IMMIGRATION POLICY

I have just arrived in Belgium. What do I have to do first?

The most important thing is to understand what your status in Belgium is and to determine if you can get a residence card and under what conditions. Each situation is unique, and procedures can be complicated.

Get advice as quickly as possible by explaining your situation to a new immigrants' support service (see "Information & Advice" chapter).

Do I also have to register with the municipality?

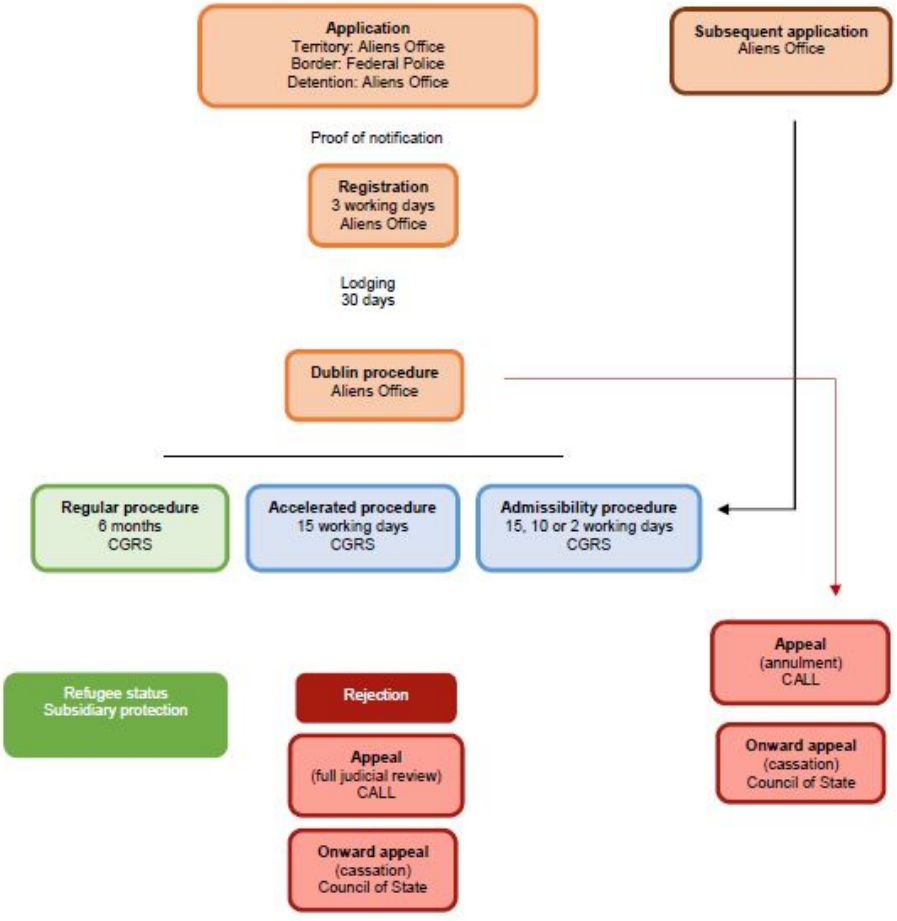
Yes, in all cases, as soon as you have taken up residence, you must go to your municipal government to register.

This must be done no later than eight days after your arrival in the country.

Once your request for registration has been entered, a neighbourhood officer will stop by to check that you actually live at the address you have given.

Most municipalities have a website that provides useful information. You may also telephone the municipality to verify practical information and possibly give some information before attending in person.

ASYLUM PROCEDURE



Registration

An asylum application may be made either:

(a) on the territory with the Aliens Office, within 8 working days after arrival;8

(b) at the border, in case the asylum seeker does not dispose of valid travel documents to enter the territory with the border police; or

(c) from a detention centre, in case the person is already being detained for the purpose of removal.

The applicant receives a "certificate of notification" (attestation de déclaration). The Aliens Office registers the application within 3 working days of the notification, which can be prolonged up to 10 working days in case of large numbers of asylum seekers.

The applicant then has to lodge the application. This can take place either immediately when the person makes the application, or following the notification but no later than 30 days after the application has been made; exceptional prolongations may be defined by Royal Decree. Following that stage, the applicant receives a "proof of asylum application" stating that he or she is a first-time applicant ("Annex 26") or a subsequent applicant ("Annex 26-quinquies").

The Aliens 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 also has the competence to register asylum applications and decides on the application of the Dublin Regulation. The Aliens Office also only registers subsequent applications and transfers them to the Office of the Commissioner General for Refugees and Stateless Persons (CGRS).

First instance procedure

CGRS is the central administrative authority exclusively responsible for the first instance procedure in terms of examining and granting, refusing and withdrawing of refugee and/or subsidiary protection status. The CGRS is independent in taking 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 ask the CGRS to re-examine a previously obtained protection status.

