024) or NGOs. The current reception model, the implementation of which started in 2016, generally assigns people to collective reception centres (86% of the places).[634] Only asylum 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 can come and go. Only in the context of the border procedure (see Border procedure) and for persons applying for asylum while staying in a closed detention centre, the asylum procedure 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 negative decision, the applicant receives an order to leave the territory. Those whose negative decisions are confirmed by the CALL are invited to go to one of the four Fedasil centres with 'open return places', where possibilities for voluntary return are discussed. 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 2025), the reception network has been 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 (see 2021 – 2025: reception crisis). At the start of 2025 2,807 persons were on the waiting list to get access to reception.[635]

632 Information provided by Fedasil, March 2025.
633 Information provided by Fedasil, March 2025.
634 Information provided by Fedasil in March 2025.
635 Information provided by Fedasil in March 2025.

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,[636] every asylum applicant has the right to material reception conditions ensuring a dignified standard of living from the moment of making an asylum application.[637]

There is no limit to this right connected to the nationality of the asylum applicants in the Reception Act. Asylum applicants from safe countries of origin will have a reception place assigned to them. EU citizens applying for asylum 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 asylum can challenge the formal refusal decision of Fedasil (known as 'non-designation of a code 207') before the Labour Court.

No material reception conditions, with the exception of 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.[638] Since 1 July 2024, new legislation entered into force that changed the contribution obligations of residents of the reception network, broadened Fedasil's competences to check their income and to claim the contribution directly from the resident (see Reduction or withdrawal of reception due to a professional income).[639]

The Aliens Act provides that 'registration' and 'lodging' of the asylum application are two different steps in the asylum procedure.[640] The Reception Act, however, now clearly provides that an asylum applicant has the right to shelter from the moment they make the asylum application, and not only from the moment the asylum application is registered,[641] in line with the recast Reception Conditions Directive.

Applicants who receive direct access to the reception network on the day of registering their asylum 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

636 Law of 12 January 2007 regarding the reception of asylum applicants and other categories of aliens, available in French and in Dutch.
637 Article 3 Reception Act.
638 Article 35/1 and 35/2 Reception Act.
639 Royal Decree of 16 April 2024 on the allocation of material assistance to asylum applicants receiving professional income and other categories of income ("KB Cumul"), available in French and in Dutch.
640 Article 50/1 Aliens Act.
641 Article 6(1) Reception Act.

next day, they visit the 'arrival centre' of Fedasil ('Petit Château' or 'Klein Kasteeltje') for an intake procedure. Applicants for international protection who, due to the ongoing reception crisis (see further), do not receive direct access to the reception network on the day of their asylum application (in practice, almost all single male applicants) are informed by the personnel of the Immigration Office of the fact that they need to register on a waiting list of Fedasil. The average waiting time of persons registered on this waiting list was 112 days in 2024. 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.

During the intake procedure, applicants undergo a medical screening and can get vaccinated (optional) and must undergo a tuberculosis test (compulsory). Fedasil assesses any specific reception needs that might arise (e.g. medical needs). Afterwards, applicants are first accommodated in one of the 12 first-phase reception centres (with a total capacity of 3,309 places).[642] Once a place in a second phase reception structure becomes available, the person is moved to the new reception place. Due to the reception crisis, the average stay in a first phase reception places rose to 49 days in 2024.[643]

Asylum 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. When the need arises, these applicants can always opt for material aid again if their asylum procedure is pending.

Constraints in accessing accommodation

2020: limitation of reception for persons with an expired Dublin decision and an online registration form for the international protection procedure

In January 2020, the government issued new instructions on the 'Modalities relating to the right to material assistance of applicants for international protection with an Annex 26quater or a protection status in another Member State'.[644] This instruction limited the material assistance to only medical assistance for persons restarting their asylum procedure in Belgium after the expiry of the Dublin transfer period (see Right to reception: Dublin procedure) and for applicants who have already been granted international protection in another EU Member State (see Right to reception: Applicants with a protection status in another EU Member State).

This new policy was adopted due to the overcrowding of the reception system and the increase of applications for international protection made by these two categories of applicants. After several national, Flemish and French-speaking NGOs had introduced an appeal to the Council of State aiming for the suspension and the annulment of the Fedasil instructions, Fedasil withdrew the instructions of 3 January 2020 in September 2020, right before the hearing before the Council of State was scheduled.[645]

2020: COVID-19 pandemic and online registration system

In the context of the COVID-19 pandemic and in view of respecting the security measures imposed by the government, an online registration system for applications for international protection was introduced by the Immigration Office (see Registration of the asylum application), due to which some applicants for international protection had to wait multiple weeks before they were able to make their application. Since applicants for international protection are only entitled to material assistance from the moment they make their application for international protection, applicants had no access to the reception system during this waiting period.[646]On 5 October 2020, the Brussels court of first instance ruled that completing the online

642 Information provided by Fedasil, March 2025.
643 Information provided by Fedasil, March 2025.
644 Fedasil Instruction 3 January 2020, 'Modaliteiten betreffende het recht op materiële hulp van verzoekers om internationale bescherming met een bijlage 26quater of een bescherming in een andere lidstaat', available in Dutch at: https://bit.ly/3lmlFWU.
645 Myria, *Contact meeting,* 16 September 2020, available in Dutch at: https://bit.ly/3SpsP94, § 720.
646 Vrt News, *Asylum seekers wait on the streets for weeks before being able to register: "Barely 1 in 3 gets the chance",* 8 May 2020, available in Dutch at: http://bit.ly/3t38o3D.

registration was equal to 'the formal making of a request for international protection' and should give the immediate right to reception conditions.[647] The Belgian state was given 30 days to change the registration system to ensure the immediate access of applicants to the reception system. As a result, the Immigration Office suspended the online registration system and resumed the previous system of physical, spontaneous registrations on 3 November 2020.

2021 – 2025: reception crisis: 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. Consequentially, priority is given to those applicants considered 'vulnerable' (families, children, single women, etc.). Unless they present an exceptional (medical) vulnerability[648], single male applicants are almost systematically not considered as vulnerable and are thus denied access to a reception place. In 2023 Fedasil failed to provide accommodation to 8,816 single male applicants with a right to reception.[649] In 2024 Fedasil did not provide accommodation to 10,191 single male applicants with a right to reception.[650]

Since May 2022 and until the time of writing (March 2025), 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.[651] They are merely informed about the shortage of places and instructed to register themselves on a waiting list of Fedasil.[652] At the end of 2024, around 3,000 isolated men were on the waiting list.[653] In 2024 the average waiting time on the waiting list for reception was 112 days.[654] During the waiting period, the applicants are left to fend for themselves, many living in extremely precarious conditions (see Consequences on the applicants' livelihoods). 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).

Although the reception crisis mostly impacts single men applying for asylum in Belgium, families and unaccompanied minors have also suffered important consequences because of the severe shortage of places. In October and November 2022, there were some days on which Fedasil could not provide shelter to families with children and unaccompanied minors.[655] Since the winter of 2022, the reception of this group has been guaranteed. In the summer of 2023, the reception crisis reached a point where there were not enough places for families in the reception network. Since then, families are often housed in emergency reception (including youth centres and hotels) for a few weeks in a first phase, before being moved to a more permanent reception centre (see Types of accommodation). The quality of reception conditions in these emergency reception facilities is limited (see Conditions in reception facilities).

In September 2022, 51 civil society organisations published a 'roadmap' proposing several measures to solve the reception crisis.[656] The secretary of state stated that certain of the proposed measures, such as providing emergency shelter in hotels, activating the federal phase of the national disaster plan or the

647 ECRE, *Belgium: Electronic Registration System Blocking Access to Material Reception Declared Unlawful*, 9 October 2020, available here; The Bulletin, *Court condemns Belgium's failure to receive asylum seekers*, available here.
648 Federal Parliament, 'Committee on Internal Affairs, Security, Migration and Governance: CRIV 55 COM 1184, 4 October 2023, available in Dutch here, 8.
649 Fedasil, 'A network under pressure', 15 February 2024, available here.
650 Fedasil, 'Contact Meeting International Protection', 29 January 2025, available in French and Dutch here, 50-51.
651 Chamber of Representatives, Nicole de Moor, CRIV 55 COM 1010, 1 March 2023, available in Dutch and French here, 26.
652 Fedasil, 'Register for reception',last consulted on 26 March 2025, available here; the waiting list can be accessed online here.
653 Fedasil, 'Reception of asylum seekers: key figures of 2024', 22 January 2025, available in English here.
654 Information provided by Fedasil, March 2025.
655 For further details, see AIDA 2023 update.
656 Vluchtelingenwerk Vlaanderen, 'De weg uit de opvangcrisis', September 2022, available in Dutch at: https://bit.ly/3DDgHe9.

mandatory distribution plan will not be considered.[657] In September 2023 she repeated that this distribution plan or other possible solutions like a temporary residence permit for Afghans are not taken into consideration.[658]

On 29 August 2023, the Secretary of State for Asylum and Migration officially announced a temporary suspension of reception for all single male applicants.[659] The reason for this suspension was the limited number of available places in the reception network for families and children and the need to prevent this group of vulnerable applicants from ending up on the streets. Only in exceptional cases can single men receive a reception place.[660] Upon appeal by several NGO's, this measure was considered as unlawful by the Council of State, the highest administrative court in Belgium (see Legal proceedings).[661] However, after the judgement, the Secretary of State announced being unable to respect the ruling and that the suspension of access to reception for single men would continue.[662] This means that the waiting list is in theory frozen and single men are no longer offered a reception place. In practice, Fedasil continues to invite single men, but at a very slow pace, which entails that the number of persons registered on the waiting list does not diminish, the number of applicants with reception needs arriving each day being far higher than the amount of people provided access to a reception place. Consequently, the number of people waiting for a place and the average waiting time continues to fluctuate around 3,000 persons.

The reception crisis also impacted access to the asylum procedure in 2022 and 2023 (see Registration of the asylum application).

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.[663]

To address the reception crisis, in 2022 the federal government allocated funding for 2,000 additional places within the Brussels Region's homeless shelter network, a measure commonly known as 'the Brussels Deal'.[664] The government claims that applicants unable to secure Fedasil accommodation should be able to find shelter within this system. However, in practice, this measure does not provide a solution for all applicants in need of reception. 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 asylum applicants. The places are open to everyone in need of accommodation, applicants for international protection are not given priority. Throughout 2023 and 2024, the shelter network operated at full capacity, requiring the implementation of a waiting list for this network as well.

657 Federal Parliament, 'Committee on Internal Affairs, Security, Migration and Governance: CRIV COM 877, 21 September 2022, available in French and Dutch at: https://bit.ly/45PpJQw, 28.

658 Federal Parliament, 'Committee on Internal Affairs, Security, Migration and Governance: CRIV COM 1169, 20 September 2023, available in French and Dutch at: https://bit.ly/3QcaETx, 23-34.

659 Euronews, 'Belgium's asylum shelters will no longer take in single men in order to make room for families', 2 September 2023, available here; Fedasil, 'Pas d'accueil pour les hommes isolés', available in French here.

660 Federal Parliament, 'Committee on Internal Affairs, Security, Migration and Governance: CRIV 55 COM 1184', p. 8 available in Dutch here.

661 Council of State, Ruling n° 257.300 of 13 September 2023, available in French at https://tinyurl.com/v5w53wcy; Euractiv, 'Belgian court halts decision denying housing to single male asylum applicants', 14 September 2023, available at: https://bit.ly/3QA4KNx.

662 The Brussels Times, 'Decision to stop providing shelter for single men reversed by Council of State', 13 September 2023, available at: https://bit.ly/3scsldB and Federal Parliament, 'Committee on Internal Affairs, Security, Migration and Governance: CRIV 55 COM 1169', available in Dutch at: https://bit.ly/3QcaETx, 12

663 For further details see: AIDA, Country Report Belgium, 2023 update.

664 VRT NWS, 'Brussels receives 20 million euros as compensation for homeless shelters', 13 December 2022, available in Dutch here.

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 four to six weeks. Throughout 2024 between 1,500 and 1,900 people were registered on the Belrefugees waiting list.[665] Samusocial on the other hand provides 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.[666] 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 applied for homelessness accommodation for days or even weeks, without success.[667] Consequently, applicants denied Fedasil accommodation face a high risk of destitution unless they can secure housing on their own. In December 2024, all the organisations managing these shelters issued a press release condemning this situation.[668] They highlighted their growing struggle to provide housing solutions, even for families with children. Since May 2023, they have also published four dashboards detailing the reception crisis's impact on humanitarian organisations in Brussels as well as the impact on destitute applicants.[669]

Medical organisations have denounced the dire medical situation for destitute asylum applicants 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, Doctors Without Borders (MSF) Belgium opened a medical unit at the registration centre (Pacheco) in October 2022. This Refugee Medical Point (RMP) was taken over by Croix-Rouge in January 2023 and moved to the 'Jules Bordet Hospital' in July of 2024.[670] In 2024 the Refugee Medical Point was unable to help everyone in need. On average 150 persons per months were not given immediate medical care in the RMP because of a high demand. Of all the visitors to the RMP, 95% were applicants for international protection without Fedasil accommodation.[671] 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.[672] 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.[673] 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.[674] MSF teams also

665 Vluchtelingenwerk Vlaanderen and others, 'Dashboard non-reception policy – January 2024-December 2024', March 2025, available in French here, p. 5.
666 Samusocial, 'Greater fairness and accessibility: Samusocial's initial findings on its new accommodation allocation system', 4 March 2025, available in French here.
667 Based on the observations of Vluchtelingenwerk Vlaanderen, the organization responsible for writing this report, in the context of its legal helpdesk for asylum applicants.
668 Médecins Du Monde, 'Emergency shelter: even families with children on the streets', 19 November 2024, available in French here.
669 Doctors without Borders, 'Fourth year of the non-reception policy: more than 10.000 convictions of the Belgian state and still 3.000 persons living on the streets', 17 March 2025, available in French here.
670 Fedasil, 'The Fedasil Info Point is one year old', 1 October 2024, available here.
671 Vluchtelingenwerk Vlaanderen and others, 'Dashboard non-reception policy – January 2024-December 2024', March 2025, available in French here, 6.
672 Ibidem.
673 Vluchtelingenwerk Vlaanderen and others, 'Dashboard non-reception policy – January 2024-December 2024', March 2025, available in French here, 6.
674 Ibidem.

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 reception crisis 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 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 asylum procedure. This can result in missing their first interview, potentially leading to the closure of their procedure. Many go to their interviews uninformed and unprepared. Although the presence of a lawyer is allowed during interviews of the CGRS, many do not have a lawyer by the time they are invited for this interview and they go without the legal assistance they are entitled to.

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 reception crisis. 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 83% in 2024.[675] 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 asylum procedure 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, 10,499 individual applicants came to the legal helpdesk.[676]

In September 2023, Fedasil has 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.[677] 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 its first year, the Infopunt received nearly 11,500 visitors, the vast majority of whom were isolated men. Palestinians made up 36% of the total. More than 8,000 visitors were asylum seekers seeking information about accommodation.[678]

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 10,407 times by Labour Courts for violation of the right to reception.[679] Similarly,

675 Ibidem, 7.
676 Information provided by Vluchtelingenwerk Vlaanderen, author of the AIDA report. For more information, contact info@vluchtelingenwerk.be.
677 Fedasil, 'Ouverture du Point Info à Bordet', 29 September 2023, available in French here.
678 Fedasil, 'The Fedasil Info Point is one year old', 1 October 2024, available here.
679 Fedasil, 'Contact Meeting International Protection', 29 January 2025, available in French and Dutch here, 50.

the European Court of Human rights (ECtHR) has indicated more than 2,284 interim measures to the Belgian state, ordering to provide shelter to the persons involved.[680] 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.[681]

- *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 10,407 times since the start of the reception crisis.[682] The total amount of fines that are due is estimated to be above 100 million euros.

Some Labour courts included additional elements in their convictions, adding to the legal pressure on Fedasil. In a ruling of 13 June 2022, the Brussels Labour Court communicated an individual case against Fedasil to the public prosecutor's office.[683] In its communication the Court explained that Fedasil appears to have a deliberate, concerted and persistent practice of not granting the right to reception to applicants for international protection who are clearly entitled to it. The Court asked the public prosecutor to start an investigation on the claim that there 'seems to have been put in place a system by persons holding public authority with a view to not granting the right to reception guaranteed by the Reception Law'. This could be a possible violation of Belgian penal law, prohibiting measures contrary to the law concerted by a public authority. On 24 June 2022, the public prosecutor closed the investigation, indicating that there was no violation.[684] In a ruling of 28 March 2023, the Brussels Labour Court fined Fedasil for € 2,500 to be paid as a 'civil penalty', because of 'clear procedural abuse'.[685] The court ruled that Fedasil showcased a deliberate and manifest violation of the Reception Law, hereby not executing its legal mission. In this case, Fedasil fails to provide adequate legal justification for the violation of the Reception Law. Continuing, the Court states that an aggravating circumstance is disruption of the public service of justice: 'this disruption is very significant in view of the number of cases and the urgency with which they have to be dealt with, profoundly affecting the functioning of the French-speaking labour court of Brussels, to the detriment of this court and, ultimately, of all its litigants'. Both the Court of Appeal and the Court of Cassation upheld this conviction, imposing the maximum civil fine of € 2,500 on Fedasil. [686]

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.[687] The first interim measure was granted on 31 October 2022.[688] On 23 December 2024, the ECtHR had granted 2,282 interim measures in this context.[689]

680 Ibidem.
681 The Brussels Times, 'Tribunal of first instance condemns Belgium for reception crisis', 5 July 2023, available here.
682 Fedasil, 'Contact Meeting International Protection', 29 January 2025, available in French and Dutch here, 50.
683 Francophone Labourt Court of Brussels, 22/1343/K, 13 June 2022, available in French here.
684 Openbaar Ministerie, 'Press Release – Brussels', 24 June 2022, available in Dutch here.
685 Francophone Labour Court of Brussels, 2022/CB/15, 28 March 2023.
686 Court of Cassation, Decision n° S.23.0046.F of 12 February 2024, available in French here.
687 HLN, 'Europees Mensenrechtenhof verzoekt België opnieuw onderdak te geven aan asielzoekers', 16 December 2022, available in Dutch here.
688 De Standaard, 'Mensenrechtenhof beveelt België asielzoeker onderdak te geven', 3 november 2022, available in Dutch here.
689 Information provided by Fedasil, March 2025.

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 asked for asylum.[690] This policy was confirmed in December 2024: "once registered on the waiting list, the date of the application for international protection is the main criterion for admission to the reception network".[691] The practice renders the available legal remedies at the domestic and European level virtually ineffective. The *Camara v. Belgium* case resulted in a judgement of the European Court of Human Rights, in which the ECtHR found that Belgium violates 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 protection'. [692] 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. This decision was confirmed on several occasions by the previous Secretary of State for Asylum and Migration and Fedasil.[693] The new minister for Asylum and Migration has repeated that under the new government, Fedasil will not pay these penalties either.[694] 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.[695] 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.

- *Collective legal proceedings*

In a decision of 19 January 2022 in a case brought on the initiative of several NGOs,[696] the court of first instance of Brussels condemned the Belgian State and Fedasil for not ensuring access to the asylum procedure and to reception conditions and ordered both parties to ensure the respect of these fundamental rights, imposing a € 5,000 penalty payment for the respective parties for each day during the following 6 months on which at least one person did not receive access to the asylum procedure (penalty for the Belgian State) or to the reception system (penalty for Fedasil).[697] Although the situation had improved slightly since the opening of new places in December 2021 and the opening of an emergency

690 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.

691 Fedasil, 'Contact Meeting International Protection', 4 December 2024, available in French and Dutch here, 35-36.

692 ECHR, 'Camara v. Belgium', 18 July 2023, available here, §118.

693 Nicole de Moor, Federal Chamber of Representatives, CRIV 55 COM 1288, 12 March 2024, available in French and Dutch here, 12 and The Brussels Times, 'State ignoring court judgements in asylum applicant cases', 8 October 2022, available here.

694 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.

695 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.