In addition to the regular procedure, the law now 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 Aliens Office or the Secretary of State for Asylum and Migration; or

(d) the application is manifestly well-founded.

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

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.

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 his or her name, lodges a separate application without justification.

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 into 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 automatic suspensive effect and must be lodged within 30 days. The deadline is reduced to 10 days in inadmissible applications and negative decisions in the accelerated procedure, and 5 days concerning subsequent applications in detention. Appeals generally have automatic suspensive effect, with the exception of some cases concerning subsequent applications.

In the past the CGRS was committed to communicate the applicable appeal deadlines but, since the entry into force of the new law was, it unable to do so due to the existing workload. The decision received by the asylum seeker does not mention which specific delay is applicable to his or her case.

The decision only makes reference to the general provision (Article 39/57 of the Aliens Act). The CGRS recently announced that it will soon change its practice by mentioning again which delay is applicable and if the appeal has a suspensive effect. However, this will be applied

only for decisions taken in accelerated procedures and decisions declaring a subsequent request inadmissible.

The CALL has no investigative competence and has to take a decision based on all elements in the file presented by the applicant and the CGRS. In accordance with its "full judicial review" (en pleine jurisdiction) competence, it may:

(a) overturn the CGRS decision by granting a protection status;

(b) confirm the negative decision of the CGRS; or

(c) cancel the decision if it considers essential information is lacking in order to decide on the appeal and further investigation by the CGRS is needed.

Dublin decisions of the Aliens 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.

RESIDENCE PERMITS

Once a person is recognized as a refugee, he or she can get registered in the Aliens Register at the municipality and receives a residence permit (A card). This does not happen automatically, however; the refugee has to present the certificate of the CGRS stating he or she has been recognized.

In most cases, it's the Office des Étrangers (which is part of the Service Public Fédéral Intérieur, or Federal Interior Ministry) that will make the decision authorizing you to stay in Belgium or not. Sometimes, the Municipality will be your primary contact, and you will have to deal with them when you request a residence card. Other times, your request will be submitted directly to the Office des Étrangers.

In all cases (except as defined otherwise by the law), you will have to present documents proving who you are (identity card, passport or other).

If subsidiary protection status is granted, however, the Aliens Office itself gives instructions to the Municipality to register the person in the Aliens Register and issue the residence permit, which is an electronic A card in this situation.

What is the duration of residence permits granted to beneficiaries of protection?

- Refugee status 5 years
- Subsidiary protection 1 year

The duration of the right to residence for recognized refugees is 5 years. The residence right for recognized refugees is limited to 5 years, then to become unlimited unless the CGRS would decide cessation or revocation of the status according to Article 55/3 or 55/3/1 of the Aliens Act. Upon recognition, refugees receive an electronic "A card" valid for 5 years from the moment of the asylum application. After these 5 years they can receive an electronic B card.

Beneficiaries of subsidiary protection receive a residence right for one year. Unless the Aliens Office is convinced the situation motivating the status has changed (upon which the CGRS is asked for an examination), the residence right will be renewed after the first year and then after two years again. Five years after the asylum application, the subsidiary protection beneficiary receives an unlimited right to residence, unless the CGRS would apply cessation or revocation of the status according to Article 55/5 or 55/5/1 of the Aliens Act. Persons with subsidiary protection status receive an electronic "A card" valid for one year, renewable for two years twice. Upon receiving the right to residence for unlimited time the beneficiary receives an electronic B card.

Renewal of the residence card has to be demanded at the municipality between the 45th and 30th day before its expiration date. When it is applied for in time, but the Aliens Office cannot timely prolong the card, a paper document temporarily covering the right to residence is issued by the municipality, named an Annex 15.

Note: In most cases, the first documents that will be issued to you do not give you the right to travel outside of Belgium. A valid passport will be necessary for any travel outside Belgium's borders. Please remember to obtain further information before travelling.

Are administrative formalities really so important?

You must respond to summons, letters and/or calls from government agencies and public authorities.

The final date by which you must complete a formality will be indicated. You must comply with this date and attend in person if you are summoned to an agency. If you do not do this, you may be penalized. You may also be struck off from the municipal registers, and lose your residence card or even your right to remain in the country.

It is recommended that you send important documents by registered letter

What important documents am I going to need?

In Belgium, there are many administrative documents. Some are mandatory, while others are necessary for access to certain services or actions.

We recommend that you keep your original documents and make photocopies of them: identification documents, residence card, family status certificates, contracts, letters, invoices and receipts relating to work, health care, housing, etc.