696 Vluchtelingenwerk Vlaanderen, CIRÉ, Médecins sans Frontières, Médecins du Monde, NANSEN vzw, ADDE, Ligue des Droits Humains, SAAMO and the Order of French and German speaking bar associations (OBFG).

697 Brussels Court of First Instance, Judgment nr. 2021/164/C of 19 January 2021, available in French here; The Brussels Time, 'Court condemns Belgium for asylum crisis, the situation remains precarious', 21 January 2022, available here.

night shelter in January 2022,[698] the court deemed the state of the reception system too unstable to guarantee access to the asylum procedure and to reception conditions for all applicants in the near future. The court also explicitly stated that the waiting list used by Fedasil is unlawful.

After this judgement, single men were still being denied access to the reception network, and the waiting list was still used. As a result, the NGO's filed a new appeal at the court of first instance, requesting an increase of the penalty payment from € 5,000 to € 10,000 for each day that the judgement would not be respected. In a judgement of 25 March 2023, the Court condemned Fedasil again, thereby increasing the penalty payment to €10.000. The court repeated that Fedasil is bound by the European Reception Conditions Directive to provide accommodation to all first-time applicants for international protection, regardless of external factors influencing the availability of places. It specifically stated that it is unlawful to automatically exclude applicants for international protection with a Eurodac hit or with a protection status in another EU Member State. Fedasil introduced an appeal against this judgement of 25 March at the Court of Appeal. This led to a new judgement on 13 October 2022. The Court of Appeal discarded Fedasil's arguments and upheld the judgement of the 25 March. It also lifted the period of 6 months during which the penalty fees could be claimed. It argued that Fedasil did not provide a concrete action plan to solve the reception crisis. The court went further and stated that Fedasil 'deliberately and manifestly disregards the judgement of the 19 January 2022'. Therefore, the penalty fees could be claimed for every working day that Fedasil did not respect the judgment of 24 January 2022, until the date of the in-merit decision on the case from the Court of First instance.

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 asylum and the right to reception, as well as for not respecting judicial decisions.[699] 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.

According to the court, it is demonstrated beyond doubt that the defending parties do not respect judicial decisions. This attitude endangers the foundations of the rule of law. Consequently, the Belgian state and Fedasil violate Article 1382 of the Civil Code.

Despite these judgements, Fedasil has continued to violate the right to reception up until the time of writing.[700] This has been confirmed by Fedasil in several official communications.[701] Fedasil has not yet paid the penalty fees that are due, hereby violating legal judgements.[702] The 10 NGOs have tried to demand the payment of the penalty fees, so far without success. Legal procedures on the payment of these penalties are currently pending. In January 2024, the Court of Appeal of Brussels authorised the NGO's to proceed to the seizure of certain specific bank accounts of Fedasil, under certain conditions

698 VRT NWS, 'Asielzoekers kunnen voor nachtopvang terecht in voormalig ziekenhuis', 4 January 2022, available here.

699 Brussels Court of First Instance, '2022/4618/A', 29 June 2023, available in French here.

700 The Brussels Times, 'Despite 6,000 convictions, Belgium still refuses to tackle reception crisis', 23 January 2023, available here.

701 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.

702 Fedasil, 'Inbeslagname goederen bij Fedasil', 20 January 2023, available in Dutch at: https://bit.ly/3yWVbyy.

specified by the Court.[703] The NGO's announced that the amounts that would be seized following this authorisation – which could amount up to 2,9 million euros of penalties due by Fedasil – would be entirely used for the direct support of victims of the reception crisis.[704] Fedasil appealed this decision, arguing that as a public service provider it is immune to seizure of goods. On 11 June 2024, the Brussels Court of Appeal rejected the appeal by Fedasil appeal. The Court stated that: *"It is inconceivable that Fedasil, as a legal entity of public order, which should be setting an example to those who are supposed to respect and execute judicial decisions handed down against it, should hide behind the unseizability, as a general rule, of its bank assets in order to escape execution of the main sentence which it is not voluntarily respecting, which is why the judge had to attach a sufficiently high fine to force Fedasil to respect the judicial decisions handed down against it (*own translation from French*)".*[705] It concluded that the seizure of the Fedasil bank accounts is necessary to guarantee the continuity of the public service provided by Fedasil.[706]

Since the Brussels Court of Appeal upheld the principle of seizure, the NGOs proceeded with seizing a specific bank account of Fedasil. Fedasil appealed this seizure, arguing that the account is essential for the reception agency's operations. As the time of writing (March 2025), no judgment has been issued on the appeal.

(Inter)national reaction

On 13 December 2022, the former 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.[707] 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.'[708]

On 30 March 2023, four UN Special Rapporteurs (the Special Rapporteur on the human rights of migrants; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; and the Special Rapporteur on the right to drinking water and sanitation) sent a letter to the Belgian Government to underline their deep concern regarding the deterioration of the reception conditions.[709]

In September 2023, several Belgian human rights institutions addressed an open letter to the rapporteurs and representatives of various European institutions and the United Nations, voicing their concern on the ongoing infringement of both human rights and the rule of law and calling the European institutions and UN to examine the situation in Belgium.[710] Despite insistence of the human rights institutions, their letter received very little response.

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703 Court of Appeal Brussels, Judgment n° 2024/QR/3 of 23 January 2024, available in French at https://tinyurl.com/26xap9mk.

704 Vluchtelingenwerk Vlaanderen, 'Government omission forces NGO's to seize bank accounts of Fedasil', 2 February 2024, available in Dutch at https://tinyurl.com/5fr4jd6t; Ciré, 'Court authorizes NGO's to seize Fedasil's bank accounts', 2 February 2024, available in French at https://tinyurl.com/mr45apnk; Le Soir, 'Three million seized on bank account of Fedasil on behalf of several NGO's', 2 February 2024, available in French at https://tinyurl.com/59y72rnx.

705 Brussels Court of Appel, Judgment nr. 2024/AR/423 of 11 June 2024, available in French here, 9.

706 Ibidem, 10.

707 Dunja Mijatovic, 'Letter to Belgium concerning reception of applicants for international protection', CommHR/DM/sf 040-2022', 13 December 2022, available here.

708 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.

709 United Nations, 'AL BEL 1/2023', 30 March 2023, available in French here.

710 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.

In October 2023, Amnesty International published a statement urging the Belgian authorities to take all possible measures in order to adequately respect, protect and fulfil the rights of asylum applicants and to comply with the court rulings ordering Belgium to provide adequate accommodation.[711] In December 2023, Amnesty International launched an international campaign, calling on the Belgian Government to provide adequate shelter to asylum applicants and to respect international human rights obligations.[712]

In November 2023, UNHCR published a statement expressing their concern on the reception crisis. The Agency stated that "through collective and coordinated action by all actors, immediate and long-term solutions are at hand to better protect people fleeing war, violence and persecution".[713]

Before the federal elections of June 2024, the Constitutional Court, the Court of Cassation and the Council of state published an unprecedented collective memorandum. The three supreme courts expressed their serious concern on the state of the rule of law in the context of the reception crisis: 'Such a situation is a serious erosion of the rule of law, in a context where numerous citizens are increasingly questioning the legitimacy of our institutions. The three Supreme Courts express their strong concern and urge future political leaders to respect all judicial decisions and, consequently, all litigants'.[714]

In September 2024, the Committee of Ministers of the Council of Europe published its findings after reviewing Belgium's compliance with the *Camara v. Belgium* judgment issued on 31 October 2022.[715] The Committee noted the efforts of the Belgian government to increase reception capacity. However, they added that 'given the inadequacy of these measures in view of the continuing crisis, its humanitarian nature and its impact on the European Court and Brussels courts, [we] call on the authorities to act as soon as possible, in light of the recommendations made by competent international and national organisations; in particular, [we] call on them to increase their efforts as in 2015, to use all the means at their disposal, including through greater collaboration between all levels of power, and to adopt a sufficient budget and a timetable specifying the next steps with a view to achieving compliance with their commitment'. Therefore, the Committee called on the Belgian authorities to 'increase the capacity of their reception network significantly and sustainably, as quickly as possible, in order to resolve the current crisis, eradicate the problem of non-enforcement of court decisions at source, and be able to cope with the future influx of applicants inherent in any asylum system'. In response to this communication the Federal Migration Centra (Myria) and the Federal Institute for Human Rights stated that the federal government had not taken 'adequate measures to solve the lack of reception places for asylum seekers'.[716] The then secretary of state Nicole de Moor replied to these publications that 'the solution, cannot be to create thousands more shelters. That is simply not possible. […] I have always opposed proposals to give financial support to asylum seekers during the procedure. I will continue to do so'.[717] This position is confirmed in the coalition agreement of the current government.[718]

In April 2025 Amnesty International published a research report 'Belgium: Unhoused and unheard – How Belgium's persistent failure to provide reception violates asylum seekers' rights'. Amnesty describes the publication as 'a call to action and a damning indictment of how the Belgian authorities continue to enact

711 Amnesty International, 'Belgium: Urgent Action Needed to End Human Rights Violations against Asylum Applicants', 31 October 2023, available here.
712 Amnesty International, 'Urgent Action: Asylum applicants denied shelter', 14 December 2023, available here.
713 UNHCR, 'Reception crisis in Belgium is concerning, but solutions are at hand', 30 November 2023, available here.
714 Constitutional Court, Council of State and Court of Cassation, 'Common Memorandum', July 2024, available in French here, 7-8.
715 Committee of Ministers of the Council of Europe, 'H46-6 Camara c. Belgique (Requête n° 49255/22)', 19 September 2024, available in French here.
716 Myria and FIRM, 'Reception crisis: Europe once again points to Belgium's shortcomings', 20 September 2024, available in French here.
717 Nicole de Moor, 'CRIV 56 COM 009', 1 October 2024, available in French and Dutch here, 22.
718 See the chapter on reception in the Federal Coalition Agreement 2025-2029 of 12 February 2025, available here, 169-170.

policies that violate asylum seekers' rights, perpetuate racial discrimination, and create misery and destitution, all while undermining the rule of law'.[719]

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.[720] An amendment was signed in May 2022 following the full-scale invasion of Ukraine and subsequent displacement,[721] followed by second amendment was signed in November 2022 extending the operational support throughout 2023,[722] and a third amendment in December 2023 extending support into 2024.[723] In December 2024, the EUAA and Belgium agreed on an operational plan for 2025-2026, with support with regard to asylum procedures and reception.[724]

Throughout 2024, the EUAA deployed 60 experts in Belgium,[725] mostly external experts (53). The majority of them were junior asylum information provision experts (10), along with junior reception child protection experts (9) and roving team members (6).[726]

As of 11 December 2024, a total of 37 EUAA experts were deployed in Belgium, out of which 5 were junior asylum information provision experts, 4 intermediate asylum and/or reception statistics experts, 4 intermediate reception information system business analysis experts and 4 junior reception child protection experts.[727]

In 2024, the EUAA delivered 52 training sessions to a total of 311 local staff members.[728]

1.2. Right to reception: subsequent applications

The Reception Act provides the possibility for Fedasil to refuse reception to asylum applicants who lodge a second or further subsequent asylum application, until their asylum application is deemed admissible by the CGRS.[729] Between the moment of the subsequent application and the admissibility decision by the CGRS, asylum 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. Asylum applicants must then present themselves to the Dispatching service at Fedasil's arrival centre to be allocated a reception place.

If the asylum applicant has not obtained reception from Fedasil during the first stage of the procedure and the CGRS declares the subsequent asylum application inadmissible, they will not be entitled to reception during the appeal with the CALL.

719 Amnesty International, 'Belgium: Unhoused and unheard – how Belgium's persistent failure to provide reception violates asylum seekers' rights', 2 April 2025, available here.
720 EUAA, 'Belgium: EASO launches operation to support reception authorities', 16 December 2021, available at: http://bit.ly/3ZSYoud.
721 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.
722 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.
723 EUAA, *Operational Plan 2024 agreed by the European Union Agency for Asylum and Belgium, amendment 3*, December 2023, available here.
724 EUAA, *Operational Plan 2025-2026 agreed by the European Union Agency for Asylum and Belgium, amendment 3*, December 2024, available here.
725 EUAA personnel numbers do not include deployed interpreters by the EUAA in support of asylum and reception activities.
726 Information provided by the EUAA, 14 March 2025.
727 Information provided by the EUAA, 14 March 2025.
728 Information provided by the EUAA, 14 March 2025.
729 Article 4(1)(3) Reception Act.

If, after a final negative decision in the asylum 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.[730]

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.[731] 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.[732] 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. The Federal Mediator has received many complaints about this issue in the last years, including from families with minor children, having been refused reception after lodging a subsequent application for international protection. In several cases, Fedasil has reviewed its decision after intervention by the Federal Mediator and has granted the applicants reception.[733]

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, asylum applicants are entitled to a reception place. Social assistants in the general 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.[734] If a negative Dublin decision ('annex 26quater': refusal of residence with an order to leave the territory) is issued, the right to material assistance used to be terminated as soon as the deadline for leaving the territory has expired or as soon as the travel documents are delivered (in case the asylum applicant confirms their willingness to collaborate with the transfer but cannot obtain the necessary travel documents within the delay to leave the territory for reasons beyond their own will).[735] Fedasil considered

730 Fedasil, Update of instruction – Right to material aid – Subsequent application for international protection, 27 November 2023, available in French via https://tinyurl.com/3nvne8x2.

731 Constitutional Court, Decision No 95/2014, 30 June 2014.

732 Labour Court of Brussels, Decision No 21/538/K, 31 August 2021, available in French at: https://bit.ly/37kYDIH; Labour Court of Brussels, Decision No 17/1762/A, 8 February 2018; Labour Court of Brussels, Decision of 17 February 2015, available in French at: http://bit.ly/1Q3cOBn; Labour Court of Brussels, Decision No 16/1384/A, 14 November 2016; Labour Court of Bruges, Decision No 16/8K, 11 October 2016.

733 Federal Mediator, Annual Report 2019, available at: https://bit.ly/3u2VaFi

734 Fedasil Instruction of 20/07/2024, 'Dublin trajectory – assistance of residents and allocation to a Dublin place', available in Dutch and in French, 2.

735 Fedasil, *Instructions on the termination and the prolongation of the material reception conditions*, 15 October 2013, available in Dutch at: http://bit.ly/1Km961S. These internal instructions replaced the Instructions of 13 July 2012 before they were eventually quashed by the Council of State, Judgment No 225.673, 3 December 2013.

this practice in line with the *Cimade and Gisti* judgement of the CJEU.[736] The Labour Courts of Brussels and Antwerp have overruled these instructions in individual cases, as they rely on a strict interpretation of the *Cimade* judgment, by ordering Fedasil to provide shelter until the Belgian state effectively executes the transfer decision itself, unless it gives clear instructions as to when and where the asylum applicant has to present themselves for this.[737]

Consequently, asylum applicants 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. They 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 centre).[738] In that case, their right to material assistance is limited to urgent medical care. Exceptions to the designation of a Dublin-place can be requested in case of medical counter-indications, pregnancy or recent birth.[739]

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.[740] (see Return track and assignment to an open return centre). If the applicant refuses collaboration with the 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).

In the summer of 2022, the Immigration Office opened a first 'open return centre' in Zaventem.[741] 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 after 2-3 working days 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 (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.[742]

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

736 CJEU, Case C-179/11, CIMADE, GISTI v. Ministre de l'Intérieur, de l'Outre-mer, des Collectivités territoriales et de l'Immigration, 27 September 2012.

737 Labour Court, Brussels, Judgment of 4 December 2013; Labour Court of Antwerp, Judgment of 6 March 2014, available in Dutch at: http://bit.ly/1FGadUL. In the judgment *V.M. v Belgium* issued in July 2015, the ECtHR found that Belgium had violated Article 3 ECHR because (back in 2011) it had not provided for adequate material reception conditions for a particularly vulnerable family (asylum applicants, children, disabled, Roma) during the (non-automatically suspensive) appeal procedure against a negative Dublin decision.

738 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/1MuInwV. This instruction replaces point 2.2.4. of the Instructions of 15 October 2013.

739 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.

740 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.

741 Immigration Office, *Open centrum Zaventem,* available in Dutch and French.

742 Information provided by the Immigration Office, March 2025.

the person presents themselves to the Immigration Office and their first asylum application is re-opened (see Dublin).

Reception crisis: no access to reception for male applicants for international protection with a 'Dublin-hit'
In the context of the reception crisis that started in October 2021 and is ongoing at the time of writing (March 2025), the reception rights of applicants with a 'Dublin-hit' were restricted. Since 24 January 2022, applicants for whom, at the moment of registering their asylum application, a EURODAC hit indicated they had already applied for or received international protection in another country, were being denied access to the reception network and told to send an e-mail to Fedasil in order to be put on a waiting list.[743] Since March of 2022, all single men – regardless of a 'Dublin-hit' – are excluded from the reception network (see Constraints to the right to shelter). Although Labour tribunals have issued thousands of decisions condemning Fedasil to provide applicants with reception, the rulings have not always been positive for applicants in the Dublin procedure. According to the tribunals, these applicants could have accessed reception conditions in the responsible EU Member State. Therefore, leaving this state for Belgium is a 'self-inflicted' situation of precariousness. This refusal of reception by Fedasil and the Labour tribunals seems to contrast with the *Cimade and Gisti* judgement from the CJEU, which ruled that applicants in a Dublin procedure have a right to shelter until the moment of their effective transfer. At the time of writing (March 2025), applicants in the Dublin procedure still faced these difficulties (see Constraints to the right to shelter).

Dublin Returnees

Depending on the situation of their procedure in Belgium at the moment they left Belgium, asylum applicants 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 asylum application is taken into consideration by the CGRS (see Right to reception: subsequent applications). Applicants who are not considered subsequent applicants suffer the consequences of the ongoing reception crisis, in the context of which they are often deprived of shelter for several months before receiving access to the reception network (see Criteria and Restrictions to Access Reception Conditions).

1.4. Right to reception: Applicants with a protection status in another EU Member State

Although applicants with a protection status in another EU Member State have a general right to material assistance and no legal provision in the Reception Act allows for the limitation of this right, the right to reception of applicants with a protection status in another EU Member State has been restricted in the past. In January 2020, beneficiaries of protection in another EU Member State were no longer provided accommodation on the basis of a Fedasil instruction (see Constraints to the right to shelter). . After several NGOs introduced an appeal to the Council of State aiming for the suspension and the annulment of these instructions, Fedasil withdrew them in September 2020, right before the hearing before the Council of State was scheduled, after which applicants with a protection status in another EU Member State regained their full right to material assistance, including reception, during their asylum procedure.[744] In the context of the reception crisis that started in October 2021, the reception rights of applicants with a protection status in another EU Member State are again limited. Between 24 January 2022 and March 2022, Fedasil denied access to reception to applicants for who, at the moment of registering their asylum application, a EURODAC hit indicates that they have already applied for or received international protection in another country.[745] Since March 2022, single male applicants for international protection – regardless of protection

743 MO Magazine, 'Ongoing reception crisis in asylum policy, while humans are concerned', 17 February 2022, available in Dutch at: https://bit.ly/3IZhaYQ.
744 Myria, *Contact meeting,* 16 September 2020, available in Dutch at: https://bit.ly/3SpsP94, § 720.
745 MO Magazine, 'Ongoing reception crisis in asylum policy, while humans are concerned', 17 February 2022, available in Dutch at: https://bit.ly/3IZhaYQ.

status in another Member State – are systematically excluded from the reception network (see Constraints to the right to shelter).