Document	Where can you obtain them?
Identity card	Municipal government
Birth certificate	Municipal government of the town or city where you were born
Passport	Embassy or Consulate of your country of Origin
Certificat de bonne vie et moeurs- copy of criminal record (as requested in particular for a job)	Municipal government
Household composition (as requested in particular for school registration)	Municipal government

Work permit	Regional government (Brussels or Wallonia)

And what if I don't agree with a decision the government makes?

There are often possibilities for appeal in administrative proceedings. These possibilities are specified in the letters informing you of the decisions (on the back).

There are also mediation services in many municipalities and government agencies.

For more information:

www.ombudsman.be

INTEGRATION PATHS

The aim of the settlement programme is to welcome and support new foreign residents in Belgium, help them acquire basic knowledge on how society works and social relations in Belgium and facilitate their integration into the country. When registering with the municipal authority, new foreign nationals receive an information document and are given the details of the nearest settlement office to their home. The settlement programme currently comprises a welcome module (compulsory phase) and settlement agreement (which is currently non-compulsory).

What exactly is the programme?

The support services have put together a programme which helps you resolve any difficulties you encounter in connection with your recent arrival and point you towards various services that are there to help you integrate.

Each region of Belgium has its own programme and offers a variety of services.

The entire settlement programme is free and is run by the **Centres Régionaux d'Intégration (regional integration centres, CRI for short)** in Wallonia.

http://actionsociale.wallonie.be/integration/centre-regional-integration

So that language is not an obstacle, the services of an interpreter are available; interpreters are provided by a social interpretation service approved by the region of Wallonia.

The programme is divided into two phases:

The welcome module (compulsory phase)

The welcome module is the first phase of the settlement programme. It is compulsory for some categories of new migrants. The welcome module comprises:

- a free and individual social assessment, the purpose of which is to determine the individual's personal and professional programme,
- information on rights and obligations in Belgium,
- guidance on social and administrative aspects, depending on the needs identified.

The settlement agreement (non-compulsory phase)

A settlement agreement can be signed between the new migrant and the regional integration centre and assures new migrants of the following, free services:

- language training
- social & professional guidance
- citizenship training

The maximum duration of a settlement agreement is two years and the regional integration centre (CRI) is in charge of monitoring and assessment.

The settlement programme is also tailored to each individual and provides guidance in line with the identified needs (language, work, accommodation, family, health, leisure etc.). Wallonia wishes to ensure that everyone has access to proper support and assistance, to help them integrate into their new environment. Therefore, the entire programme is available to all migrants, subject to availability of spaces.

Who is eligible for the settlement programme for new migrants?

New migrants are defined as: any foreign national who has been living in Belgium for less than three years and who holds a residence permit that is valid for more than three months, with the exception of citizens of one of the Member States of the European Union, the European Economic Area, Switzerland and their family members.

The Walloon Social Action and Health Code define the persons who must follow the welcome module of the settlement programme and those who are exempt.

What does integration mean?

Integration is a widely-used term with respect to migrants, but what exactly does it mean?

Firstly, it is a two-way process:

- for migrants, integrating entails effort to understand, adapt and become familiar with the host country and live there completely independently. In particular, this involves learning French and understanding and respecting the rights and responsibilities associated with life in Belgium.
- for the host society, it entails ensuring that migrants' rights are respected and that they are treated in the same way as Belgians, particularly in their dealings with government authorities and on the job market, and developing a policy to encourage integration efforts by organizing training, guidance or permanent education.

Integration means participating fully in cultural, economic, civic and social life in Belgium.

Rather than a particular "model" that must be followed, there is a set of principles to be observed, on both sides: individual freedom, equality – gender equality in particular – and non-discrimination, freedom of sexual orientation, the right to privacy, religious freedom, children's rights, the observance of rules governing social life (highway code, rules on the roads and neighbourhood relations, civic rules), and equal treatment in their dealings with government bodies.

Knowledge of French is essential to participating in civic and cultural life, facilitating social interaction and achieving your professional plans.

French lessons are organized in Wallonia and Brussels by numerous organizations (such as schools, municipal authorities, associations etc.). The terms of enrolment and course content vary from one organization to another. Some of the courses are free.

In Wallonia and Brussels, since 2013 the local authorities have run settlement programmes to assist new migrants in French-speaking Belgium with the steps they need to take.

Why an accompaniment service for newcomers?

In your dealings with the authorities, depending on how much progress you have already made settling in, you will be given the contact details for a support service for new migrants in your region. The support services will provide you with information and guidance as soon as you arrive in Belgium.

They will help you locate the services you need. You can make an appointment with the service to obtain all the information you need to set up home in Belgium.

What does the programme involve?

The programme starts with an individual welcome meeting with an advisor who works for the service.

Many of the support service advisors speak several languages. A number of them have themselves been new migrants and have encountered the same obstacles and questions as you.