In November 2024, the Secretary of State announced that she wanted to tackle the issue of the high amount of asylum applications in Belgium by persons who have already been granted international protection in another member state.[746] In practice, this mostly concerns Syrian and Palestinian applicants who have already been granted international protection in Bulgaria and Greece. To tackle this issue, the Secretary of State issued an instruction according to which such applications should be considered as a 'subsequent applications', even if it is the first one in Belgium, which allows to restrict the reception conditions of these applicants. To support this definition of subsequent application, the Secretary of State declared that she had received written approval by the European Commission to frontload certain parts of the Reception Directive 2024/1346. Reference was also made to the definition of 'subsequent application' adopted by the CJEU in the judgement in joined cases C-123/23 and C-202/23 *Khan Yunis and Baabda*. [747] Civil society organisations appealed this instruction at the Council of State, which, on 27 December 2024, suspended the instruction on the grounds that the legally prescribed steps for issuing such a reglementary act – including submitting the act for prior advice to the Council of State – hadn't been followed.[748] In reaction to this judgement, the Secretary of State stated that she would not accept this decision and repeated her wish to use all legal means possible to 'tackle the phenomenon of secondary migration by applicants with an M-status'.[749] On 13 March 2025, the Brussels Labour Court issued a decision on an individual appeal introduced by an applicant who had been subject to a decision restricting his right to material assistance in the context of this measure. The Labour Court decided that current Belgian legislation does not allow for the concept of 'subsequent application' to be applied to applications of beneficiaries in other member states who apply for the first time in Belgium. No legal provisions in Belgian law justify the limitation of the right to material assistance in the context of such applications.[750] At the time of writing (March 2025), it remains unclear whether this judgment will halt altogether the practice of Fedasil to limit the right to material assistance of this category of applicants.

1.5. 'Return track' and assignment to an open return centre

The law foresees a so-called 'return track' for asylum applicants.[751] 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.[752]

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 asylum applicant is formally offered return assistance. When an appeal is lodged in front of the CALL, the asylum applicant is informed again about their options for return. The return track ends with the transfer to an open return place in a federal reception centre, 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: Asylum applicants may ask Fedasil for a derogation of this rule and thus to stay in their first reception centre in case of:

746 VRT, 'Nicole De Moor (CD&V) wants to end asylum applications by persons who are recognized as refugee elsewhere', 27 November 2024, available in Dutch here.
747 CJEU, judgment of 19 December 2024 in joined cases C-123/23 and C-202/23 *Khan Yunis and Baabda*, available here.
748 Council of State, 'The Council of State suspends the limitation of reception for certain applicants', 27 December 2024, available in French here.
749 VRT, 'Council of State suspends reception stop of Secretary of State Nicole de Moor of persons who are recognized as refugee elsewhere', 27 December 2024, available in Dutch here.
750 Labour Court Brussels, judgment nr. 2025/CB/2 of 13 March 2025, available in French here.
751 Article 6/1 Reception Act.
752 Fedasil Instruction 19 June 2024, *The return track and open return places*, available in Dutch here and in French here.

- ❖ 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 asylum 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 then the track in the context of the open return places.[753] At the end of the derogation, the asylum 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 open return centres due to medical reasons which would render the accommodation inadequate.[754] 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 the open return centre are only possible in case of 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.[755]

When this derogation is granted, the asylum applicant can stay in the first reception centre. Their return should be organised there instead of in the open return centre.

Unaccompanied minors subject to a negative decision are not transferred to an open return centre until adulthood, after which they can apply for a place in an open return centre.

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.[756] 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.[757] Some labour tribunals have nevertheless decided that the return

753 Fedasil Instruction 19 June 2024, *The return track and open return places*, available in Dutch here and in French here; p. 4-5.

754 Fedasil Instruction, *Instructions on Return assistance – medical exceptions for open return places*, November 2019, available in French at: http://bit.ly/3baE7qJ.

755 Fedasil Instruction 19 June 2024, *The return track and open return places*, available in Dutch here and in French here; p. 5.

756 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 at http://bit.ly/2PRitCD.

757 CJUE, order of 26 March 2021, N° C-134/21, available in English at: https://bit.ly/3KtZB3u; CJUE, order of 26 March 2021, N° C-92/21, available in English at: https://bit.ly/35MDR43.

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.[758]

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.[759]

1.6. End of the right to reception

Changes to the Reception Act made by the law of 14 March 2024 changed, among other things, the moment on which the right to material reception ends.[760] This is now the case:

- When a legal stay for more than three months is granted; or
- Upon notification of a final negative decision.

This is opposed to the previous system, where applicants benefitted from the right to reception until, after a final negative decision, they were notified an order to leave the territory and the deadline to leave the territory indicated on this order, had expired.

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

758 An overview of the development of this jurisprudence is available in Dutch at: https://bit.ly/3I1abx8. See also: Labour Court Liège, 19 April 2021, N° 21/12/K, available in Dutch: https://bit.ly/3CxhlZd.
759 Article 4 §1, 2° Reception Act.
760 Article 6, §1 Reception Act.

subsidiary protection status, the applicant is not granted the right to reception during the entire appeal procedure.[761]

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 centre), 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.[762] 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.[763]

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.[764]

Fedasil has adopted internal instructions about these possibilities and how to end the accommodation in the reception structures in practice.[765]

In case of a positive outcome of the asylum procedure, 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.[766] 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.[767] 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

761 Article 6, §1, lid 4 Reception Act.
762 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.
763 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.
764 Article 7 Reception Act.
765 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.
766 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.
767 Ibid., 3 and 7.

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. If the person [768] This transition system is not applicable to unaccompanied minors[769] or to accompanied children in family context[770], to which other transition systems apply.

In 2024, applicants who were granted international protection stayed on average for 121 more days in the reception network.[771]

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 2025:
   - ❖ Accommodated single adult € 268-288
   - ❖ Additional adult: € 200-220
   - ❖ Additional children: Depending on the age (see financial allowances)

2. Amount of weekly 'pocket money' for persons staying in collective centres in 2025:
   - ❖ Adults € 9.9
   - ❖ Children under 12 or older than 12y/o but not going to school € 5.8
   - ❖ Children older than 12 y/o going to school € 9.9
   - ❖ Unaccompanied minors during observation and orientation-phase € 7.0

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

2.1. Material or financial aid?

Since the adoption of the Reception Act in 2007, the system of reception conditions for asylum applicants 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.

Only in exceptional cases do the social welfare services provided by the PCSW deliver social welfare services in the form of financial aid to asylum applicants (see Allowances in case of no material reception).[772] For example, this could be the case when the asylum applicant wants to live with close family who already have a legal stay in Belgium. Fedasil needs to explicitly grant permission for this exceptional measure upon request of abrogation of the designated reception place ('code 207') by the applicant.[773]

768 Ibid.
769 Fedasil, 'Instruction: transition to social welfare services for unaccompanied minors', 11 March 2024, available in Dutch here and in French here.
770 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.
771 Information provided by Fedasil, March 2025.
772 Article 3 Reception Act.
773 Article 13 Reception Act.

In the context of the reception crisis, destitute applicants for international protection have asked Labour tribunals to suspend this code 207. In several judgements, tribunals condemned Fedasil and forced them in first instance to provide a reception place. If the reception place is not provided, the tribunal orders the suspension of the code 207 in second instance. With this suspension, the destitute applicant can go to the PCSW and apply for financial aid. Some Labour tribunals have recently ruled that they do not have competence over the suspension of the code 207, but that in the situation where Fedasil does not assume its responsibility of providing material aid (which is systematically the case in the context of the reception crisis), the PCSW cannot refuse to grant financial aid.[774]

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).[775]

2.2. Collective or individual?

The reception model, the implementation of which started in 2016, generally assigns people to collective reception centres. Only asylum 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.[776] In 2024, only 13% of the reception network consisted of individual places.[777] Collective centres are spread 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 asylum applicant's family situation, age, health condition,[778] vulnerability and the procedural language of their asylum case. There are no monitoring or evaluation reports about the effective assessment of all these elements in practice. Albeit legally binding criteria, these do not seem to always be taken into consideration. In theory, an asylum applicant 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 asylum applicant's request are limited to the situations enlisted by Fedasil in its internal instructions (see belowTransfers to suitable reception).

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774 Labour court Antwerpen (Mechelen), 23/218/A, 21 June 2023, available in Dutch at https://bit.ly/3vBAiKX; Labour court Brussels, 23/1547/A, 18 September 2023, available in Dutch at: https://bit.ly/3vw35Rg; Labour court Antwerpen (Mechelen), 23/629/A and 23/630/A, 7 February 2024, available in Dutch at https://tinyurl.com/29sfvnaf and https://tinyurl.com/p8k9kpbs; resume of these decisions available in Dutch at: https://bit.ly/4ab7hoq.

775 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.

776 Regeerakkoord, 9 October 2014, available at: http://bit.ly/2k2yJfn. See also Myria, *Contact meeting*, 21 June 2016, available at: http://bit.ly/2k3obi9.

777 Information provided by Fedasil in March 2025: 4,790 individual places on a total of 36,307 reception places.

778 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.

According to the law, all asylum applicants can apply to be transferred to an individual accommodation structure after 6 months in a collective centre.[779] Where the person's asylum application 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.[780] This means that asylum applicants stay much longer in collective structures (see Conditions in Reception Facilities). In 2024, no transfers to individual reception centres were granted for persons whose procedure was still ongoing.

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. At the time of writing (March 2025) nationals of the following countries had a high chance of recognition:[781]
  - 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 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.[782] 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).

On 17 March 2025, the new Minister for Asylum and Migration announced that she would stop financing LRI's.[783] This measure aligns with the intention voiced in the new federal government agreement, to gradually decrease the number of local reception places and focus on collective reception of asylum applicants. Several actors have reacted to this measure with criticism, because of the ongoing reception crisis and because of the advantages of small-scale local reception. In 2017, the Court of Auditors (*Rekenhof / Cour des comptes*) conducted a financial and qualitative audit of the functioning of Fedasil.[784] It found that the average duration of stay in collective reception centres was too long and that refusals to transfer asylum applicants after 6 months not only has negative consequences to the well-being and psychological health of the individuals concerned but also for the management and personnel of centres, as it causes tensions and conflicts. The Court of Auditors also found that reception in collective centres is more expensive than individual accommodation, although many more individual accommodation places were empty at the time of the report. It recommended that the government consider other criteria such as

779 Article 12 Reception Act.
780 Information provided by Fedasil.
781 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 at: https://bit.ly/3vUGADb.
782 Fedasil, *What is resettlement?,* available in Dutch at https://bit.ly/3TyqZ6x and *Welcome first residents!*, available in Dutch at: https://bit.ly/3TUqCog.
783 VRT, 'Van Bossuyt ends subsidy for new Local Reception Initiatives (LRI), 17 March 2025, available in Dutch here.
784 Court of Auditors, Opvang van asielzoekers, October 2017.

cost-effectiveness and quality in prospective closures of reception places. To this end, and according to the Court of Auditors, Fedasil should continue its efforts in developing common quality norms and audit mechanisms, collect more data on duration of stay in the centres, duration of procedures, numbers of transfers, numbers of vulnerable persons and so forth.

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 2025).[785]

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.[786] 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.[787] Two instructions of Fedasil enlist specific criteria to be met before a transfer to another, more adapted (individual or collective) place can be allowed.[788] The request for a transfer can be done either by the asylum applicant or by the reception facility in agreement with the asylum applicant, 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 asylum 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 asylum 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;

785 Information provided by Fedasil, March 2025.
786 Royal Decree of 25 April 2007 on the modalities of the assessment of the individual situation of the reception beneficiary.
787 Article 22 Reception Act
788 Fedasil, *Instruction on the transfer to an adapted place for medical reasons*, 7 May 2018, available in Dutch at: https://bit.ly/39gg7Ev; Fedasil, *Instruction on the transfer to an adapted place for other reasons,* 7 May 2018, available in Dutch at: https://bit.ly/2KP79oo

- ❖ 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;
- ❖ 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.[789]

2.4. Financial allowances

Pocket money

All asylum applicants, whether in collective or individual reception places, receive a fixed daily amount of pocket money in cash.[790] In 2025, adults and all children from 12 years on who attend school receive € 9.9 a week, younger children and children 12 years of age or older who do not attend school receive € 5.8 a week, and unaccompanied children during the first phase of shelter (in the 'observation and orientation centres') receive € 7.0 a week.[791]

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 food[792] 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 are as follows on a monthly (4-week) basis:[793]

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 if and how they distribute material aid themselves. This means that asylum applicants might exceptionally receive a financial allowance that equals the social

789 Labour tribunal Liège, decision nr. 23/1656/A of 24 October 2023, available in French here.
790 Article 34 Reception Act.
791 Information provided by Fedasil, March 2025.
792 No food is provided in the context of individual reception facilities; residents need to cook themselves.
793 Extrapolated from the weekly amount, times 4: Information provided by Fedasil in March 2024.

welfare benefit (called 'social integration') for nationals, diminished with the rent for the flat or house they are accommodated in and expenses.

Allowances in case of no material reception

If all reception structures are completely saturated and Fedasil decides to not assign a reception place, the asylum applicant has the right to financial aid provided by the PCSW.[794] The applicant would then obtain the full amount of the financial social welfare allowance, equally and in the same way as every national or other legal resident of the country. This is also the case when the obligatory designated reception place (Code 207) is officially abrogated by Fedasil because of exceptional circumstances, for example when Fedasil allows the asylum applicant to live with a partner who already has a legal stay in Belgium. As of 1 February 2025, a person receives following amounts per month:[795]

Monthly amounts of "social integration" for Belgian nationals	
Category	Monthly amount
Single adult	€ 1,776.07
Cohabitant	€ 876.13
Person with family at charge	€ 1,314.20

In its February 2014 judgment in *Saciri*,[796] the CJEU ruled that in case the accommodation facilities are overloaded, asylum applicants may be referred to the PCSW, provided that this system ensures the minimum standards laid down in the Reception Conditions Directive. In particular, the total amount of the financial allowances must be sufficient to ensure a dignified standard of living and should provide enough to ensure their subsistence. The general assistance should also enable them to find housing, if necessary, meeting the interests of persons having specific needs, pursuant to Article 17 of that Directive.

Nevertheless, since several years, Fedasil has not referred to the PCSW because of a lack of reception capacity. In the context of the current reception crisis (since 2021 and ongoing in 2025), the Council of Ministers has discussed this option for several times, but it has not been approved politically. As a result of the reception crisis, some destitute applicants have obtained a referral to the PCSW by going to the Labour Courts (see Material or Financial Aid?).

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 no material reception).[797] 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-

794 Article 11(4) Reception Act.
795 SPP Intégration Sociale, *Primabook – Montants RIS,* available in French here.
796 CJEU, Case C-79/13 Federaal agentschap voor de opvang van asielzoekers (Fedasil) v Selver Saciri and OCMW Diest, Judgment of 27 February 2014.
797 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.

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. From September to December 2024, 2,228 applicants in procedure left the reception network voluntarily with support via meal vouchers (557/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. Two decrees regulating the matter were published in 2018:

- A royal decree on the system and operating rules in reception centres and the modalities for checking the rooms;[798]
- A ministerial decree on common house rules in reception centres.[799]

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.

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.

798 Royal Decree on the system and operating rules in reception centres and the modalities for checking rooms, 2 September 2018.

799 Ministerial Decree on house rules in reception centres, 21 September 2018.

The procedures for applying these sanctions can be found in a Royal Decree.[800]

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.[801] This measure was taken against 97 persons in 2024, for an average duration of 13 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.[802]

The law makes it possible to withdraw reception permanently.[803] 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. Eight applicants were permanently excluded from reception in 2024.[804]

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. 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.[805] 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. During 2024, no requests for revision of the sanction were issued withing Fedasil itself, but 24 appeal procedures against exclusions decisions taken by Fedasil were introduced before Labour tribunals.[806]

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. The applicant has the legal right to ask Fedasil for a reconsideration of this sanction, in case theycan demonstrate that there is no other possibility to ensure living conditions in accordance with human dignity. Fedasil should answer this request within 5 days, after which an onward appeal is again possible in front of the Labour Court.[807] In 2022, only one requests for reconsideration of the exclusion from the reception facilities were made. The request led to a decrease in the number of days of the exclusion.[808]

Before its adoption, the permanent exclusion sanction was met with criticism by UNHCR who highlighted that Article 20(1)-(4) of the recast Reception Conditions Directive only foresees a limited number of situations in which reception facilities can be withdrawn or reduced and that exclusion as a sanction is not one of them. UNHCR recommended that attention should be given to Article 20(5) of the Directive, which guarantees an individual, impartial and objective decision that considers the person's particular situation (e.g., vulnerability) and the principle of proportionality. Health care and a dignified standard of living should always be ensured. Further recommendations were to make sure the law explicitly mentions the possibilities to ensure dignified living conditions and to describe clearly in which situations this sanction applies.[809] The Council of State also advised that there should be an explicit guarantee in the law on how

800 Royal Decree of 15 May 2014 on the procedures for disciplinary action, sanctions and complaints of residents in reception centres.
801 Article 45(8) Reception Act.
802 Information provided by Fedasil, March 2025.
803 Article 45(9) Reception Act.
804 Information provided by Fedasil, March 2025.
805 Article 47 Reception Act.
806 Information provided by Fedasil, March 2025.
807 Article 45 Reception Act.
808 Information provided by Fedasil, March 2023.
809 UNHCR, *Commentaires du Haut Commissariat des Nations Unies pour les réfugiés relatifs à l'avant projet de loi modifiant la loi du 12 janvier 2007 sur l'accueil des demandeurs d'asile et de certaines autres catégories d'étrangers (ci-après « avant-projet de loi »), introduisant des sanctions supplémentaires en cas de*

to ensure dignified living conditions for those excluded from the reception facilities.[810] Nevertheless, the options on how to ensure dignified living conditions were in the end not clearly mentioned in the law, although during the preparatory works of the law Fedasil made clear that it has a cooperated with an organisation that works for homeless people to which it could refer some of those excluded from shelter. In practice when they communicate the decision to the asylum applicant, they inform them of the refund of medical costs and of shelter possibilities for homeless people, but 'guarantees for dignified living conditions' are not used as a criterion during the decision-making. The applicant can also contact Fedasil again if dignified living conditions cannot be guaranteed.

In March 2018 the Labour Court of Brussels referred preliminary questions to the CJEU regarding the circumstances under which material reception conditions under the Reception Conditions Directive may be reduced or withdrawn and the need to examine the consequences of such decisions, particularly about unaccompanied children.[811] The case concerned an unaccompanied minor who was refused the right to an accommodation for 15 days. He therefore had to live on the street and at a relative's place. After 15 days, he was finally accommodated by Fedasil again. In its decision *Haqbin* of 12 November 2019, the CJEU ruled that, where house rules of an accommodation are breached or where a violent behaviour occurs, the sanction cannot be the withdrawal of material reception conditions relating to housing, food or clothing, even if it is temporary. Such sanctions must be taken with even more precaution when they involve vulnerable applicants such as unaccompanied minors. According to the CJEU, even the most severe sanction should not deprive the applicant of the possibility of meeting his most basic needs. Member States should ensure such a standard of living continuously and without interruption. They should grant access to material reception conditions in an organised manner and under their responsibility, including when they call upon the private sector to fulfil that obligation. It is therefore not sufficient for them to provide a list of private homeless centres which could be contacted by the applicant, as Fedasil did in the present case. The competent authorities must always ensure that a sanction complies with the principle of proportionality and does not affect the applicant's dignity.[812] Based on this CJUE decision, the Brussels Labour Court ruled against Fedasil on 7 October 2021, condemning the Agency to moral damages of 1€ for having excluded Haqbin from reception conditions, in violation of the Reception Conditions Directive.[813]

Notwithstanding the jurisprudence of the CJUE and the Brussels Labour Court, Fedasil continues to apply temporary and indefinite exclusion as sanctions for certain situations of violent behaviour (97 temporary and 8 definitive exclusions in 2024).[814] Fedasil has indicated that it is examining new measures, such as allowing night reception and issuing meal vouchers during the period of the exclusion sanction. However, due to urgent events such as the COVID-19 outbreak and the reception crisis, the envisaged partnerships with e.g., organisations providing night shelter have not yet been put in practice. In the meantime, Fedasil provides excluded applicants with a list of emergency shelters, of the Fedasil Infopunt for information provision and of the Refugee Medical Point of Croix-Rouge for medical care, and informs them that, in case a dignified living standard cannot be ensured, they can request a reconsideration of the exclusion decision.[815]

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.[816] In 2024, the legislation regarding the consequences of exercising a professional activity while staying in the reception network

manquement grave au régime et règles de fonctionnement applicables aux structures d'accueil, 22 April 2016, available at: https://bit.ly/3tZArSX.