At these meetings, the advisor will help you:

- assess your situation and draw up a list of your needs: language, accommodation, income, healthcare, schooling for children, employment, training etc.
- undertake the necessary steps,
- find out about the rights and obligations of all citizens living in Belgium.

During a programme, you will learn a lot about Belgian society: such as, where and how to find work, where to turn when you are ill, where your children can attend school and so on.

The programme is free.

The support services offer tests to assess your French language ability. They will, if necessary, tell you about the French language courses offered by state-approved organisations.

New migrant settlement office in Brussels (BAPA)

In July 2013, the French-speaking parliament of Brussels adopted a decree on the settlement programme for new migrants living in the Brussels-Capital Region (BCR). The settlement programme is aimed at "all foreign nationals aged 18 or over who have 'been legally resident in Belgium for less than three years and are entered in the register of foreign nationals of a municipality of BCR, who hold a residence permit valid for more than three months."

In Brussels, the support services offering the programme are called **"Bureaux d'Accueil pour Primo-Arrivants", or "BAPA"**

http://www.bapabxl.be/.

The BAPA's role is to organize settlement programmes for new migrants in Brussels. It provides the necessary information and support to enable them to live independently. It helps them achieve social emancipation by providing training in citizenship and social customs in an urban and distinctly multicultural environment. It encourages new migrants to attend French courses and other training courses.

The programme completed by new migrants is voluntary and completely free of charge. Specifically, it has two components:

The primary component involves a welcome (information on the settlement programme, rights and obligations), a social assessment and a language assessment.

The secondary component takes the form of a settlement and support agreement. It provides the basis for an individual support programme and the option of attending training: language training (learning the French language or literacy) and citizenship training providing basic information on how public institutions work, social relations in Belgium and the host society.

Beneficiaries of the programme receive a certificate of completion of the primary component and, if appropriate, the secondary component of the settlement programme. The new migrant settlement offices are responsible for creating the programme and issuing the certificates of completion.

There are two approved offices:

- Schaerbeek, Rue Kessels 14, 1030 Brussels
  Office hours Monday to Friday, 9.00 a.m. to 12 noon and Tuesday 5.00 p.m. to 8.00 p.m.
  +32 (0) 2 563 52 50
  info@via.brussels
  http://www.via.brussels

- Molenbeek, Boulevard Léopold II 170, 1080 Brussels
  Office hours Monday to Friday, 9.00 a.m. to 12 noon and Thursday 5.00 p.m. to 8.00 p.m.
  +32 (0) 2 563 52 51
  info@via.brussels
  http://www.via.brussels
  Director: Janaki Decleire, J.decleire@via.brussels,
  +32 (0) 2 563 52 63

Head office ASBL BAPA BXL:

Brussels, Boulevard Anspach 1 bte 24, 1000 Brussels
Office hours Monday to Friday, 9.00 a.m. to 12 noon and 2.00 p.m. to 5.00 p.m. and Thursday 5.00 p.m. to 8.00 p.m. during school term time.
+32 (0)2/279.49.70
info.bapabxl@brucity.be
www.bapabxl.be
Director: Christelle Sermon, Christelle.Sermon@brucity.be ,
+32 (0)2/279.49.70

In Brussels, there is also a Flemish programme. This Flemish programme is organised by the **BON (Brussel Onthaal)** settlement office

It comprises:

- a basic Dutch course,
- an introduction to Flemish and Belgian society,
- help finding a job or training,
- information on culture and leisure facilities,
- a civic integration programme

- individual meetings with an advisor.

Visit the BON's website for more information about their services: http://bon.be

Contact

bon Molenbeek
Toekomststraat/Rue de l'Avenir 35
1080 Sint-Jans-Molenbeek-Saint-Jean
Metro: Graaf van Vlaanderen
Tram: tram 51 - Vlaamsepoort
Tel: 02 701 73 80
Fax: 02 411 60 87
E-mail: info@bon.be
Opening hours: 9am to 5pm

bon Brussel - Bruxelles
Rue Ph. de Champagnestraat 23
1000 Brussel-Bruxelles
Tram: tram 3-4: Anneessens
Tel: 02 701 73 80
Fax: 02 411 60 87
E-mail: info@bon.be
Opening hours: 9am to 5pm

bon Anderlecht
Anderlechtse-weggevoerdenstraat 1 -
Rue des Déportés Anderlechtois 1, 1070 Anderlecht
Metro: metro 5: Sint-Guido
Tram: tram 81: Sint-Guido
Bus: bus 46, 49: Sint-Guido
Tel: 02 701 73 80
E-mail: info@bon.be
Opening hours: 9am to 5pm

bon Schaarbeek - Schaerbeek
Place Colignonplein 10
1030 Schaarbeek - Schaerbeek
Bus: bus 55 - Paviljoen-Pavillon
Tram: tram 92 - Pogge
Tel: 02 701 73 80
Fax: 02 411 60 87
E-mail: info@bon.be
Opening hours: 9am to 5pm

Can the programme help you find training?