810 Council of State, Opinion 59/196/4, 27 April 2016, available at: http://bit.ly/2kVBgvT.

811 Labour Court Brussel No 2017/AB/277, 22 March 2018, available at: https://bit.ly/2Thk6dM.

812 CJEU, Case C-233/18 *Haqbin*, Judgment of 12 November 2019.

813 Labour Court Brussels N° 2017/AB/277, 7 October 2021, available in Dutch at: https://bit.ly/3MGUwqA.

814 Information provided by Fedasil, March 2025.

815 Information provided by Fedasil, March 2025.

816 Articles 35/1, article 35/2 and article 35/3 Reception Act.

has been thoroughly revised. The modified Reception Act[817] and a new Royal Decree nicknamed "KB Cumul"[818] introduced a new contribution scheme and broadened Fedasil's competences to verify the income of its residents – for example by requestion personal data from their residents to social security institutions[819] - and to claim the contribution directly from them. 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 income. Lower progressive tariffs apply to applicants who contribute spontaneously without waiting to be controlled:[820]

- 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:[821]

- Applicants whose designated reception place has been abrogated;
- Applicants who have received international protection;
- Minors who work as a student;
- Applicants who volunteer.[822]

The right to material assistance can be reduced to mere medical assistance for applicants who refuse to pay the contribution.[823] Applicants who do not want to pay the contribution can also voluntarily request the abrogation of the designated reception place.[824] Between July and December 2024, 128 applicants asked for such a voluntary abrogation.[825]

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.[826] 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 to the family, social, medical or procedural situation of the applicant.[827] No decisions of forced abrogation of the designated reception place were taken in 2024.[828]

Since 1 July 2024, date on which the new legalisation entered into force, Fedasil received 9,226 declarations of professional income and € 2,8 million was contributed.[829] In February 2025, Fedasil effected the first controls, on the basis of which it expects additional contributions.[830]

817 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.
818 Royal Decree of 16 April 2024 on the allocation of material assistance to asylum applicants receiving professional income and other categories of income ("KB Cumul"), available in French and in Dutch. This new Royal Decree replaces the previous Royal Decree of 12 January 2011.
819 Article 35/3 Reception Act; article 12 KB Cumul.
820 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.
821 Article 4 §2 KB Cumul.
822 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.
823 Article 35/2 Reception Act.
824 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.
825 Information provided by Fedasil, March 2025.
826 Article 9 KB Cumul. A professional situation of 6 months is considered stable and sustainable.
827 Article 10 KB Cumul.
828 Information provided by Fedasil, March 2025.
829 Compared to 736 declarations and € 334,000 of contributions in 2023.
830 Information provided by Fedasil, March 2025.

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 2024, 2,279 persons were de-registered on the basis of this ground.[831] 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 centre).
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).

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

Asylum 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.

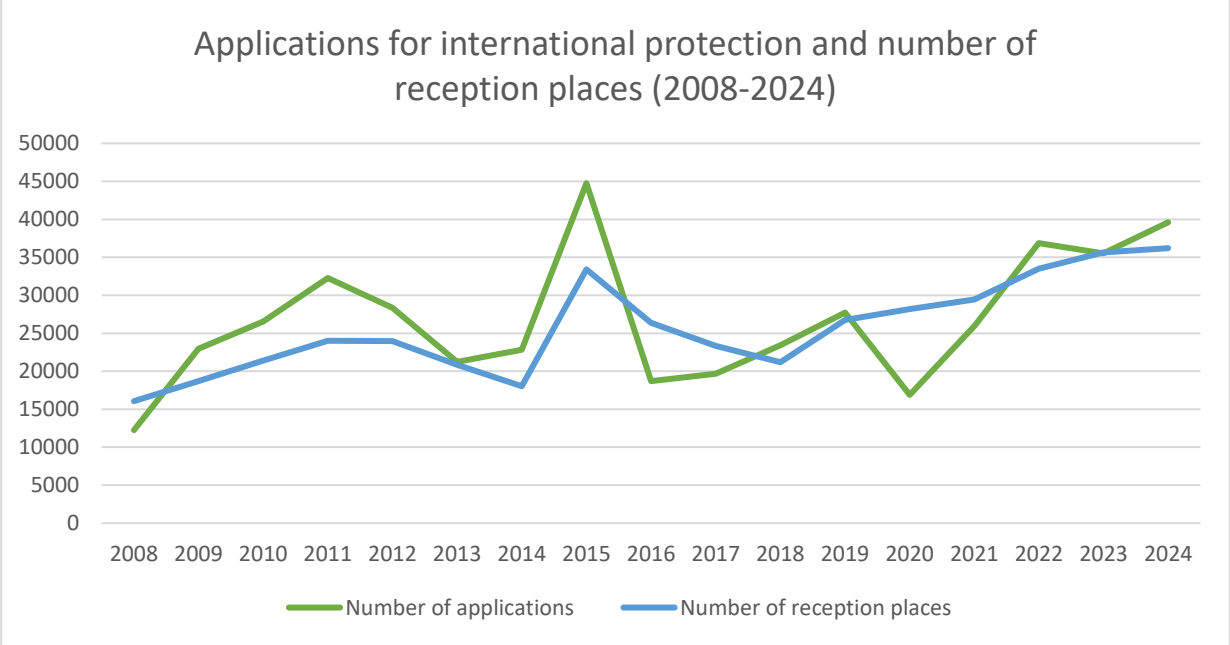
On the other hand, an applicant cannot choose their place of reception. As explained in Criteria and Restrictions to Access Reception Conditions, the reception structure is assigned by Fedasil's Dispatching service under a formal decision called 'assignment of a Code 207'. Asylum applicants can only enjoy the material and other provisions they are entitled to in the reception place they are assigned to. If the asylum 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

831 Information provided by Fedasil, March 2025.

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 reached 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).[832]



Applications for international protection and number of reception places in Belgium (2008 – 2024), based on data from CGRS and Fedasil.

Due to the constant change in capacity, local governments were subsequently asked to open a reception facility, close it and re-open it later. They denounced this 'yoyo-policy' in November 2019, indicating that they were no longer willing to open new reception facilities. They demanded a more structural, long-term policy for the reception network that can absorb the fluctuating numbers of applications for international protection.[833] In November 2020 the Secretary of State for migration issued a *Policy Note on asylum and*

832 Fedasil, 'Sluiting 7 centra uitgesteld', 2 October 2018, available in Dutch at https://bit.ly/2RfAANv; De Morgen, 'Opvangcentra zitten overvol door grotere instroom: tenten voor asielzoekers weer in beeld', 16 November 2018, avaialble in Dutch at: https://bit.ly/2Wzhu91; Fedasil, 'Druk op opvangnetwerk steeds hoger', 8 November 2019, available in Dutch at: https://bit.ly/384yGry.

833 De Standaard, 'Lokale besturen zijn jojo-effect asielopvang beu', 13 November 2019, available in Dutch here.

migration, establishing as a priority the development of a stable but flexible reception system, in order to meet the demands of the local governments.[834]

However, 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.[835] Difficulties are encountered especially due to the remaining unwillingness of local administrations to accept opening centres on their territory.[836]

At the end of 2024 the reception network had a capacity of 36,307 places.[837] Although 3,796 new places were created in 2024, 2,622 places closed, resulting in a net amount of 1,174 newly opened places. The overall number of places was largely insufficient to provide reception to all asylum applicants in need. The reception crisis persisted throughout 2024, with a total of 10,191 persons with a reception need not being able to get a reception place; an increase of 1,375 compared to 2023. In the beginning of 2025, 2,947 were registered on the waiting list of Fedasil, waiting to get access to a reception place. The average waiting time is 4 months.[838]

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.[839] The Director of Fedasil has warned for this policy, pleading for a flexible use of centres by decreasing the number of places without closing down centres ("dynamic buffer policy").[840]

1. Types of accommodation

Indicators: Types of Accommodation

1. Number of reception centres: 107
2. Total number of places in the reception system: 36,307[841]
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

834 Chamber of Representatives, Doc 1580/014, *Policy Note on asylum and migration*, 04 November 2020, available in Dutch/French at: https://bit.ly/3c9hy9z.

835 The Brussels Time, *Closed Hotel Mercure in Evere becomes reception center for asylum applicants*, 9 December 2021, available at: https://bit.ly/3vRM81n; Bruzz, *Gesloten Hotel Mercure in Evere wordt opvangplaats asielzoekers,* 9 December 2021, https://bit.ly/3KuFUZh; Bruzz, *Opvangcentrum voor 40 asielzoekers opent in Elsene,* 24 December 2021, available at: https://bit.ly/3hU3JNW.

836 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 at: https://bit.ly/49cc0VJ; VRT Nws, *Municipality of Spa demands via legal penalties reception of less asylum applicants,* 24 december 2021, available in Dutch at https://bit.ly/3IWIitc; De Standaard, *Noodopvang in Glaaien kan morgen openen*, 2 December 2021, available at: https://bit.ly/3vOIrcV; De Tijd, *Mahdi krijgt voorlopig geen grip op opvangcrisis*, 28 October 2021, available at: https://bit.ly/3Crx0Jn.

837 Fedasil, *A reception network under pressure,* 15 February 2024, available in English at: https://bit.ly/49cc4or.

838 Consortium of NGO's, 'Non-reception policy – Dashboard January-December 2024', available in Dutch here and in French here.

839 Belgian Federal government agreement 2025-2029, 31 January 2025, available in Dutch here and in French here.

840 De Tijd, 'Fedasil-director Pieter Spinnenwijn: "We cannot make the same mistake of massively closing asylum centres", 26 February 2025, available in Dutch here.

841 31,076 places in collective reception centres, 4,790 individual reception places, 360 open return places, 81 'other' places. Out of the total of 36,307 places, 3,309 places are in the 'first phase' of reception, 32,998 in the 'second phase'. Information provided by Fedasil, March 2025.

Accommodation may be collective i.e. a centre, or in individual reception facilities i.e. a house, studio or flat,[842] 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 2024, there were 31,076 places in collective reception centres, 4,790 individual reception places (out of which 4,101 LRI's), 360 open return places and 81 'other' places. Out of the total of 36,307 places, 3,309 places are in the 'first phase' of reception[843], 32,998 in the 'second phase'. Applicants stayed an average of 49 days in a 'first phase' centre before moving on to a 'second phase' reception place.

Capacity of the first phase reception centres (end of 2024)[844]		
Centre	Management	Capacity
AMC Petit Château	Fedasil	800
Bordet	Fedasil	220
Jabbeke	Fedasil	270
Sugny	Fedasil	30
Ariane Woluwe St-Lambert	Rode Kruis	1,000
NOC Fedasil	Fedasil	340
NOC Croix-Rouge	Croix-Rouge	83
NOC Rode Kruis	Rode Kruis	50
COO Auderghem	Fedasil	60
COO NOH	Fedasil	70
COO WSP	Fedasil	62
COO Steenokkerzeel	Fedasil	70
COO Overijse	Fedasil	29
Anderlecht Bizet	Samu Social	25
Zaventem	Immigration Office	200
Total		**3,309**

Due to a lack of reception places in the context of the reception crisis (since 2021 and ongoing in March 2025), Fedasil has 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. 480 of those places were closed again throughout the year. In January 2025, Fedasil has reopened 120 of those places because of acute lack of places. In the winter of '24-'25, Fedasil also opened 260 temporary places for families in youth centers to cover the winter months; these will close again between February and April 2025. 238 more temporary winter places were opened in Bredene and Theux to cover the winter months; these will also close by April 2025. The average stay of families in these centres was 55 days in the NOC's and 67 days in the youth centres, Bredene and Theux.[845]

The practical organisation and management of the reception centres is done in partnership between government bodies, NGOs and private partners.[846] In 2024, the 107 main collective reception centres were mainly managed and organised by Fedasil (43 centres, capacity of 12,774 places), Croix Rouge (28

842 Article 16, 62 and 64 Reception Act.
843 This includes the 'orientation and observation centres' where unaccompanied minors are housed the first weeks after their arrival.
844 Information provided by Fedasil, March 2025.
845 Information provided by Fedasil, March 2025.
846 Article 62 Reception Act.

centres, 8,911 places and Rode Kruis (22 centres, capacity of 6,522 places). Some other smaller partners, such as Caritas and Samu Social, manage and organise 14 centres with a capacity of 3,320 places.[847]

Most individual reception places are LRI's (4,101 at the end of 2024), run by local PCSW. On 31/12/2024, 381 local communes had an LRI on their territory. Other individual reception places (total of 689 at the end of 2024) are managed by organisations such as Agentschap Opgroeien, Caritas, Circé, Service d'aide aux migrants in the city of Ghent.[848]

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? 495 days[849]
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.[850] Fedasil organises them into 4 categories of aid:[851]

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 associations.

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 2025, the quality norms for reception facilities are still not available 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.[852] As of 1 January 2025, 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): 40 in 2019, 30 in 2020, 44 in 2021, 43 in 2022, 32 in 2023 and 39 in 2024. For 2025, 45 audits are planned, 16 of which in reception centres. The findings are not public and only communicated to the reception facility concerned.[853]

847 Information provided by Fedasil, March 2025.
848 Information provided by Fedasil, March 2025.
849 Information provided by Fedasil, March 2025.
850 Articles 14-35 Reception Act.
851 Fedasil, *Stay in a Reception Centre*, available at: https://tinyurl.com/rd29k52s.
852 Court of Auditors, *Opvang van asielzoekers*, October 2017, 47-48.
853 Information provided by Fedasil, March 2025.

A Royal Decree regulates the system and operating rules in reception centres as well as on the modalities for checking the rooms.[854] 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;
- 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 2022 Fedasil conducted a study on its residents' wellbeing, comparing collective[855] and individual[856] reception facilities. The residents of the former type of reception express an overall negative perception of their wellbeing. Almost all residents indicate that their basic physical and mental needs are not satisfied. They experience a lack of privacy, feel isolated and a lack of control over their day-to-day life. The overall conclusion is that collective reception facilities provide 'a difficult environment'. The residents of the individual reception facilities express an overall positive perception of their wellbeing. The residents obtain more freedom and autonomy in these facilities, which has a positive impact on their wellbeing. The study highlighted a risk of isolation in individual facilities. Residents who moved from collective to individual reception facilities experienced a positive change in their wellbeing. Despite an increased wellbeing in individual reception facilities, most reception places are in the form of collective reception facilities. At the end of 2024, only 13% of the reception places are individual reception facilities and the new federal government has announced it wants to further decrease the number of individual reception places, favouring sober reception conditions in collective centres (see Collective or individual?).

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. Regarding the new type of accommodation in 'NOC's' (emergency shelter in hotels) for families, that was set up in 2024 to prevent a shortage of accommodation for families and vulnerable persons, the NGO Vluchtelingenwerk Vlaanderen has received several complaints by residents concerning the living conditions in these shelters. Complaints include, among other things, cramped spaces (families stay with many persons in one room), very limited social support (a social assistant passes by once a week) and hygiene (bedbugs in several of the NOC's). Some of these issues have been confirmed by the Director-General of Fedasil, who indicates that the quality of reception offered in the hotels is below standards.[857] Fedasil is working on an evaluation of the reception offered in the NOC's, but it is not finished at the time of writing (March 2025).[858]

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 2024, with a total of 10,191 persons with a reception need not being able to get a reception place; an increase of 1,375 compared to 2023. In the beginning of 2025, 2,947 were registered on the waiting list of Fedasil, waiting to get access to a reception place. The average

854 Royal Decree on the system and operating rules in reception centres and the modalities for checking rooms, 2 September 2018.
855 Fedasil, 'Welbeing and daily life in collective reception', December 2022, available in Dutch via https://tinyurl.com/45w6tyst.
856 Fedasil, 'Welbeing and daily life in individual reception', December 2022, available in Dutch via https://tinyurl.com/3svb3a9t.
857 De Tijd, 'Fedasil-director Pieter Spinnenwijn: "We cannot make the same mistake of massively closing asylum centres", 26 February 2025, available in Dutch here.
858 Information provided by Fedasil, March 2025.

waiting time is 4 months[859] (see extensive information on the reception crisis under Constraints in accessing accommodation).

2.3. Average duration of stay

In 2024, the average length of stay of applicants for international protection in the reception system was 495 days (+- 16,5 months).[860] Applicants stayed an average of 49 days in a 'first phase' centre before moving on to a 'second phase' reception place. In 2024, 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 55 days in the NOC's and 67 days in the youth centres, Bredene and Theux (see Types of accommodation).

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 asylum applicant,[861] 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?	☒ Yes ☐ No
❖ If yes, when do asylum applicants have access the labour market?	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?	☐ Yes ☒ No
❖ If yes, specify which sectors:	
4. Does the law limit asylum applicants' employment to a maximum working time?	☐ Yes ☒ No
❖ If yes, specify the number of days per year	
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 2018[862] and the implementing Royal Decree of 2 September 2018.[863] 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.[864]

Asylum applicants who lodge a subsequent asylum application are not able 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 chose. Adult asylum applicants who have access to the labour market can register as job applicants at the regional Offices for

859 Consortium of NGO's, 'Non-reception policy – Dashboard January-December 2024', available in Dutch here and in French here.
860 Information provided by Fedasil, March 2025.
861 Articles 11, 22, 28 and 36 Reception Act.
862 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.
863 Royal Decree of 2 September 2018, available in Dutch at: http://bit.ly/3Kc36NH
864 Article 18, 3° and Article 19,3°Royal Decree on Foreign Workers, 2 September 2018.

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).[865]

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 to the society' in 2021, that 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.[866] 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.[867]

Impact of the reception crisis (2021 – 2024)

Single male applicants for international protection who do not receive accommodation, face difficulties obtaining their temporary residence permit (orange card). Most local administrations 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.[868]

865 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).
866 Fedasil, *Employment of asylum applicants,* available in Dutch and French at: https://bit.ly/4aygjfk.
867 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.
868 Article 34 Reception Act.

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 6 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 speaking 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.

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.[869] 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.[870]

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 2025), the average duration of stay in a first phase reception centre has increased up to an average of 49 days (55 days in the NOC's).[871]

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 a ruling of 6 May 2014, for example, the Labour Court of Charleroi found that the transfer of a family to the family centre of the Holsbeek open return place (in Dutch speaking Flanders) would result in a violation of the right to education since it would force the children to change from a French speaking school to a Dutch speaking one.[872]

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.[873] 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

869 Vrt Nws, 'Hundres of foreign speaking youngsters might wait until September to go to school', 3 April 2023, available in Dutch at: http://bit.ly/3zBBNHn.

870 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.

871 Information based on complaints Vluchtelingenwerk Vlaanderen has received via it's Infolijn, by asylum-seeking families staying in the NOC's, social assistants and schools in Brussels; March 2025.

872 Labour Court of Charleroi, Judgment of 6 May 2014, available at: http://bit.ly/1F5Hyqq.

873 Article 35 Reception Act.

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). However, due to the fact that the quality norms are not a public document or stipulated in a royal decree (see section Conditions in Reception Facilities) 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.[874] 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 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.[875]

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.[876]

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 Solentra[877] and Ulysse[878] 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 Secretary of State accords 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.[879]

874 Article 23 Reception Act.
875 Article 24 Reception Act and Royal Decree of 9 April 2007 on Medical Assistance.
876 Court of Auditors, *Opvang van asielzoekers*, October 2017, 57; Myria, *Contact Meeting*, 17 October 2018, available in Dutch at: https://bit.ly/2FNSKEW, paras 96-101.
877 See: https://www.solentra.be/en/
878 See: https://www.ulysse-ssm.be/.
879 Court of Auditors, *Opvang van asielzoekers*, October 2017, 55-56.

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.[880] 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.[881]

There is 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 asylum 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,[882] although accessing medical care can be difficult in practice. Asylum applicants who are not staying in a reception structure (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)*[883] five days before going to a doctor.[884] 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.[885] It can take up to a few weeks before the medical service of Fedasil answers.[886]

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.[887]

Asylum applicants, unlike nationals, are not required to pay a so-called 'franchise patient fee' ('*Remgeld / ticket moderateur*'), 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.

On 29 October 2019, the Federal Knowledge Centre for Health Care (KCE) published the results of a field survey on the provision of health care to applicants for international protection. It shows that the organisation of health care in Belgium is unequal and not efficient. This leads to a difference in treatment of asylum applicants in the exact same procedural situation, purely on the basis of their place of residence. Access to specialised care also appears to be difficult for all asylum applicants due to a slow and complex administration that has to grant permission first. The KCE also identified other thresholds that hamper access to health care, such as language barriers, a lack of interpreters and limited transportation possibilities. The KCE proposes that the financing of health care for all asylum applicants should be included to a global envelope, which includes services for prevention, health promotion and support in

880 Information provided by Fedasil, March 2025.
881 Court of Auditors, *Opvang van asielzoekers*, October 2017, 57-58; Information provided by VVSG, February 2018.
882 Article 45 Reception Act.
883 Available in Dutch, French or English here.
884 Information about this process provided by Fedasil: http://bit.ly/4324cEb.
885 Myria, 'Contact Meeting International Protection', March 2024.
886 Court of Auditors, *Opvang van asielzoekers*, October 2017, 58.
887 Articles 57 and 57ter/1 of the Organic Law of 8 July 1976 on the PCSW.

terms of translation and/or transportation etc. The report identifies several avenues in this regard.[888] Fedasil has analysed the different options put forward by the report and decided a coverage of asylum applicants by compulsory health insurance is the best solution. A project in that sense, funded by the European Recovery Fund, is being developed. In January 2023, a trial phase of 6 months has started, after which the implementation of this system on the level of hospitals and pharmacies is envisaged. Implementation of this system with other actors of the health sector will take place in a later stage of the project.[889]

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.[890] 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 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

888 KCE, *Asylum seekers: options for more equal access to health care. A stakeholder survey*, 29 October 2019, available at: https://bit.ly/2T8Ef3G.
889 Information provided by Fedasil, March 2023.
890 Article 36(1) Reception Act.

of every newly arrived asylum applicant in order to find an adapted reception centre.[891] 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.[892] 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.[893] 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.[894] Since May 2018, Fedasil issued two instructions about transfers, but due to the current shortage of places, the application of these instructions remains strict. In a recent ruling, the Labour court of Liège ordered Fedasil to transfer an applicant with serious health issues to an adapted 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.[895]

In a report from February 2017, Fedasil highlighted several barriers to identification of vulnerable persons with specific reception needs.[896] These include a lack of time, language and communication barriers, a lack of information handover, and training and experience related to vulnerable persons. The report also found that the identification tools are not applied in a coordinated manner and strongly influenced by the reception context. In terms of communication, adapted means of communication with deaf and blind persons are lacking, as well as specialised interpreters. The study concluded that the way in which reception is organised can have an impact on vulnerable persons due to location (remote small villages), size (less privacy in big centres) and facilities (lack of adapted sanitary facilities).

Fedasil's report of December 2018 concludes that there is a significant difference between the identification conducted at the very beginning of the procedure by the Immigration Office and the Dispatching desk, and the one conducted once the asylum applicant is placed in an assigned reception centre. In fact, whereas the first identification is purely 'categorical' (as it focuses on needs that can be detected quickly to assign an adapted reception place), the identification undertaken by social workers in the reception facilities is much more complex and multi-dimensional. Consequently, the second identification process diverges substantially amongst the different reception facilities, including regarding the different categories that are defined as vulnerable by the Immigration Office and the Dispatching desk.[897]

Fedasil cooperates with two organisations specialised in prevention against and support in case of female genital mutilation (FGM): Intact and GAMS. 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

891 Information provided by Fedasil, February 2018.
892 Article 22 Reception Act.
893 Royal Decree of 25 April 2007 on the modalities of the assessment of the individual situation of the reception beneficiary.
894 Court of Auditors, *Opvang van asielzoekers*, October 2017, 63.
895 Labour Court Liège, n° 23/1656/A, 24 October 2023, available in French at: https://bit.ly/49dEHkY.
896 Fedasil, *Study into vulnerable persons with specific reception needs*, February 2017, available at: http://bit.ly/2jA2Yhj.
897 Fedasil, *Kwetsbare personen met specifieke opvangnoden: definitie, identificatie en zorg*, 6 December 2018, available in Dutch here.

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 these organisations. 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.[898]

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);
- 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.

There are 7 reception places specifically aimed at the reception of LGBTI+ applicants.[899] 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.[900] Fedasil is funding several projects aiming to provide training and sensibilisation about this topic to residents and personnel of reception centres.[901] In general, LGBTI+ applicants feel unsafe in the reception network. Their often hide their identity, or experience violence and discrimination.[902]

2.1. Reception of unaccompanied children

The reception of unaccompanied children follows three phases:

1. **Orientation and Observation Centres:** Unaccompanied children should in principle first be accommodated in specialised reception facilities: Orientation and Observation Centres (OOC). While in these centres, a decision should be made on which reception facility is most adapted to the specific child's needs.[903] At the end of 2024, there were 441 places in OOCs. This number includes places that are strictly speaking not OOCs, but other 1st phase places for unaccompanied minors in Bordet (95 places), Sugny (30 places) and Anderlecht Bizet (25 places), that are used due to a shortage of places in the context of the reception crisis.[904]

898 Fedasil, Note on the FGM trajectory in the framework of the Gamsproject, steps and tasks for implementation within the federal centre, 20 September 2017; GAMS, Traject VGV, available in Dutch at: https://bit.ly/2VGZTe7

899 Information provided by Fedasil, March 2024.

900 Information provided by Çavaria, an interest group for LGBTI+, March 2025 (https://www.cavaria.be/).

901 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).

902 Information provided by Çavaria, March 2025.

903 Article 41 Reception Act; Royal Decree of 9 April 2007 on the centres for the orientation and observation of unaccompanied minors.

904 Information provided by Fedasil, March 2025.

2. **Specific places in reception centres:** After the orientation and observation phase, unaccompanied minors are accommodated in specialised centres or individual reception places. At the end of 2024, there was a total of 2,736 special places for unaccompanied minors in the reception network (2,342 in collective centres and 394 individual places).[905]
3. **Individual accommodation:** Once a child – that is at least 16 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.

There are specific places in Rixensart, which has 50 places for unaccompanied minor girls, underage pregnant girls or young mothers with their baby.[906]

Children with behavioural problems or minors who need some time away from their reception place can be temporarily transferred to 'time-out' places: in the reception centres of **Sint-Truiden**, **Synergie 14**, **Pamex-SAM asbl Liège** and **Oranje Huis.** There were 81 of these places available at the end of 2024.[907]

In the past, unaccompanied children whose asylum procedure ended with a negative decision could apply for specific assistance in the collective centres in **Bovigny** and **Arendonk.** These centres helped them to take decisions for their future, e.g., regarding voluntary return and the situation in which they would be if they stay illegally. Both projects have ended. For minors staying in the reception network, Fedasil offers group conversations on 'future orientation'. Outside of the reception network, it offers trainings for social workers who assist unaccompanied minors in this phase of their procedure, for example on conversation techniques for conversations on future orientation.[908]

On 20 December 2024, the occupancy rate of the special places for unaccompanied minors was 76%.[909]

2.2. Reception of families

Families with children are as much as possible housed in a family room in the reception centre, guaranteeing more privacy.

In 2023, the reception crisis reached a point where there were not enough places for families in the reception network. To avoid families ending up on the street, some families were housed in youth centres between September 2023 and February 2024, the youth organisations being inactive during the winter period..[910] Since February 2024, 8 'emergency shelters' (NOC's) with a total of 833 places were opened in hotels in Brussels in 2024. 480 of those places were closed again throughout the year. In January 2025, Fedasil has reopened 120 of those places because of acute lack of places. In the winter of '24-'25, Fedasil has again opened 260 temporary places for families in youth centers to cover the winter months; these will close again between February and April 2025. 238 more temporary winter places were opened in Bredene and Theux to cover the winter months; these will also close by April 2025. The average stay of families in these centres was 55 days in the NOC's and 67 days in the youth centres, Bredene and Theux.[911]

Fedasil also must ensure the reception of families with children without legal stay when the parents cannot guarantee their basic needs.[912] In practice, these families are sheltered in 'return houses' managed by the

905 Information provided by Fedasil, March 2025.
906 Information provided by Fedasil, March 2025.
907 Information provided by Fedasil, March 2025.
908 Information provided by Fedasil, March 2025.
909 Information provided by Fedasil, March 2025.
910 Fedasil, *Families received in emergency accommodation,* 18 September 2023, available in English at: https://bit.ly/4act2nU.
911 Information provided by Fedasil, March 2025.
912 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.

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 25 places (including 5 for unaccompanied minros and 5 for intensive day care). Neither CIBA nor CARDA have a waiting list in March 2024.[913] There are also specialised centres such as **Payoke**, **Pagasa**, **Surya**, which are external to the Fedasil-run reception network, for victims of trafficking and for persons with mental issues. 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. As a consequence, these applicants usually stay in a normal place or 'medical place', that is not adapted to their needs.[914]

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.

At the end of 2024, 213 medical places were available in collective reception centres (10 in 1st phase, 203 in 2nd phase), and 126 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 new reception centre opened in Grimbergen specifically aimed at the reception of 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 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 a shortage of adapted medical places, certain persons with special medical needs are accommodated in normal collective or individual places.[915]

913 Information provided by Fedasil, March 2025.
914 Information provided by Fedasil, March 2025.
915 Information provided by Fedasil, March 2025.

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).[916] The brochure 'Asylum in Belgium' currently distributed is available in ten different languages[917] and in a DVD version. These brochures are being distributed in the reception facilities.

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.[918] 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 some asylum applicants are illiterate. Fedasil launched an AMIF-founded project ('Amica') 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'.[919]

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.[920]

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.[921]

Impact of the reception crisis (2021 – 2025)
Single male applicants for international protection who do not receive shelter, do not receive the above information. The Immigration Office informs them about the waiting list with a general information leaflet about the shortage of places.[922] This leaflet contains a QR-code that directs applicants to the waiting list.

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

916 Article 14 Reception Act.
917 Dutch, French, English, Albanian, Russian, Arabic, Pashtu, Farsi, Peul and Lingala, available on the website of Fedasil and of the CGRS. English version available here.
918 Article 19 Reception Act.
919 Myria, 'Contact meeting', 19 January 2022, p. 62 available in French and Dutch at: https://bit.ly/3sy9SFN.
920 Fedasilinfo, Available here.
921 Fedasil, 'The Fedasil Infopoint is one year old', 1 October 2024, available here.
922 Myria, 'Contact meeting', 21 September 2023, p. 12, available in French and Dutch at: https://bit.ly/3Za40zZ.

The Reception Act provides for a guaranteed access to first- and second-line legal assistance.[923] In practice most centres refer to the free assistance of lawyers, although some of them provide first line legal advice themselves as well. 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.[924] 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.[925]

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 EU families with minor children.[926] 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 2025, this measure is currently not applied in practice.

923 Article 33 Reception Act.

924 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.

925 Article 21 Reception Act; Royal Decree on the system and operating rules in reception centres and the modalities for checking rooms, 2 September 2018.

926 Federal Ombudsman, *Annual Report 2013*, available at: https://bit.ly/3ZHleEy, 30-35.

Detention of Asylum Applicants

A. General

Indicators: General Information on Detention[927]	
1. Total number of immigration detentions in 2023:	4,915
2. Total number of asylum applicants detained in 2023:	N/A[928]
3. Number of asylum applicants in detention at the end of 2023:	N/A[929]
4. Number of detention centres:	6
5. Total capacity of detention centres in December 2023:	535[930]

Asylum applicants who arrive at the border are systematically detained before being allowed to enter the territory (see Border detention).[931] 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 2023, the population in the detention centres consisted of 84% men and 16% women in the following procedural situation: 35% persons detained in the context of a border procedure, 11% persons detained in the context of a Dublin procedure or bilateral agreement between EU Member States, 54% undocumented persons.[932] No data on the number of asylum applicants in administrative detention in 2024 is yet available at the time of writing (March 2025). In 2024, 753 persons applied for asylum at the border.

Belgium has a total of 6 detention centres, commonly referred to as 'closed centres', with a total capacity of 535 at the end of 2023:[933] 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

927 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 2024 activities to be expected in summer 2025). Consequently, these data are not yet available for 2024.

928 No data about this was provided for 2022, 2023 or 2024. In 2021, 372 asylum applicants were detained and 83 persons were released from detention after introducing an asylum application—information provided by the Immigration Office, February 2022.

929 No data about this was provided for 2023 or 2024.

930 Before the COVID-19 pandemic, the total capacity of the detention centres was 635 places. Due to the sanitary measures taken in the centres, the capacity fluctuated in 2021 between 273 and 312 places. At the end of 2022, the maximum capacity of the centres was 491 detainees. By the end of 2023, this capacity had risen to 535 detainees.

931 The Immigration Office, in the context of its right to reply to the 2023 and 2024 AIDA update, notes that in the context of asylum applications at the border, every case is treated and any detention decision taken, on an individual basis. 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 don't meet the entry requirements. 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 standardized motivation. This issue has been confirmed by the Committee Against Torture (CAT): *'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).*' See CAT, Concluding observations on the fourth periodic report of Belgium, 25 August 2021, available in English at https://tinyurl.com/bdd43ky8, §29. It is also confirmed by the Belgian Refugee Council Nansen: '*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'*: Nansen, *Vulnerabilities in detention : motivation of detention titles,* November 2020, available in French here.

932 Immigration Office, *Activity report 2023*, available in French here (p. 89) and in Dutch here (p. 86).

933 For an overview, see Getting the Voice Out, 'What are the detention centres in Belgium?', available here.

Antwerp (CIM), in **Vottem** near Liège (CIV) and in **Holsbeek** (near Leuven).[934] In addition to the Caricole building, there are also some smaller Centres for Inadmissible Passengers (INAD centres) in the five regional airports that are Schengen border posts, that consist of waiting rooms at the police station from where persons can be brought to Caricole.[935] 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'. In 2019, the open reception centre (**Holsbeek**) has thus been turned into a closed centre for 50 women; in practice, the capacity is limited to 28 women. The government coalition, that was inaugurated on 1 October 2020, confirmed the construction of additional places. With the construction of two additional 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,[936] and the creation of a new quick-departure centre in Steenokkerzeel,[937] the total detention capacity in Belgium should amount to 1,145 places in 2030.[938] The building works for the departure centre in Steenokkerzeel have not started yet as of the beginning of the year 2025 and 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 disposing of 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, notes that in the context of asylum applications at the

934 The capacity in the detention centres is 120 in the 127bis repatriation centre, 114 in Caricole, 112 in Bruges, 142 in Merksplas, 119 in Vottem, and 50 in Holsbeek. Data available on the website of the Immigration Office (in Dutch here and in French here), consulted on 25 March 2025.

935 Myria, 'Regional INAD-centres and fundamental rights of migrants', June 2013, available in Dutch here.

936 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).

937 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.

938 As the Secretary of State announced on his website, 22 March 2022, available in Dutch and French, available at: https://bit.ly/35n68ht.

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, 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)[939] and by the Belgian Refugee Council Nansen.[940]

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.

In 2024, 753 persons applied for asylum at the border.[941]

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.

939 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).*'

940 Nansen, *Vulnerabilities in detention : motivation of detention titles,* November 2020, available in French at https://tinyurl.com/37fvm5up: '*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.*'

941 Immigration Office, *Monthly statistics – December 2024*, available in Dutch here and in French here.

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.[942] 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;
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 argued that it concerns overly broad criteria for the determination of a risk of absconding.[943] 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).

On 19 July 2019, Article 51/5/1 of the Aliens Act entered into force and implemented 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.[944]

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 2024:	N/A[945]

942 CJEU, Case C-528/15 *Al Chodor*, Judgment of 15 March 2017.

943 De Wereld Morgen, 'Nieuw wetsontwerp asielwetgeving betekent grote achteruitgang voor mensen op de vlucht', 3 July 2017, available in Dutch here.

944 Before this legal amendment, the Minister could not delegate such decisions to a staff member of the Immigration Office.

945 In 2021, the number of migrants subject to alternative measures was 178 (information provided by the Immigration Office, February 2022).

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. As of 1 June 2021, a new department of 'Alternatives to Detention' was established within the Immigration Office, tasked with the development and application of alternative measures to avoid detention of persons in irregular stay.[946] The main activity of this department consists of the creation of Individual Case Management (ICAM) programs (see below). On 20 July 2024, a law introducing a 'proactive return policy' entered into force.[947] 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.[948]

- ❖ Delay in leaving the territory

A first alternative to detention consists of the extension of the deadline for voluntarily leaving the territory.[949] 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.[950] Figures show that this measure was only requested 9 times in 2019.[951] The annual report of the Immigration Office of 2023 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.[952] Moreover, the possibility to request an extension of the deadline for leaving the territory is not mentioned in the order to leave the territory but only in the law.[953] Finally, the MOVE coalition notes that the possibility to postpone departure fails to address the issue of non-removable people[954].[955]

946 Immigration Office, Alternatives to detention, available in Dutch here, in French here and in English here; consulted on 25 March 2025.

947 Chamber of representatives, Law on proactive return policy, 12 May 2024, available in Dutch here and in French here.

948 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.

949 Art. 74/14 Aliens Act.

950 CALL, case n° 175.622 of 30th of September 2016.

951 Commissie Bossuyt, Eindverslag van de Commissie voor de evaluatie van het beleid inzake vrijwillige terugkeer en de gedwongen verwijdering van vreemdelingen, September 2020, available in Dutch at: https://bit.ly/3RC5TTw, 57.

952 Myria, Nota over het eindverslag van de Commissie Commissie belast met de evaluatie va 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.

953 *Ibid*.

954 The MOVE coalition has written an extensive report about the problem of non-removable persons in Belgian detention centres: MOVE, 'What future for non-removable persons on Belgian soil?', June 2023, available in French (and a short version in Dutch) here.

955 The Immigration Office, in the context of its right to reply to the AIDA 2023 and 2024 updates, notes that in principle, nobody is 'non-removable': even if a forced return is not possible, people could in many cases return voluntarily and independently, because even though certain embassies do not issue travel documents to the Belgian authorities in view of a forced returns, they might do so to the person concerned in view of a voluntary or independent return.

❖ 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 homes (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'.[956] 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'[957].[958] (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.[959] Attendance to these 'ICAM interviews' is mandatory. Not attending without giving valid justification can be considered as a 'failure to cooperate'[960] 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 inefficient[961] (see Return procedure).

❖ 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

956 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.

957 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.

958 The Immigration Office, in the context of its right to reply to the 2024 AIDA update, notes that other sources indicate family units as a "best practice"; see for example EMN, 'The use of detention and alternatives to detention in the context of immigration policies in Belgium', June 2014, available in English here; JRS Europe, 'From Deprivation to Liberty: Alternatives to detention in Belgium, Germany and the United Kingdom', December 2011, available in English here; P. De Bruycker et. al., 'Alternatives to immigration and asylum detention in the EU – Time for Implementation', January 2015, available in English here; FRA, 'Eruopean legal and policy framework on immigration detention of children', 2017, available in English here.

959 Immigration Office, Annual Rapport 2023, available in French here (p. 63) and in Dutch here (p. 61).

960 Article 74/22 §1 4° Alien Act.

961 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. [962]

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. [963] 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.[964] Due to this strict legal framework, civil society actors such as the Move coalition fear that preventive or less coercive measures will rarely be 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

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.[965] Since September 2020, the previous government had already agreed to no longer detain families with children in detention centres in practice, but this was not legally enshrined yet. The Aliens Act now explicitly stipulates this prohibition of child detention. 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.[966]

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 a detention centre in order to pressure the family to collaborate with their return.[967] The Council of State has condemned this practice.[968]

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.[969]

962 Article 74/27 Alien Act.
963 Article 74/28 Alien Act.
964 Article 74/28 Alien Act.
965 Article 74/9, §1 Aliens Act.
966 Article 74/8, §2 Aliens Act.
967 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.
968 Council of State 28 april 2016, nr. 234.577, available in French here.
969 Article 41, §1 Reception Act.