The advisors will help you find suitable courses.

Your training needs will be documented in the agreement you sign with the office.

This agreement details individual monitoring and the content of the training. Depending on your situation, it will, for instance, provide for French lessons, citizenship training and career or professional training guidance.

The advisors will give you the contact details of organizations who can assist you with your needs.

You will receive a certificate upon completion of the programme.

Under what conditions can you take part in the program?

- you have to be registered at the municipality
- you must have been living in Belgium for less than three years
- you must have a residence permit for more than three months

The local authority will inform you about these services.

WORK PERMITS

Essentially there are three types of work permit (permis de travail/arbeidskaart) in Belgium.

A Permit - Permis/Arbeidskaart A

This sort of permit has an unlimited validity and allows the holder to work in any sector of the economy. It is issued to those who can prove four years' employment in Belgium covered by a B permit within a period of up to ten years of legal residency in Belgium. The permit A application form, obtained from the employment office of the regional government and a form stating personal details signed and stamped by the municipality where the applicant resides are needed.

B Permit - Permis/Arbeidskaart B

A B permit is issued for those who do not have the right to an A or C permit. It is valid for one employer only and for a maximum of one year. The employer must obtain an authorisation of employment (Autorisation d'occupation/arbeidsvergunning) and work permit in the employment office of the local regional government. The documents required for each application will depend on the category of work.The following documents must be included in the application:

A medical certificate

A form stating personal details (feuille de renseignements)

A work contract

Citizens of the new EU Member States need a work permit, but have a fast-track procedure for B permits for some professions.

More information on work permits for citizens of new EU Member States (in French)

A work permit B can be renewed, but if a holder changes employer then a new B permit is needed, together with a new residence visa. They are only issued if no Belgian or EU national can fill the job.

C Permit - Permis/Arbeidskaart C

A C permit is issued to those staying in Belgium temporarily and is valid for a maximum of one year. It is valid for all employers and salaried professions but are usually issued for

agricultural or domestic workers or for people with a situation that is likely to change, such as students.

Application forms for a C permit can be obtained from the employment office in the municipality where the applicant resides or online

CITIZENSHIP - NATURALIZATION

Belgian nationality is the link that unites you, as a person, to the Belgian State, conferring rights and obligations on you.

There are three ways to become Belgian on request:

- acquisition: you are at least 18 years old and must make a declaration of acquisition
- naturalization: this is an exceptional measure of privilege granted to those over 18 years of age who apply for naturalization in the House of Representatives
- attribution: you are under 18 years of age and meet the conditions that allow your authors to make an attribution declaration for you

As regards the acquisition (or recovery of Belgian nationality), you must have established your main residence in Belgium on the basis of a legal residence, namely:

- at the time of submission of the declaration: you must have been admitted or authorized to reside in the Kingdom without restriction;
- during the period immediately preceding the declaration: you must have been admitted or authorized to stay in the Kingdom for more than three months.

In addition to these conditions of legal residence and residence, conditions of social integration and/or economic participation and/or language skills and/or participation in the life of the host community must be fulfilled as appropriate.

Duration and cost

You will have to pay an amount of 150 EUR for the introduction of any procedure for acquiring Belgian nationality with the exception of the declaration of recovery. This amount is to be paid before the declaration is submitted.

You may also be charged for translation, stamps, photocopies of supporting documents and documents to be attached to the declaration and, where applicable, court fees.

You will find more information on the conditions to be met, the cost and duration of these procedures at your locality of main residence.

Naturalization

Under what conditions?

To have reached the age of 18 years;

and legally reside in Belgium at the time of the application for naturalization;

and have demonstrated or been able to demonstrate to Belgium exceptional merits in the scientific, sporting or socio-cultural fields and, as a result, be able to make a particular contribution to Belgium's international influence;

and explain why it is almost impossible for you to acquire Belgian nationality by making a declaration of nationality.

You will find more information on the means of proof to be provided to testify to exceptional merits in your municipality of residence (This hyperlink opens a new window).

Attention: on the sole basis of a legal stay in Belgium for at least two years, an adult foreigner who is legally stateless under the international conventions in force there may also apply for Belgian citizenship.

Naturalization is a preferential measure granted by the House of Representatives (link is external) and not a right. In the event of a negative decision, you cannot appeal to the court.

As soon as the file is deemed complete and the registration fee of EUR 150 is paid, the civil registrar forwards the request to the House of Representatives. The Public Prosecutor's Office, the Aliens Office and State Security are consulted and given four months to issue an opinion. The House of Representatives shall decide on the granting of naturalization in accordance with the procedures laid down in its rules.

The act of naturalization takes the form of a law. You become Belgian on the day the law is published in the Belgian Official Gazette.

Who should I contact?

The application for naturalization can be addressed to the civil registrar of your municipality of main residence (This hyperlink opens a new window) or to the House of Representatives.

Duration and cost

You will have to pay an amount of 150 EUR before any request for naturalization.

You may also be charged for translation and photocopying of the supporting documents to be attached to the application.

The total duration of the naturalization procedure is not legally defined. You can find more information from the administrative services of the Naturalization Commission.

RIGHTS AND OBLIGATIONS OF 3RD COUNTRY NATIONALS

RIGHTS

Minimum rights guaranteed to illegal residents

Despite the fact that they do not have a legal status in Belgium, illegal residents have a number of rights on Belgian territory. These arise mainly from international obligations binding on Belgium, including the "European Convention on Human Rights".

The right of minor children to go to school.

The right to education is determined by several international and national provisions, in particular art. 24 of the Belgian Constitution and art. 28 of the International Convention on the Rights of the Child. This right is also an obligation, which applies to all minors present on Belgian territory, without distinction of status (cf. law of 29 June 1983 on compulsory education).

At Community level, the Flemish decree of 27/02/97 legislates compulsory schooling in primary education and that of 28/06/2002 provides that children enjoy equal opportunities in education. A school cannot therefore refuse to enroll a pupil under the age of 18 solely because he or she does not have a residence permit. And for the same reason, the school cannot deny him the diploma.

School insurance covers all children enrolled in school.

For further information: see "L'enseignement" booklet

The right to urgent medical assistance (AMU)

Definition and general principles

"This aid is of an exclusively medical nature and its urgency is attested by a medical certificate".

This aid "may cover both preventive and curative care" and is likely to cover a wide range of medical care: surgery, childbirth, medical examination, medicines... There is no list specifying the services covered.

It can be provided both on an outpatient basis and in a care facility.

Public concerned

These are people residing illegally in Belgium and in a state of need (which is verified by a social survey carried out by the CPAS - Centres Public d'Action Sociale – Public Centres of Social Work, which provides care). *See Ch.5 Health, Labour and Education pg 22 for description.*

Steps to be taken

Depending on the degree of urgency, two procedures exist:

1st procedure (the general rule):

the person first goes to the CPAS of the place where he or she actually resides.

The CPAS then carries out a social inquiry and, if necessary, refers the patient to a hospital or an approved attending physician.

The CPAS issues the AMU certificate to the health care provider.

2nd procedure (in case of extreme urgency):

The person goes directly to the custody of a hospital because it is extremely urgent.

The doctor on duty will issue the certificate of urgent medical assistance necessary for the CPAS to take charge of the territory in which the hospital is located (if the request to the CPAS was made during the hospitalization and if it is an emergency situation).

Decisions

In the event of a positive decision: the CPAS gives the applicant a medical card or an indictment with which he can present himself to the doctor of his choice or to a doctor on the list of healthcare providers who collaborate with the CPAS.

In the event of a negative decision or in the absence of a decision within one month of the date of the aid application: the applicant has three months to lodge an appeal with the Labour Court

In practice, this means

Practical difficulties at several levels can make Emergency Medical Assistance (AMU) difficult for undocumented migrants to access. Among these:

the complexity and diversity of internal procedures, which vary from one CPAS to another

delays: the weight of administrative procedures sometimes leads to long delays in taking charge of the project

the term "urgent" can be confusing and open to arbitrary interpretation by doctors and CPASs

For people who do not have access to urgent medical assistance (either because they do not meet the criteria or because of the various obstacles mentioned below) or to any other form of health care, there are free health care organizations such as the "Centre d'accueil, de Soins et d'Orientation (CASO) de Médecins du Monde" and "Médecine pour le Peuple".

For access conditions and locations of medical consultations, contact:

Doctor of the World

Brussels:
Rue Botanique 75 - 1210 Bruxelles
Contact us beforehand by phone or email:
+32 (0)2 225 43 43 13
envelopesocial.caso@medecinsdumonde.be
website: www.medecinsdumonde.be
Pencil free consultations: Monday 13h, Thursday 9h, and Friday 13h

Antwerp:
Van Maerlantstraat, 56 - 2060 Antwerp
+32 (0)3 231 36 41
Pencil free consultations: Monday 9am, Tuesday 9am

La Louvière:
Santé Info point (premises of the CPAS health relay).
Rue du Moulin ,79 -7100 La Louvière
+32 (0)3 231 36 41
Pencil Free consultations: on Wednesday morning, in the premises of the CPAS health relay.