Less than a year after the prohibition on child detention was legally enshrined, the new minister for Asylum and Migration has indicated that the prohibition might be revised during the new legislative period.[970]

- ❖ Unaccompanied minors

The detention of unaccompanied children is explicitly prohibited by law.[971] 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.[972] 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.[973] This can sometimes take more than a week. In 2019, 3 children whose age was tested during detention were considered 15 years old after the test and had thus wrongly been held in detention.[974] 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 which are arrested on the territory during the age determination procedure in case of doubt about their minority. In practice, however, they are also detained in the detention centres.[975]

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.[976] This is confirmed by the Belgian Refugee Council Nansen in a report of 2020 about vulnerabilities of migrants in detention facilities.[977] The ECtHR has moreover recognised that persons in detention are vulnerable in se.[978] The issue is also recognised by the UNHCR and the Committee against Torture which both state that alternatives for detention should be provided for victims of torture, victims of serious physical, psychological or sexual violence, victims of

970 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."

971 Article 74/19 Aliens Act.

972 Article 40, 41, §1 Reception Act.

973 Article 41, §2 Reception Act.

974 Figures confirmed by the Immigration Office in January 2020.

975 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.

976 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.

977 Nansen, 'Vulnerabilites in detention and access to the asylum procedure : report', November 2020, available in French at https://tinyurl.com/2k3dh6v5. '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 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 and, as a result, many people in vulnerable situations are not identified and their specific 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.

978 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.

trafficking, pregnant women, the elderly and persons with disabilities.[979] By contrast, such persons are considered vulnerable by the Reception Act to meet their specific needs.[980] 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.[981]

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[982]

❖ 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.[983] 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.[984] 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).[985]

As a consequence, asylum applicants who are held 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 2023 was 36 days. However, it should be noted that these numbers are influenced by some situations of extremely long detention durations. The median durations are not available.[986]

❖ Asylum seekers on the territory

The law provides for a maximum of a 2-month detention period for asylum applicants on the territory.[987] Detention can be prolonged for another 2 months for reasons of national security or public order.[988] 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.

979 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/16806fbf13, 9.

980 Article 36 Reception Act.

981 Move Coalition, Hervorming van het Belgisch Migratiewetboek, zomer 2021, 18-19, available in Dutch at: https://rb.gy/psdhxe.

982 Average detention periods per closed centre are included in the annual activity report of the Immigration Office (for 2023: Dutch here p. 87, French here p. 90). The average of the detention periods in these 6 centres gives an overall average detention period of 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.

983 Article 74/5 Aliens Act.

984 Articles 57/6/4 & 74/5(4)(4) and (5) Aliens Act, as amended by the Law of 21 November 2017.

985 See a more detailed explanation on this practice in Nansen, *Vulnerability in detention: border procedures, fast-track procedure and videoconference (2019-2020)*, available in French here.

986 Immigration Office, Annual Rapport 2023, available in French here (p.90) and in Dutch here (p. 87). (17 days in Caricole, 25 days in 127bis, 40 days in Bruges, 45 days in Merksplas, 53 days in Vottem and 38 days in Holsbeek.

987 Article74/6 Aliens Act.

988 *Ibid*.

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.[989] 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.[990] 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.[991]

- 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.[992] 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 ground[993] 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.

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.[994] 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.[995] 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.

989 *Gesloten centra voor vreemdelingen in België: een stand van zaken*, December 2016, available in Dutch at: https://bit.ly/3DH0nZS.
990 Belgian Court of Cassation, Application No° A.R. P.04.0363.F, nr. 173, Judgment of 31 March 2004.
991 ECtHR, *Nancy Ntumba Kabongo v. Belgium*, Application No. 52467/99, Judgment of 22 June 2005, p 18-20.
992 Article 51/5, §4 Aliens Act.
993 Article 27 Aliens Act.
994 Article 4 Royal Decree on Closed Centres, referring to Articles 74/5 and 74/6 Aliens Act.
995 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.

1.1. Detention centres

The following table gives an overview of the detention centres and their respective capacity in March 2023.[996] No data was provided for 2024.

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
Gesloten Gezinsunits bij 127bis	0
Total	539

The government decided on 14 May 2017 to maximise the number of places in existing detention facilities. In 2019 the open reception centre (**Holsbeek**) was thus turned into a detention centre for 50 women. The new government taking office on 1 October 2020 confirmed the construction of additional places. With the construction of two additional 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 and the creation of a new quick-departure centre in Steenokkerzeel, the total detention capacity in Belgium in 2030 should amount to 1,145 places (see General).

This table gives an overview of the number of detentions/detainees per centre in the year 2023 and 2024.[997]

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**

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'.[998] Children are able to go to school and adults can go out if they obtain permission to do so.[999] However a study conducted by NGOs concluded that some fundamental rights of children

996 Information provided by the Immigration Office in March 2023.
997 Information provided by the Immigration Office in April 2024 and in May 2025.
998 Return coaches are staff members of the Immigration Office that assist the families concerned during their stay in the family unit.
999 Royal Decree on Closed Centres, amended in October 2014.

were not respected.[1000] The fact that children are removed from their usual living areas, do not always have access to school[1001] or leisure activities is considered to be contrary to the best interest 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'.[1002]

In 2023, there were 5 sites with 27 housing units with a capacity of 169 persons spread over the communes of **Zulte**, **Tielt**, **Tubize**, **Sint-Gillis-Waas** and **Beauvechain**. A total of 164 families, which amounts to 520 persons (295 children, 163 woman and 62 man) 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 33 days. At least 52 families were released in 2023.[1003]

Until now, no independent evaluation of the conditions of such facilities has been carried out, although NGOs have urged for it[1004].[1005]

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.

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),[1006] released a report on the state of detention centres for administrative detention in Belgium.[1007] In 2019 the same NGO group also

1000 Platform of children on the move, 'Return houses in Belgium: a full-fledged, efficient and child-friendly alternative to detention ?', January 2021, available in French here and in Dutch here.

1001 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.

1002 Move coalition, *Monitoring report 2023*, December 2024, p. 41, available in French here. However, in the context of their right of reply to the 2024 AIDA report update, the Immigration Office notes that, as is also true when children move, not all such moves are against the best interest of the child (e.g., if previously living on the streets).

1003 Move coalition, *Monitoring report 2023*, December 2024, p. 41, available in French here..

1004 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.

1005 The Immigration Office, in the context of its right to reply to the 2024 AIDA report, notes that an evaluation was carried out by the EU Commission in the context of the 'Schengen evaluations' in 2015 and 2020; no source was provided, however.

1006 Caritas, Vluchtelingenwerk Vlaanderen, Ciré and others.

1007 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.

published a report focusing on vulnerability in detention.[1008] It does not concern the 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. In 2021, a formal Coalition of NGOs accredited to visit detention centres was created; it was named 'Move: Beyond detention of migrants'. 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. Each year, Move publishes a 'Monitoring report' on the situation in each of the 6 closed centres in Belgium. The last report covers the situation in 2023.[1009]

2.1. Overall conditions

The most essential basic rights of the asylum applicant are guaranteed by the Royal Decree on Closed Centres,[1010] including its amendment by the Royal Decree of 7 October 2014 which has established a complaints mechanism. The managing director of the centre has broad competences to limit or even refuse the execution 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.[1011] 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.[1012] The Immigration Office organises training for the security personnel at the detention centres on the use of coercion, as provided for by law.[1013] Within the first year of employment, each member should get a 3-day course on the theoretical aspects and techniques of coercion, followed by a refresher course with situational practices of 3 hours every third year afterwards. These are given by an internal Immigration Office instructor. Also, training sessions on dealing with aggression and on intercultural communication are organised.

On arrival at the centre, every asylum applicant is subjected to a search.[1014] 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.[1015] The search shall not exceed the time necessary for this purpose and the asylum applicant is obliged to fully cooperate.[1016] 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.[1017] It is carried out by two members of the staff having the same gender as the asylum-applicant.[1018] 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.[1019] After the security screening, the asylum-applicant must use the sanitary facilities, unless this is not appropriate for medical or safety reasons.[1020] The person must cooperate in a medical examination, after which, if necessary, appropriate medical treatment will follow.[1021]

1008 Caritas, Ciré, JRS Belgium, Platforme 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.

1009 Available in French here and in Dutch here. In the context of their right of reply to the 2024 AIDA report update, the Immigration Office notes that the report includes some inaccuracies, but does not specify which.

1010 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.

1011 Articles 21, 25, 31, 41, 65 Royal Decree on Closed Centres.

1012 Articles 85-111/4 Royal Decree on Closed Centres.

1013 Article 74/8 Aliens Act and Royal Decree on the Use of Coercion for Security Personnel.

1014 Article 10 and 111/1 Royal Decree on Closed Centres.

1015 Article 11 Royal Decree on Closed Centres.

1016 Article 111/1 Royal Decree on Closed Centres.

1017 Article 111/2 Royal Decree on Closed Centres.

1018 Article 111/2 Royal Decree on Closed Centres.

1019 Article 11 and 111/3 Royal Decree on Closed Centres.

1020 Article 12 Royal Decree on Closed Centres.

1021 Article 13 Royal Decree on Closed Centres.

For every new resident, 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.[1022] 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.[1023] Upon arrival, every asylum applicants is entitled to one free national phone call of minimum ten minutes.[1024]

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.[1025] 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.[1026]

The Royal Decree on Closed Centres characterises daily life in the detention centres as being collective during daytime.[1027] Detention facilities 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 installations, only staff members of the same sex are present.[1028] 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.[1029] The other isolation regimes are the medical isolation and the disciplinary isolation. The latter is used as a sanction, whereas the 'room regime' and placement in isolation as an order measure are used as security measures. Migrants can be placed in disciplinary isolation in case of the following infringements: damage to goods, theft, threats, beatings, escape, sexual assault and weapon possession[1030] or when a migrant commits the following infringements 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.[1031] In principle, the isolation can last a maximum of 24 hours, with a possibility of extension to 48 or 72 hours.[1032] 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.[1033] It happens nonetheless that the legal 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'. 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

1022 Article 14 Royal Decree on Closed Centres.
1023 Article 14 Royal Decree on Closed Centres.
1024 Article 15 Royal Decree on Closed Centres.
1025 Article 17 Royal Decree on Closed Centres.
1026 Article 17 Royal Decree on Closed Centres.
1027 Article 83 Royal Decree on Closed Centres.
1028 Article 83 Royal Decree on Closed Centres.
1029 Article 83/1 Royal Decree on Closed Centres.
1030 Article 98, §2, 1° Royal Decree Closed Centres.
1031 Article 98, §2, 3° Royal Decree Closed Centres.
1032 Article 101, §1 Royal Decree Closed Centres.
1033 Article 101, §2 Royal Decree Closed Centres.

considered established that the complainant has actual knowledge of the facts or the decision giving rise to the complaint. Most of the complaints are declared inadmissible. 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.[1034]

Apart from the complaint mechanism at the Commission, detainees can also file complaints at the 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 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.[1035]

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.[1036] The asylum applicants get the opportunity to wash themselves on a daily basis and toiletries are at their disposal free of charge.[1037] 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.[1038]

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.)[1039] 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 commune of Jabbeke to replace the centre in Bruges, but there is no clarity on the start and end dates for construction works.[1040]

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 room, in some others (e.g. Bruges) the room is common to 10 people with bunk beds.[1041] Isolation cells can be described as extremely bear with grey walls and a small window. The room is lined with a

1034 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, 71e 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.

1035 See Immigration Office, *Regulatory compliance and control,* https://tinyurl.com/2p9wx79y.

1036 Articles 79-80 Royal Decree on Closed Centres.

1037 Article 78 Royal Decree on Closed Centres.

1038 Article 76 Royal Decree on Closed Centres.

1039 Chamber of Representatives, *Policy Note on asylum and migration,* 4 November 2020, available in Dutch and French, available at*:* https://bit.ly/3sJdgMd, 34.

1040 Cd&v, 'Nicole de Moor: 'Plannen voor terugkeercentra worden bakstenen'', available in Dutch here.

1041 JRS Belgium, *Monitoring report 2022*, available in English at: https://tinyurl.com/bdhzwkej.

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.

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.[1042] A minimum of two hours of exercise outside is provided.[1043]

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.[1044]

The asylum applicant has an unlimited right to entertain correspondence during the day.[1045] Writing paper is provided in the centre, as is assistance with reading and writing by staff members.[1046] 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.[1047] Asylum applicants can make calls at their own expenses during daytime to an unlimited extent.[1048] In most detention centres, the residents are allowed to use their cell phone (without camera) at all times. Detainees 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.[1049]

The centres are required to organise sport, cultural and recreational activities.[1050] 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 diverse range of books in different languages.[1051] Newspapers and other publication can be purchased at their own expense.[1052] They are also entitled to follow radio and television programmes.[1053] In several detention centres, the rooms are equipped with a television.[1054]

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.[1055]

1042 JRS Belgium, *Monitoring report 2022*, available in English at: https://tinyurl.com/bdhzwkej.
1043 Article 82 Royal Decree on Closed Centres.
1044 Articles 46-50 Royal Decree on Closed Centres.
1045 Articles 19 Royal Decree on Closed Centres.
1046 Articles 22 and 23 Royal Decree on Closed Centres.
1047 Articles 20-21/2 Royal Decree on Closed Centres.
1048 Article 24 Royal Decree on Closed Centres.
1049 PICUM, Working together to end immigration detention: A collection of noteworthy practices, 2024, available in English at: https://tinyurl.com/292746fp.
1050 Articles 69-70 Royal Decree on Closed Centres.
1051 Caricole annual report 2021.
1052 Articles 71-72 Royal Decree on Closed Centres.
1053 Article 72 Royal Decree on Closed Centres.
1054 Annual report CIH, CIM, Vottem en Caricole
1055 Annual report detention centres Caricole, Vottem, CIM.

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.[1056] The doctor attached to the centre can decide that a person has to be transferred to a specialised medical centre.[1057] 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.[1058] 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 medical 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.[1059] After every failed attempt of removal when force was used, the doctor has to examine the person concerned.[1060] 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.[1061] If the person so wishes, they can request an external doctor to examine them in the detention centre at their own costs.[1062] 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 its *Paposhvili* judgment,[1063] 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 arranged by an internal service note of the Immigration Office.[1064] The procedure foresees that, for each newcomer to a detention centre, the centre's doctor fills out a medical certificate stating whether or not the person concerned suffers from an medical condition that could subject them to a risk of inhuman or degrading treatment in the context of return (which would 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 a detention centre can be adapted to their needs, assistance can be provided for their return and, if necessary, assistance can

1056 Article 53 Royal Decree on Closed Centres.
1057 Article 54-56 Royal Decree on Closed Centres.
1058 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.
1059 Article 61 Royal Decree on Closed Centres.
1060 Article 61/1 Royal Decree on Closed Centres.
1061 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.
1062 Article 53 Royal Decree on Closed Centres.
1063 ECtHR, *Paposhvili v. Belgium*, Application no. 41738/10, 13 December 2016.
1064 Information provided by the Immigration Office in the context of their right of reply, May 2025.

be provided for the reintegration in their country of origin.[1065] In 2022, 72 persons benefited from the special needs programme.[1066]

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 (a coalition of NGOs accredited to visit the detention centres) 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.[1067]

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.[1068] 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.[1069]

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.[1070] 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 guardian.[1071] The modalities of the visits, outside activities, telephone conversation and correspondence are strictly determined in the house rules.[1072] 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.[1073]

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

1065 Myriadoc, *Terugkeer, detentie en verwijdering van Vreemdelingen in België*, November 2017, available in Dutch: https://bit.ly/3l5zW9V.

1066 13 in Merksplas, 4 in Brugge and 3 in Holsbeek.

1067 The Immigration Office, in the context of their right to reply to the 2024 AIDA update, notes that the service proceeds to internal controls, that the detention measures are motivated and that if necessary, a new and motivated decision will be taken, which are notified to the person concerned. The file of the Immigration Office can be consulted in the context of the right to transparency in public governance.

1068 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.

1069 Ciré, *Vulnerabilité et detention 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.

1070 Articles 7 and 10 Royal Decree on OOC.

1071 Article 10 Royal Decree on OOC.

1072 Article 10 Royal Decree on OOC.

1073 Articles 10 and 11 Royal Decree on OOC.

Lawyers always have access to their client in detention.[1074] Access is granted to UNHCR, the Children's Rights Commissioner, Myria and some supranational human rights institutions.[1075] NGOs need to get the approval from the Immigration Office's managing director, in the form of 'accreditations', to get access to the detention centres.[1076] 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 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 Nansen 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 detention centres, in order to provide psychosocial support, neutral information and legal aid to detainees. The visitors observe the conditions in the detention 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;
- a media and communication pillar, that works on 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.[1077] 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.[1078]

The asylum applicant is 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.[1079] 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.[1080] 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.[1081]

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 reasons and the possibility to lodge an appeal.[1082] Civil society organisations criticise the fact that detention decisions are mostly motivated in a standardised, non-individualised way,[1083] the motives being mostly limited to general considerations such as 'having tried to enter the territory without the necessary

1074 Article 64 Royal Decree on Closed Centres.
1075 Article 44 Royal Decree on Closed Centres.
1076 Article 45 Royal Decree on Closed Centres.
1077 Articles 33, 42 and 43 Royal Decree on Closed Centres.
1078 Articles 37 and 40 Royal Decree on Closed Centres.
1079 Article 34 Royal Decree on Closed Centres.
1080 Article 36 Royal Decree on Closed Centres.
1081 Articles 29-30 Royal Decree on Closed Centres.
1082 Article 17 Royal Decree on Closed Centres.
1083 Nansen, *Vulnerabilities in detention : motivation of detention titles,* November 2020, available in French at https://tinyurl.com/37fvm5up.

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.[1084]

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.[1085] 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.[1086] 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.

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.[1087]

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.[1088] 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 itself.[1089] 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*.[1090] The Council 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 basis 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.[1091] 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.[1092]

1084 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.

1085 Article 71 Aliens Act.

1086 Article 72 Aliens Act.

1087 Article 74 Aliens Act.

1088 Article 72 Aliens Act.

1089 Move Coalition, Hervorming van het Migratiewetboek, Zomer 2021, 24 available in Dutch at https://rb.gy/psdhxe

1090 ECtHR, *Saadi v. United Kingdom*, Application No 13229/03, Judgment of 29 January 2008.

1091 See for examples of jurisprudence and more on this issue, BCHV-CBAR, *Grens-Asiel-Detentie, Belgische wetgeving - Europese en internationale normen*, January 2012.

1092 Move Coalition, Hervorming van het Migratiewetboek, Zomer 2021, 24 available in Dutch at: https://rb.gy/psdhxe.

These less coercive measures have not yet been listed by way of Royal Decree. This recent reform remains to be evaluated in practice.

The procedure before the courts is determined in the Law on the Provisional Custody that applies in criminal law proceedings.[1093] In practice, the time limits set in the law are respected, unless an appeal at 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.[1094]

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. 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.[1095] 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.[1096]

The policy note of the government, however, formulates the intention to amend this: 'In addition, we are working to provide an effective remedy, whereby both the legality and the expediency of the detention can be reviewed by the courts.'[1097] The government is currently making efforts to reform the Migration Code.[1098] 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 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.[1099]

While in detention, the CGRS prioritises the examination of the asylum application, although no strict time limit is foreseen.[1100] The appeal against a decision by the CGRS refusing international protection must be lodged within 10 days after the first instance decision.[1101] 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.[1102]

1093 Law of 20 July 1990 concerning pre-trial detention, available in French at: http://bit.ly/1B626nE and Dutch at: http://bit.ly/1KpjZzR.

1094 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'execution des arrêts *Makdoudi c. Belgique* et *Saqawat c. Belgique*, available in French at: http://bit.ly/3jB92WW.

1095 ECtHR, *Muhammad Saqawat v. Belgium*, Application No 54962/18, Judgement of 30 June 2020.

1096 Court of Cassation, 27September 2022, P.22.1122.N.

1097 Chamber of Representatives, *Policy Note on asylum and migration,* 4 November 2020, available in Dutch and French at*:* https://bit.ly/3sJdgMd, 35.

1098 The 'concept note' for the Migration Code reform was approved within the Government in February 2022. The concept note outlines the overall architecture for the Migration Code on the proposal of State Secretary for Asylum and Migration. In January 2024, the proposal for Migration Code was presented to the press by the Secretary of State. The proposal is currently being discussed by the government.

1099 Move Coalition, Hervorming van het Migratiewetboek, Zomer 2021, available in Dutch at: https://rb.gy/psdhxe, 26-27.

1100 Article 57/6(2) Aliens Act.

1101 Articles 39/57 and 39/77 Aliens Act.

1102 CALL, case n° 284.595 of 10th of February 2023.

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 is possible before the CALL.[1103] 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 resident of a detention centre and free and uninterrupted contact between them and their lawyer.[1104]

In the detention centres in Vottem and Bruges, a legal permanence of specialised lawyers used to be 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 the centre.[1105] 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.[1106]

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.[1107] Move Coalition and its partners therefore propose the use of an

1103 Article 39/82 Aliens Act.
1104 Articles 62 and 63 Royal Decree on Closed centres.
1105 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.
1106 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.
1107 See all the findings in UNHCR, *Accompagnement juridique des demandeurs de protection international en Belgique*, September 2019, available in French at: https://bit.ly/3wRmwB2.

appointment list of lawyers that are entrusted with legal aid in the detention centres, who will be subject to an assessment at the start that tests their knowledge of immigration law and afterwards to an annual/semi-annual assessment organised by the bar associations.[1108] Due to recent changes in the way Pro Deo lawyers are remunerated, a decline in the number of beneficiaries of legal assistance by experienced lawyers had been noticed. There is currently a structural shortage of qualified legal aid.

Findings of 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.[1109] In some centres, only 40% of the detained migrants report to have had access to a lawyer (appointed by the bar or a private lawyer).[1110] The quality of legal aid varies among the detention centres. Partnerships have been established between directors of certain detention centres and the bar associations of the judicial district in which the centre is located, leading to inequalities in the concrete implementation of the constitutional right to legal aid. For example in the centres of Vottem and Bruges, there is currently a first-line legal aid service organised by the Legal Aid Commission, however this is not the case in the other detention centres. The Move Coalition therefore recommends that the Royal Decree on Closed Centres shall include the obligation for the staff of the detention centres to ensure that every newly detained migrant from the first day of detention enjoys the effective assistance of a lawyer by providing information on the right to legal aid and by contacting the agency for legal aid.[1111] It also recommends that the Royal Decree shall include the obligation for the directors of the detention centres to establish a first-line assistance service in their institution, to be held twice a week at fixed times.[1112]

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 audition after arrest of asylum-applicants that can possibly be detained. On 16 November 2021, a legislative proposal has been submitted to embed the right to legal assistance of a lawyer for asylum applicants which can possibly be detained. 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.[1113] It remains to be seen whether this will be adopted.

E. Differential treatment of specific nationalities in detention

No distinctions are made between different nationalities in detention.

1108 Note pour un amélioration de l'aide juridique accessible aux justiciables dans les centres de détention pour personnes migrantes, Brussels 3 May 2022.

1109 UNHCR Belgium, *Legal assistance of applicants for international protection in Belgium,* September 2019, available in French here.

1110 Jaarverslag 2022 127bis.

1111 Move Coalition, Hervorming van het Belgisch Migratiewetboek – Zomer 2021, available in Dutch at: https://bit.ly/40qJZpK, 31.

1112 Move Coalition, Hervorming van het Belgisch Migratiewetboek – Zomer 2021, available in Dutch at: https://bit.ly/40qJZpK, 32.

1113 Move, Advies over een 'Salduz'-wet voor vreemdelingen (parlementair document 55 2322/001), 7, 29 April 2022, available in Dutch here.

Content of International Protection

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.[1114] After these five years, counting from the day a person has requested international protection, the right to residence becomes unlimited 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 as a refugee by either the CGRS or the CALL, refugees receive a refugee certificate from the CGRS. They should present themselves with this document to their local commune, which will register them in the Aliens Register on the date of their recognition as a refugee. The commune will first issue an electronic 'A card' valid for 5 years from the moment of the decision according their refugee status.[1115] 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 commune to request an electronic 'B card', which gives access to a permanent right to residence. When the commune cannot issue the B-card in a timely manner, a paper called 'Annex 15' temporarily covering the right to residence is issued by the commune.

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 an unlimited 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.[1116] Similarly to refugees, persons granted subsidiary protection need to go to the local commune 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 commune 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 commune between the 45th and 30th day before its expiration date. When the commune cannot prolong the card in a timely manner, a paper called 'Annex 15' temporarily covering the right to residence is issued by the commune. 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.[1117]

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 integration test and not being dependent on the social welfare system.[1118] These plans are not yet translated into legislation.

1114 Article 49 Aliens Act.
1115 Article 76 Aliens Decree.
1116 Article 49/2(2)(3) Aliens Act.
1117 Article 77 Aliens Decree.
1118 Belgian Federal government agreement 2025-2029, 31 January 2025, available in Dutch here (p. 168-169) and in French here (p. 173-174).

2. Civil registration

2.1. Civil birth registration and status of children

A child born in Belgium needs to be registered at the commune 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 commune.

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 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 commune, the commune 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 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:[1119]

- 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 commune 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 does not correspond to the place of residence, the marriage can be solemnised in the commune of habitual residence.

[1119] CGRS, 'Refugee status for children', available in English here.

Certain documents may be needed for concluding a marriage in Belgium.[1120] 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.[1121] 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.[1122] 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 2024:	N/A[1123]

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.[1124] Some modalities can be found in the Aliens Decree.

The following conditions have to be cumulatively fulfilled:[1125]

- 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 of 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 1,038 € per month, plus 346 € 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.

Asylum applicants who haven't received a final decision on their asylum application are excluded from the long-term residence status.[1126]

1120 List of required documents, available in English here.
1121 CGRS, 'Contact Meeting International Protection', 19 March 2025.
1122 Article 5 Belgian Nationality Code.
1123 No data are available on the number of long-term residence permits issued to beneficiaries of international protection specifically.
1124 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.
1125 More info available at: http://bit.ly/2jAyqvU.
1126 Article 15bis §1, 4° Aliens Act.

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.[1127] The municipal authorities confirm this by issuing a certificate of receipt ('Annex 16bis').[1128] 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'.[1129] In addition to this, the mention 'international protection granted by Belgium on [date]' is written on the residence permit for long-term residents.[1130] The duration of validity of long-term residence status is unlimited, contrary to the residence L-card itself.[1131]

In the event of a refusal, the municipal authorities will notify the applicant with a so-called 'Annex 17'.[1132] 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.[1133] 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 2024:	N/A[1134]

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 to 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 nationlité 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.

On 31 December 2022, some changes were made to the Code of Belgian nationality. Some significant changes are the following:

- 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;
- 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).

1127 Article 29(1) Aliens Decree.
1128 Article 29(2) Aliens Decree.
1129 More info about the L-card available: at: http://bit.ly/40U6XW7.
1130 Article 30(2) Aliens Decree.
1131 Article 18(1) Aliens Act.
1132 Article 30(1) Aliens Decree.
1133 Article 18(3) Aliens Act.
1134 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.

Legal discussions exist on the application of Article 10 to Palestinian children born in Belgium. 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.[1135] Legal case-law on this matter is inconsistent, and a ruling of the Court of Cassation is expected. On the basis of the second interpretation, Article 10 has indeed been applied to children from Palestinians born in Belgium. In 2023, the Immigration Office sent 55 letters to local administrations 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 children. The federal Ombudsman intervened, stating that the Immigration Office is not legally competent to instruct local administrations on the matter of nationality, this competence being reserved to the Central Authority for nationality or the public prosecutor.[1136] In a reaction, the Secretary of State stated that the letters do not instruct local administrations in these cases, but only provides information and advice, local administrations remaining exclusively competent to take the final decision.[1137] However, the federal Ombudsman found that the Immigration Office had composed these advisory letters in the same way as its (binding) instructions to local administrations in other matters concerning asylum and migration, and thus created confusion and chaos among local administrations, some communes 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 local administrations that the received letter should not be considered.[1138] In January 2025, the Federal Ombudsman directed two new recommendations to the Immigration Office and the Minister of Justice,[1139] having found that although its previous advice led the Immigration Office to stop sending letters, it kept communicating with local administrations about their interpretation of article 10. Consequently, some local administrations 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.[1140]

In 2024, another change was made to the Code of Belgian nationality providing an exception to the condition of a handwritten declaration on top of the 'declaration of nationality' for illiterate persons or persons who are unable to write.[1141]

1135 For an extensive overview of this legal discussion, see: 'Zijn in België geboren kinderen van Palestijnse origine Belg? Gemeenten en rechtbanken zijn bevoegd, niet DVZ', 21 november 2023 (modified 1 February 2024), available in Dutch via https://bit.ly/3UdHXJa.

1136 Federal Ombudsman, 'Advice 2023/06 to the Immigration Office: respect the legal compétences regarding nationality', available in French at: https://bit.ly/3xlASwU.

1137 Chamber of representatives, Commission of Internal Affairs, Security, Migration and Administrative matters, 10 January 2024, available at: https://bit.ly/3TU3pm1, 14.

1138 Federal Ombudsman, 'Advice 2023/06 to the Immigration Office: respect the legal compétences regarding nationality', available in French at: https://bit.ly/3xlASwU.

1139 Federal Ombudsman, 'Advice 2024/4 and 2024/05 to the Immigration Office and the Minister of Justice', 9 January 2025, available here, 2.

1140 Federal Ombudsman, 'Advice 2024/4 and 2024/05 to the Immigration Office and the Minister of Justice', 9 January 2025, available here, 2.

1141 Article 123 of the Law of 27 March 2024 containing stipulations concerning the digitalization and divers stipulations Ibis (1), available here.

In 2024, 59,401 aliens acquired Belgian citizenship.[1142] This represents an increase of 7.6% compared to 2023 (during which 55,213 aliens acquired Belgian citizenship) and is a continuation of one of the first steep peaks since 2000-2002.[1143]

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:[1144]

- 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.[1145] Legal stay implies a right to residence of unlimited duration.[1146]

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.[1147]

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.[1148]

4.2. Declaration of nationality

Apart from the aforementioned possibilities for acquiring Belgian nationality, aliens 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;[1149]
- 10 years of legal stay.[1150]

5 years of legal stay and integration

The first option requires 5 years of uninterrupted legal stay and proof of integration. 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.[1151] 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.

1142 Source: Statbel, 'Non-Belgians who became Belgians 2019-2024 per month, region and principal nationalities', here.
1143 Myria, *La migration en chiffres et en droits : le rapport migration 2023 sous forme de cahiers – Nationalité*, available in French and Dutch at: https://bit.ly/3TAs2mC, table p.8.
1144 Article 19 Code of Belgian Nationality and Circular of 8 March 2013, published on 14 March 2013.
1145 Law of 4 December 2012 on changes to the Code of Belgian nationality in order to make obtaining Belgian nationality migration-neutral, 14 December 2012, 2012009519, 79998.
1146 Article 7bis(2)(1) Code of Belgian Nationality.
1147 Article 19(2) Code of Belgian Nationality.
1148 Myria, *La migration en chiffres et en droits : le rapport migration 2024 sous forme de cahiers – Nationalité*, available in French here, 11.
1149 Article 12-bis(1)(2) Code of Belgian Nationality.
1150 Article 12-bis(2)(5) Code of Belgian Nationality.
1151 Article 7-bis(2)(1) Code of Belgian 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.[1152] 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.[1153] *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.[1154] Specific details on the documents available to prove social integration, knowledge of languages and economic participation are provided for in the March 2013 Circular.[1155]

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.[1156] 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. For each of these possibilities there is a registration fee of 150 euros. The new federal government announced in its government agreement that it will drastically increase the contribution to obtain Belgian nationality, to €1,000 subject to indexation.[1157] The law has not yet been changed in that regard. 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

1152 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.
1153 Court of Appeal Ghent, 2014/AR/1095, 24 December 2015.
1154 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).
1155 Circular of 8 March 2013, para IV A(1)(1.2).
1156 Circular of 8 March 2013, para IV A(1)(1.1)(4).
1157 Belgian Federal government agreement 2025-2029, 31 January 2025, available in Dutch here (p. 177) and in French here (p. 181).

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 only 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:

- 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.

Both appeal possibilities come with an additional registration fee, that amounts to 100€ since 2015.[1158]

[1158] Law of 28 April 2015 changing registration, mortgage and registrar fees in order to reform registrar rights, 26 May 2015, 2015003178.

5. Cessation and review of protection status[1159]

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.[1160] The CGRS can also decide this *ex officio*. There is no time limit in this situation. The possibility of cessation of the refugee status was included in the Aliens Act after a legislative amendment in 2016.[1161] 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.[1162]

In October 2017, a specific unit was created as part of the Immigration Office focusing 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.[1163] 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'.[1164] 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, this is 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.

Moreover, 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.

1159 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.
1160 Article 49(1) Aliens Act.
1161 Article 49(2) Aliens Act.
1162 Article 11(3)(1) Aliens Act.
1163 Commissie voor de Binnenlandse Zaken, de Algemene Zaken en het Openbaar Ambt, Integraal verslag, 5 December 2017, 13 , CRIV 54 COM 774.
1164 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.

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.[1165] 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. [1166]

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. [1167]

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 Article 15(c) of the recast Qualification Directive.[1168] 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.[1169]

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.[1170] 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.[1171]

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.[1172]

A 2016 amendment changed the wording of the Aliens Act, thereby allowing 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.[1173] Furthermore, in the event of a cessation on the aforementioned grounds, the Immigration Office has to assess the proportionality of an expulsion

1165 See also Article of the 1951 Convention.
1166 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.
1167 CALL, 24 February 2017, No 182.917; CALL, 13 September 2017, No 191.961; CALL 13 September 2017, No 191.956.
1168 Myria, *Contact meeting*, 22 November 2017, para 23.
1169 CALL, 27 October 2017, No 194.465.
1170 Article 49/2(3) Aliens Act.
1171 Article 11(3)(1) Aliens Act.
1172 Article 35/2 Royal Decree on CGRS Procedure.
1173 Article 11(3)(1) Aliens Act.

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 Secretary of State or the Immigration Office.[1174]

In 2024, the CGRS decided on the cessation of the protection status of 28 persons, in the context of 26 cases.[1175]

In case of a (final) decision to cease international protection status, this 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.

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 of refugee status is provided for in Article 49(2) of the Aliens Act 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.[1176] The exclusion clause refers to Articles 1 D, E and F of the 1951 Convention.[1177]

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.[1178]

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

1174 Myria, *Contact meeting*, 20 September 2017, para 22.
1175 Number provided by the CGRS, March 2025..
1176 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.
1177 Article 55/2 Aliens Act.
1178 CALL, 11 March 2016, No 163942.

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.[1179]

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.[1180] This ground for revocation was added in 2015 and is not limited in time.[1181] 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.[1182]

The Immigration Office sends the CGRS every element that could justify a revocation of the refugee status on the basis of Article 55/3/1 Aliens Act. The CGRS will take a decision within 60 days and inform the Immigration Office of the outcome. However, this time limit is not enforceable and not respected in practice. 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, the CGRS will also issue an opinion on the compatibility of an expulsion measure with Articles 48/3 and 48/4.

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 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.[1183] This ground for revocation was only included in 2015 and is not limited in time.[1184]

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.[1185] The subsidiary protection status can also be revoked any time when the beneficiary is considered to be a threat for society or national security.[1186] 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.[1187] 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 refugee status on the basis of Article 55/5/1 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.[1188] If subsidiary protection status is revoked on the basis of exclusion clauses or the

1179 CALL, 27 February 2019, Decision No 217584.
1180 Article 55/3/1(1) in conjunction with Article 49(2) Aliens Act.
1181 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.
1182 Myria, *Contact meeting*, 20 September 2017, para 24.
1183 Article 55/5/1(1) Aliens Act.
1184 Article 10 Law of 10 August 2015.
1185 The crimes listed in Article 55/4(1) Aliens Act are also known as the 'exclusion clause' 1F of the 1951 Refugee Convention.
1186 Article 55/4(2) Aliens Act.
1187 Article 55/5/1(2)(2) Aliens Act.
1188 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.

committing of a crime punishable with a prison sentence in Belgium, 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 has the opportunity to 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. A 2016 amendment changed the wording of the Aliens Act, thereby allowing the Immigration Office 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 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.

In 2024, the CGRS decided on the withdrawal of the protection status of 48 persons.[1189]

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? 12 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.[1190] The legal basis for family reunification is Article 10 Aliens Act.

1189 Number provided by the CGRS, February 2025.

1190 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.

In 2023 9,358 applications for family reunification with a beneficiary of international protection in Belgium were introduced, covering 38% of all visa applications for family reunification and a significant increase compared to the previous years. 5,752 decisions concerning applications for family reunification with a beneficiary of international protection in Belgium were taken, 60% of which were granted and 40% refused. This data was not yet available for the year 2024 at the time of writing (March 2025).

Year	Requests			Decisions		
	Refugee status	Subsidiary protection	Total	Approved	Rejected	Total
2019	3,667	968	4,635	2,653	2,070	4,723
2020	2,265	371	2,636	2,008	1,428	3,436
2021	3,755	1.049	4,804	2,977	1,766	4,743
2022	4,978	574	5,552	3,269	1,694	4,963
2023	8,742	616	9,358	3,501	2,251	5,752

Source: Immigration Office, Activity report 2023.[1191]

In 2022, visas for family reunification with beneficiaries of international protection were mostly granted to Palestinian (1,304), Syrian (705), Turkish (297), Afghan (182) and Burundian (172) applicants. The number of Palestinian beneficiaries doubled for the second year running, and by 2022 they represented 40% of this category.[1192] No data about this are available for 2023 and 2024.

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.[1193] 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 'grace period' of one year during which beneficiaries are exempt from fulfilling certain conditions for family reunification being too short to constitute a complete file including all necessary documents in time, and waiting times for an appointment at the competent diplomatic post are long because of an increasing number of applications and lack of personnel at the diplomatic posts;[1194]
- 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; [1195]
- the lack of legislative framework on several aspects such as incomplete applications, the identity documents that can be considered etc.;
- the lack of information, advise and professional support for the application procedure.

1191 Immigration Office, *Activity report 2023,* available in French here.
1192 Myria, *Year report migration 2023, Right to family life,* available in French at: https://bit.ly/43AmAVk.
1193 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.
1194 Myria, 'Family reunification, still many obstacles', 13 September 2024, available in Dutch here and in French here.
1195 Myria, *Year report migration 2023, Right to family life,* available in French at: https://bit.ly/43AmAVk.

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.[1196]

Focus on specific countries

Afghanistan

In the 2022 report, Myria indicates the 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. Myria has published a specific report, highlighting obstacles and formulating recommendations on this topic.[1197]

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.[1198] Applicants must prove (as best they can) that they meet all the ordinary conditions. Due to the *Afrin* judgement, family members of beneficiaries of international protection can present their family reunification visa application via e-mail. In addition, the ministry of Foreign Affairs communicated in December 2023 that this also applies to extended family reunification using humanitarian visa. This concerns family members who have no right to official family reunification but are still related in the 1st degree. In the case of adult children, they need to be younger than 25 years old. In February 2024, the Brussels Court of First Instance forced the Belgian state to accept an application for a humanitarian visa by email.[1199] 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.[1200] In July 2024, federal migration centre Myria issued a press release calling for flexibility in the applications and treatment of requests for visa by persons from Gaza. Myria indicated that despite the possibility to apply for visa via e-mail and the prioritisation of visa requests from people from Gaza, many practical issues remain, inter alia related to the requirements to obtain certain documents and the departure from Gaza.[1201]

❖ Evacuation list[1202]

The Consulate-General of Belgium in Jerusalem keeps an 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 on the evacuation list is taken on a case-by-case-basis. Certain other persons with a Belgian residence

1196 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.

1197 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

1198 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.

1199 Francophone Brussels Court of First Instance, 2023/323/C, 2 February 2024, available in French at: https://tinyurl.com/2arxsswu.

1200 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.

1201 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.

1202 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.