Oostende:
CAW NoordwestVlaanderen
Sint Sebastiaanstraat, 16a - 8400 Oostende
+32 (0)3 231 36 41
Pencil free consultations: Thursday mornings, from 10am to 12pm

Medicine for the People

Website: gvhvv-mplp.be
For any further information:
Medimmigrant
Rue Gaucheret 164, 1030 Brussels
+32 (0)2/274 14 33 or icon phone +32 (0)2/274 14 34
Monday, Thursday and Friday from 10 to 13h and Tuesday from 14 to 18h.
envelopeinfo@medimmigrant.be
website medimmigrant.be

Labour rights

People residing illegally are not allowed to work (legally) in Belgium. However, they cannot be punished (by a fine or prison sentence) because they work illegally, only their boss can be punished. However, they risk being expelled from the country (the Aliens Office may

consider that illegal work constitutes a breach of public order and therefore justify the issuance of an OQT (ordre de quitter le territoire – Removal orders).

The rights

Despite the fact that they work illegally, they enjoy a number of rights (although in practice they are not always respected), including

the right to a salary: they are entitled to the legal minimum wage. It must be paid personally.

and regularly.

the right to safe work: The employer must ensure healthy and safe working conditions (e.g. protective clothing if the work is dangerous)

the right to compensation in the event of an accident: In Belgium, employers are required to have insurance against accidents at work, including for their illegal workers. There is a special body responsible for monitoring it, namely the Workers' Compensation Fund. If the employer has not taken out any insurance, the Fonds des Accidents du Travail will cover the costs incurred as a result of the accident. He will then be reimbursed by the employer.

The accident at work must be reported to the insurance company:

By the employer within 8 days.

If the boss has not reported the accident, the person can do so himself, preferably as soon as possible, and in any case within 3 years. She must be able to prove that the accident occurred while she was working for her boss.

However, the Workers' Compensation Fund and the insurance company sometimes take a long time to decide whether or not to reimburse the victim. It is therefore preferable to first submit a request for urgent medical assistance (see above) to ensure that medical expenses are reimbursed.

Workmen's Compensation Fund

Rue du Trône, 100 - 1050 Brussels
+32 (0)2/506 84 11
Fax +32 (0)2/506 84 15
Practical advice to be well prepared in case of problems:

Keep as much information as possible. Record everything and keep all documents on paper: badges, notes, vouchers, etc. If possible, ask the boss to sign what has been agreed. Ensure that the date is indicated.

Collect information about the boss: name, address, telephone number, company name and VAT number (check that it is the official name!), etc. If the boss works for other companies, collect the same information for them.

Note (in as much detail as possible) where and when the work was done. Even better: take pictures of the workplace and yourself working.

Record the number of hours worked and the salary received. If possible, have the boss sign this paper.

Speak to witnesses: co-workers, neighbours, suppliers... Keep their name, phone number and address.

In the event of an accident at work, keep all hospital and doctor's papers

For more information:

OR.C.A. - Organisation for Clandestine Immigrant Workers

Rue Gaucheret, 164 - 1030 Brussels
+32 (0)2/274 14 31
fax+32 (0)2/274 14 48
envelopeinfo@orcasite.be
ONLY BY APPOINTMENT

The right to be able to take legal action and to benefit from pro-deo legal assistance

Legal aid offices can advise people who are considering filing a complaint or filing a civil suit in a trial. If people cannot afford a lawyer, they can apply for a "pro deo" lawyer (at a legal aid office) under the right to legal aid, guaranteed by art. 23 of the Belgian Constitution...

Undocumented migrants are also entitled to free legal aid for procedures related to the stay. However, they may be denied this possibility for cases not related to the stay (e. g. work, marriage, housing, social assistance). These requests are processed on a case-by-case basis.

For more information: contact a Legal Aid Office: see "Legal Aid" sheet

The right for families residing illegally with minor children, to material assistance if the parents cannot provide for the children

In law:

The Act of 12 January 2007 on the reception of asylum-seekers provides for the granting of material assistance to minors residing illegally in the territory with their parents.

The Royal Decree of 24/06/2004 aims to set the conditions and modalities for granting this material assistance to these families. The same Royal Decree provides for the accommodation of families in reception centres managed exclusively by the Agency (FEDASIL), which must establish an individualized reception project in which material assistance is provided and adapted to the needs of the minor and which is essential for his or her development.

The right to material assistance ends when the youngest child reaches the age of majority.

In practice:

This material assistance is, following a memorandum of understanding between the Aliens Office and FEDASIL, now granted in return homes, managed by the Aliens Office, the aim of which is to prepare these families for return and to implement it (on a voluntary and otherwise forced basis).

For more information: Contact a specialized social service (see sheet "Legal and social services specialised in foreigners' law") or the CPAS of the municipality of residence.

The right to submit a request for regularisation

See "The regularization" sheet

The right to live as a family

On the basis of Article 8 of the ECHR, everyone has the right to private and family life. This right applies to persons living in Belgium regardless of their residence status.