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.[1203] This was confirmed by the Brussels Court of Appeal in February 2025.[1204] Registration on this list does not guarantee an actual evacuation. In practice, the Belgian authorities will communicate the registered evacuees to the Egyptian and Israeli authorities. Only after they have given their agreement, evacuation can take place. The potential evacuees have to present themselves at the Egyptian side of the border with Gaza, after which the Belgian authorities will conduct an evacuation within 72 hours. By 13 March 2025, a total of 104 persons have been evacuated from Gaza, of which 89 in 2023.[1205] Myria receives many questions about evacuations, and has dedicated a special section on this topic in their year report on 2023.[1206]

1.1. Eligible family members

Four categories of persons may join a beneficiary in Belgium:

- A spouse, equalled partner,[1207] or registered partner;
- An underage and unmarried child;
- A child of age with a disability;
- A parent of an unaccompanied child with protection status.

To reunite with a spouse or equalled partner, certain conditions must be fulfilled.[1208] Both partners have to be over the age of 21, unless the union took place before arrival in Belgium, in which case the minimum age is reduced to 18. 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.[1209] 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.[1210]

The conditions for a registered partner are largely similar but require proof of a 'stable and lasting' relationship.[1211] Evidence of this can either be a common child, 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. 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

1203 Brussels Court of First Instance, Decision n° 2024/50/C of 14 August 2024, available in Dutch here.
1204 Brussels Court of Appeal, Decision n° 2024/KR/60 of 11 February 2025, available in Dutch here.
1205 VRT, 'Belgian government evacuates 24 Palestinians from Gaza, persons on their way to Brussels', 13 March 2024, available in Dutch here.
1206 Myria, 'Evacuation from Gaza and access to Belgium for Palestinians from Gaza' in *Myria Year report 2024 – Access to the territory*, available in Dutch here (p. 10) and in French here.
1207 An equalled partner is 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.
1208 Article 10(1)(4) Aliens Act.
1209 Children from a polygamous marriage are not excluded if they meet the general conditions: Constitutional Court, Decision No 95/2008, 26 June 2008.
1210 Articles 11(2) and 12-bis Aliens Act.
1211 Article 10(1)(5) Aliens Act.

is not a right, but a favour granted by the Belgian government and the procedure for which is very complex.[1212]

Underage 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.

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 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 international protection is an unaccompanied child, the beneficiary's parents can enter Belgium through the family reunification mechanism.[1213] Since the CJEU ruling *A and S v Staatssecretaris van Veiligheid en Justitie* family reunification is still possible even if the unaccompanied minor turned 18 during the asylum procedure.[1214] On the basis of a CJUE ruling of August 2022 (C-279/20), it is established that a similar system should be applicable to children wishing to join their parents residing in Belgium as a beneficiary of international protection: the minority of the child needs to be determined on the moment of the application for international protection of the parent.[1215] On the basis of these rulings, the Council of State had ruled in 2022 that an extra period of 12 months after the granting of international protection could be considered as reasonable.[1216] However, following a modification to the rules on family reunification in 2024,[1217] the law now grants an extra period of only 3 months after international protection has been granted. Several actors have criticised this legislation, since a period of only 3 months will often be too short to gather all necessary documents and take the necessary steps for the application. Upon the initiative of several civil society organisations, an appeal against this new legislation has been introduced at the Belgian Constitutional Court in January 2025. The appeal is currently (March 2025) pending.

To establish family ties, Belgian law foresees a cascade system.[1218] 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.[1219] In the absence of other valid proof, the Belgian authorities may conduct interviews or any other inquiry deemed necessary, such as a DNA test.[1220] In practice the Immigration Office makes little use of this cascade system and will often require expensive DNA-testing.[1221]

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 Article 10(1)(7) Aliens Act.

1214 CJEU, Case C-550/16, A and S v Staatssecretaris van Veiligheid en Justitie, 12 April 2018.

1215 CJUE, Case C-279/20, Bundesrepublik Deutschland t. XC, 1 August 2022.

1216 Council of State 23 December 22, nr. 255.380. More information available in Dutch at: https://bit.ly/3nMsGkK.

1217 Law of 10 March 2024 modifying the Aliens Act concerning the right to family reunification, available in Dutch here and in French here. For an overview of all the changes by this act, see AGII, 'Several modification family reunification', available in Dutch here; and Myria, 'Modifications following the new law on family reunification', 10 September 2024, available in French here.

1218 Circular of 17 June 2009 containing certain specifics as well as amending and abrogating provisions regarding family reunification, Belgian Official Gazette, 2 July 2009.

1219 Article 12-bis(5) Aliens Act.

1220 Article 12-bis(6) Aliens Act.

1221 UNHCR and Myria, 'Gezinshereniging van begunstigden van internationale bescherming in België: vaststellingen en aanbevelingen', June 2018, available in Dutch here, 19.

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. However, if the application for family reunification is submitted more than 1 year after recognition of the status, these conditions will have to be fulfilled. This does not apply to parents of unaccompanied children wishing to join them in Belgium.[1222]

In its recommendations of 2022, the Federal Migration Centre (Myria) indicated that the term of 1 year is in many cases too short due to the specific problems faced by the family of beneficiaries of international protection (e.g. unsafe situation in the country of origin which cause difficulties to travel to the diplomatic post or gather necessary documents, loss of contact with family members in the context of armed conflict, etc.). Myria recommends to permanently exempt beneficiaries of international protection from these material conditions, to allow the effective realisation of their right to family reunification.[1223]

1.3. 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 in any Belgian embassy which is authorised to apply for long-term visa applications. 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 2023[1224], 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. As a consequence of 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.[1225] 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. In October 2024, Myria has published a note on the occasion of the 1-year application of this new measure. The note contains information on the practice, relevant case-law and recommendations. Although Myria considers this 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.[1226] It also recommends that this remote method of application should become the rule rather than the exception, in order to ensure effective access to the procedure[1227] (see Family reunification – Criteria and conditions).

All applicants require a valid travel document (national passport or equivalent), a visa application form (including proof of payment of the handling fee of € 180),[1228] 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.

1222 Constitutional Court, Decision No 95/2008 of 26 June 2008.

1223 Myria, *Avis : Faciliter et soutenir les demandes de regroupement familial de réfugiés*, 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.

1224 CJUE, 18 avril 2023, *Afrin*, C-1/23. Available in French at: https://tinyurl.com/2u8mxeuw.

1225 Immigration Office, 'Visa D application (Family reunification)', available in English here (last consulted on 3 April 2025).

1226 Myria, 'Note: One year Afrin in Belgian practice', 26 October 2024, available in Dutch here and in French here.

1227 Myria, 'Family reunification, still many obstacles', 13 September 2024, available in Dutch here and in French here.

1228 See: https://dofi.ibz.be/en/themes/faq/visa-fees.

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 its year report of 2022, Myria has stressed the difficulties people might encounter to travel to Belgium within the validity period of the visa for family reunification (e.g., closed or insecure borders, difficulties in obtaining travel documents…). In the absence of a European or Belgian legal framework determining the consequences of the expiration of the validity period, it is unclear whether the validity period can be prolonged and in which circumstances, or whether a new visa application needs to be lodged. Myria stresses the need of a clear legal framework in this regard, allowing for a flexible approach by the Belgian asylum instances.[1229]

2. Status and rights of family members

After arrival in Belgium, the applicant has to register in the municipality of their residence within 8 days.[1230] The applicant has to show the family reunification visa and will receive an Annex 15 temporarily covering 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.[1231] 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:

1229 Myria, *Year report migration 2022 – Right to a family life,* available in French and Dutch at: https://bit.ly/3MohPI5, 12-18.

1230 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.

1231 Article 13(3) Aliens Act.

- ❖ 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.[1232] 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.

The fact that a parent and a child who has become of age don't live together anymore, cannot in itself constitute a reason to end the residence permit of the parent or the child: the reality of a 'family life' between a parent and a (adult) child does not necessarily require that they live together. The Immigration Office needs to investigate the existence of affective ties or at least the intention to have or re-establish contacts. This follows from the recent CJUE rulings of 1 August 2022 (joint cases C-273/20 & C-355/20 and C-279/20). The Immigration Office has confirmed that it considers affective ties in case parent and child do not live together.[1233]

An applicant can lodge a suspensive annulation 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.

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 hey stable and sufficient resources. 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 become of age, the Immigration Office will investigate the personal situation of the applicant and may still prolong the duration of the right to residence.[1234] However,

1232 Articles 375, 398-400, 402, 403 and 405 Penal Code.
1233 Website of the Agentschap Integratie en Inburgering: http://bit.ly/3nMsGkK
1234 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.

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 be contrary to the recent rulings of the CJUE of 1 August 2022 (joint cases C-273/20 & C-355/20 and C-279/20).

Resources are considered sufficient when they are 120% of the living wage of the category 'person with a dependent family'.[1235] Currently this amounts to € 1.969,00 per month. The Constitutional Court ruled that as soon as the threshold is reached, the Immigration Office is not allowed to further investigate the exact amount of resources.[1236] 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.[1237] Based on said analysis, the Immigration Office can adjust the threshold.

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. In October 2016, the Reference Point Migration-Integration released statistics showing that recognised refugees or beneficiaries of international protection often move after their recognition.[1238] Preferred destinations are major cities such as Antwerp, Brussels or Ghent, whereas Wallonia in general and smaller towns in Flanders are not among the first choices.[1239]

2. Travel documents

Belgium issues travel documents for both refugees and beneficiaries of subsidiary protection.[1240] The duration of validity of both documents is 2 years.[1241] However, beneficiaries of subsidiary protection have to fulfil more stringent criteria to obtain such a travel document.

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'.[1242] 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 commune where the refugee is officially registered. Documents needed to obtain a 'blue passport' include:

- 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 municipal office;
- For persons living in the Brussels-Capital Region, a certificate of family composition, which must be requested at the municipal office.

Subsidiary protection

1235 Article 10(5) Aliens Act.
1236 Constitutional Court, Decision No 121/2013, 26 September 2013.
1237 Article 12-bis(2) Aliens Act.
1238 Reference Point Migration-Integration, *Monitoring movements*, October 2016, available in Dutch at: http://bit.ly/2kWCIdt.
1239 De Standaard, 'Vluchtelingen vluchten weg uit Wallonië', 3 November 2016, available in Dutch at: http://bit.ly/2jx04dh.
1240 Article 57(3) Consular Code.
1241 Circular on travel documents for non-Belgians, 7 September 2016.
1242 CGRS, 'You are recognised as a refugee in Belgium', January 2018, available at: http://bit.ly/2BjIRbd.

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.[1243]

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 of the 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.[1244]

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 as of 31 December 2024: 3,691[1245]

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:

- Move to an LRI 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 for one month, or in exceptional cases to 4 months; or
- Leave the shelter within a short time with the support of meal vouchers with a monthly value of €420 (adult) or €180 (children), for either one, two or four months depending on how quickly they leave the reception centre.[1246]

This is specified in internal instructions of Fedasil (see End of the right to reception).[1247]

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.[1248]

Since several years, the outflow of recognised refugees from reception centres is hindered by a shortage in housing supply. In practice, the period of up to four months is usually too short to move on to housing.

1243 Myria, *Contact Meeting,* 19 September 2018, available in Dutch at: https://bit.ly/2MvKKc8, para 15-16.
1244 For more information: Foreign Affairs Office, 'Titre de voyage pour réfugié, apatride ou étranger', available in English here.
1245 Information provided by Fedasil on 14 March 2025.
1246 Ibid., p. 3 and 7.
1247 Fedasil, Instructions on the transition from material reception to financial assistance: measures for residents of collective centres and the accompaniment in transition in the individual structures, 14 April 2020, available in Dutch at: https://tinyurl.com/3rr6j65r.
1248 Information provided by Fedasil in March 2025.

It is common that recognised refugees stay in the reception centre longer than that period, especially if they are vulnerable. This practice varies from centre to centre and can also depend on the organisation providing reception. By the end of 2023 at least 3,352 recognised refugees were stuck in federal reception centres due to a shortage of housing in Flanders, Brussels and Wallonia.[1249] By the end of 2024, 3,691 persons having received international protection were staying in the Fedasil reception network – this number only contains persons having been granted international protection by the CGRS and does not include those having received international protection by court decision of the CALL. In 2024, applicants who were granted international protection stayed on average for 121 more days in the reception network.[1250] 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,[1251] 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.[1252]

To contribute to solutions to this crisis, Fedasil established a new 'housing service'. For now, only one person works here; the service is expected to grow further if the promised funding follows.

Several civil society organisations describe the current situation as a 'housing crisis'. There is a 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 international protection experience in finding affordable housing.[1253] To illustrate the extent of this housing crisis in Flanders:

- In March 2024, approximately 176,000 families were on the waiting list for social housing in Flanders.[1254]
- Almost one in ten homes carry the label 'poor or very poor'[1255];
- About 50% of private tenants spend more than 30% of income on rent.[1256]

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 Affair)* that advocates for a fair and just housing policy in Flanders,[1257] 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

1249 Information provided by Fedasil on 14 March 2024 and Fedasil,'Looking for housing', 18 December 2023, available in Dutch at: https://tinyurl.com/3ypfyexm.

1250 Information provided by Fedasil, March 2025.

1251 For example: Orbit vzw, project "De nieuwe buren: citizens for housing of recognized refugees", https://denieuweburen.be/; Thope vzw, a volunteer group with focus on finding housing for recognized refugees: https://www.thopevzw.be/.

1252 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.

1253 To find more information on the housing issue (and recommendations) please see: 'Vluchtelingenwerk Vlaanderen, 'Mensen voorop: de weg naar een echt asielbeleid. Voorstellen voor de verkiezingen 2019: Vlaams-Federaal-Europees, November 2018, available in Dutch here.

1254 VRT nws 'Ruim 176.000 mensen op de wachtlijst, tegelijk staan 15.000 sociale woningen leeg: hoe kan dat?' Available in Dutch here.

1255 Woonsurvey 2023, available in Dutch here.

1256 Woonsurvey 2023, available in Dutch here.

1257 De Woonzaak: https://www.woonzaak.be/.

social exclusion. The report is not legally enforceable, but over time it will be used to evaluate the situation in Flanders'.[1258]

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.[1259] 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.

From 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.[1260] In the coalition agreement of the Flemish government it was decided that this language level will be raised to level B1 from 2027.[1261]

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.[1262] They are equally exempt from a professional card.[1263] These exemptions are based on the status as a refugee and are therefore not affected by the recent limitation of the duration of the residence permit and the subsequent change from an electronic B card to an electronic A card for the first five years. No labour market test or sector limitation are applied. These rules apply to work as an employee or as an entrepreneur.

Until 2018, beneficiaries of subsidiary protection were required a work permit C if they wanted to work as an employee during their first 5 years of limited right to residence. However, since 3 January 2019 – and following a (late) transposition of the Single Permit Directive – the procedure for obtaining working permits has changed and the work permit C has been abolished. Those who were previously eligible for a work permit C have *de jure* a right to work, based on their temporary residence permit. As a transitional provision, work permit C's that have been delivered remain valid until their expiration date.

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.[1264] The activity has to be compatible with the reason of stay in Belgium, not in a saturated sector 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);

1258 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/.
1259 Huurdersplatform, *Lokale binding sinds geboorte*, March 2022, available in Dutch at: http://bit.ly/3maMyNY
1260 Website of Flanders regional administration: conditions for social renting. Available in Dutch at: https://bit.ly/49cVDbC.
1261 Flemish government agreement 2024 2027, available in Dutch here.
1262 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.
1263 Article 1(4) Royal Decree on the professional card.
1264 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.

- ❖ 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 July 2019, the European Migration Network (EMN) published a study on the social-economic trajectories of beneficiaries of international protection in Belgium.[1265] The researchers compared the cohorts of persons granted a protection status in the periods 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 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 them 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 JOB[1266] 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.

1265 EMN, *Socio-economic trajectories of beneficiaries of international protection*, 4 July 2019, available at: https://bit.ly/2x8vZbI.

1266 See: https://www.duoforajob.be/en/homepage/.

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.

In 2021, a new Flemish decree altering the 2013 decree on Flemish integration and civic integration policy was announced and implemented.[1267] Civic integration is intended for foreign nationals of 18 years and older who come to settle in Flanders or in the Brussels region for the first time.[1268] 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.

The new decree stipulates that, from 1 January 2022, applicants for international protection will no longer be able to follow the trajectory until they are officially recognised 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 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.[1269]

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
- 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.

With the new decree, 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 is a new provision that 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 through the new decree, namely: the participation in a network trajectory of 40 hours. This pillar

1267 Decree of 9 July 2021, amending the decree of 7 June 2013 on the Flemish integration and civic integration policy.

1268 For a detailed overview of the target group of the civic integration program, see in Dutch: https://bit.ly/3uyhckk.

1269 Fedasil, *Integrated managementplan 2021-2026*, 30 September 2021, available in Dutch/French at: http://bit.ly/3m7QHSG.

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.[1270]

Another change introduced by the decree, was the fact that it will be compulsory to pay two fees to access the social orientation course, a first 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 reimbursement 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.[1271] 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. For the social orientation course, the same provisions for persons integrating who are entitled were included in the relevant regulations in the interests of consistency. So, from the logic of coherence, these grounds for exemption will also be applied to persons integrating compulsorily within the framework of social orientation. Certain categories of compulsory participants in civic integration will thus, like entitled participants in civic integration, be able to be exempted from paying for social orientation.

The Flemish government agreement 2024-2027 mentions plans to adjust the exemption categories so that they are income-related and no longer granted on the basis of status.

On 1 June 2022, the integration obligation for newcomers in the Brussels-Capital Region was implemented. 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 asylum applicants.

If the newcomer does not fulfil his obligation, they can be sanctioned. The municipality will first send a reminder. If the newcomer then still fails to fulfil his obligation within 2 months, the file will be transferred to the region’s 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.[1272]

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. Today, that level is only mandatory for those not in employment after 2 years.

It is important to note that beneficiaries of temporary protection have access to a voluntary integration trajectory that differs from the mandatory trajectory for recognised refugees and persons having received subsidiary protection. For a complete overview, see report on temporary protection.

1270 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.

1271 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/43E1QMu.

1272 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

2. Access to education

Access to education for child beneficiaries 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)[1273]) and 'reception classes' (in the Flemish Community schools: OKAN)[1274], 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, several sources reported shortages in certain regions.[1275] 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.[1276]

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.[1277] 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 form the CGRS. The PCSW has 30 days to take a decision.

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 commune in Belgium;
- Being an adult;
- Being prepared to work;
- 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.

The federal government has plans to introduce a five-year waiting period before a newcomer can access social assistance. As this is not possible for recognised refugees, they are covered by a different

1273 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).
1274 Flemish government, 'Reception classes for newcomers speaking another language', available in Dutch here (last consulted on 3 April 2025).
1275 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.
1276 Children's Rights Commissionar, 'Year report 2023-2024', available in Dutch here.
1277 Fedasil, 'Social assistance from the CPAS/OCMW', available in English here.

mechanism. 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.[1278]

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 PCSW of the commune of habitual residence of the beneficiary is the authority responsible for social welfare. The term 'habitual 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 communes simply entails transfer of responsibilities to the PCSW of the new commune for social welfare. The new PCSW will nonetheless check again if the beneficiary meets all the conditions to obtain social welfare.

The requirement of 'habitual residence' in a commune 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 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.

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 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.[1279]

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.[1280] 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.

1278 Belgian Federal government agreement 2025-2029, 31 January 2025, available in Dutch here and in French here.

1279 AGII, 'Medical costs as beneficiary of international protection', available in Dutch here (last consulted on 3 April 2025).

1280 Article 32 Law of 14 July 1994 on insurance for medical care and benefits, 27 August 1994, 1994071451, 21524.

Dependent persons of an entitled persons include the spouse, (grand)child, (grand)parent and cohabitant.[1281] To be registered as a spouse both the marriage certificate and proof of living together have to be provided.[1282] 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.[1283] 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.[1284]

1281 Article 123 Royal Decree of 3 July 1996 implementing the Law of 14 July 1994 on insurance for medical care and benefits, 1996022344, 20285.
1282 Article 124(3) Royal Decree 1996.
1283 Article 123(3) Royal Decree 1996.
1284 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.

ANNEX I – 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)