People in an irregular situation therefore have the right to marry or declare legal cohabitation in Belgium.

This right is subject to the condition that the necessary documents are produced, that the procedure is followed (see fact sheet "Marriage and legal cohabitation") and that there is no suspicion of entering into a union solely for the purpose of obtaining a benefit in terms of residence (so-called "convenience" unions).

Mobilisation of undocumented migrants

Since mid-2014, the mobilization of undocumented migrants has been reviving, mainly in Brussels, through the opening of occupations and the formation of collectives, which meet in a coordination process. This coordination of undocumented migrants is the forum for defining a strategy common to all collectives, which is mainly reflected in shared demands and political actions, aimed at making their voice heard and asserting their rights, in particular the right to residence and the right to dignity.

Despite a hostile and more or less locked political and social context, the mobilization is long-term and finds many supporters, in the associative and trade union worlds as well as among citizens with documents. This contrast between an increasingly intransigent policy and a persistent protest movement reflects a collective dynamic that survives the lack of immediate results and is part of a real political struggle.

The main collectives present in Brussels (in February 2016) are: the Voice of Undocumented Migrants (occupation in Molenbeek), the Ebola group (occupation in St Josse), the Afghan Collective (occupation in Etterbeek), the 2009 Victims' Group (occupation in Ixelles) and the Migrants' House, the CSC Committee of Undocumented Workers, the Committee of Undocumented Women. In Liege too, the movement is developing with the collective de la Voix des sans papiers and their occupation in Sclessin.

Voluntary return

If a person wishes to return to his or her country of origin, assistance can be obtained to best prepare the conditions for his or her return.

This assistance may be limited to helping them to return (REAB programme), but it may also (depending on the country of return, reintegration opportunities or needs) be more important: support to develop a reintegration project in the country of origin or support for vulnerable or seriously ill people for example.

Note: the voluntary return assistance organised by the Belgian State is often aimed at undocumented migrants in Belgium, but not only (see below: the public concerned)

The Voluntary Return Program

Since 1984, on the basis of an agreement with the Belgian Government, IOM Belgium (International Organization for Migration) has been setting up an assistance programme for voluntary return;

IOM carries out this mission in collaboration with several NGOs (non-governmental organizations) and migrant associations, reception centres for asylum seekers and some cities.

Public concerned

The Assisted Voluntary Return Program is intended for:

asylum seekers awaiting a final answer on their procedure

asylum seekers whose applications have been rejected

migrants residing illegally

Support for failed asylum seekers is provided in order to best prepare for voluntary return: this is the return journey.

The people who do not have access to the program are:

persons who have a residence status in Belgium (recognised, regularised, naturalised refugees, etc.)

citizens of the 15 old Member States of the European Union

people who have already benefited from the program within the last 5 years

Types of assistance proposed

help in preparing the trip:

purchase of airline tickets (or buses);

contacts with the embassy (assistance in obtaining travel documents);

transport to the final destination;

assistance at airports (departure, transit, arrival);

luggage transport;

medical assistance if necessary;

Travel is generally by air, but bus returns can be arranged to some destinations, including the Balkan countries.

financial support

Under certain conditions, a return bonus is granted at the time of departure and amounts to a maximum of 250 euros per adult and 125 euros per child.

There are two types of reintegration assistance:

Basic" assistance: material assistance of a maximum amount of 700 euros per adult and 350 euros per child and additional assistance of 500 euros maximum for vulnerable groups (per case or per person depending on whether they are families with children or vulnerable persons).

Additional" assistance: individual reintegration bonus of maximum 1500 euros (per case) to open a micro-enterprise, for job search or to cover medical expenses (serious cases) for example.

The amounts granted must be reimbursed if the person returns to Belgium within 5 years.

Conditions of grant:

The benefit of "complementary" reintegration assistance (in addition to "basic" reintegration assistance) is reserved:

migrants who have submitted a request for voluntary return during their asylum application (only from the time the asylum application is considered until the end of the procedure (Conseil du Contentieux des Étrangers) including 30 days after receipt of the OQT)

migrants whose asylum or stay application has not been taken into consideration, or who have received a negative opinion. This category also includes persons who are following or have followed other procedures for the purpose of a regular stay (e.g. regularisation, Dublin)

Migrants who apply for voluntary return within 12 months of their OQT receive only "basic" assistance and those who apply more than 12 months after their OQT is issued receive only the organisation of return and the return bonus without any assistance.

Persons from the last 13 Member States (Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Czech Republic, Croatia, Malta, Cyprus, Slovenia) and migrants from countries whose nationals are exempt from the visa requirement only benefit from the organisation of their return (without return bonus or assistance).

Vulnerable persons can benefit from specific reintegration assistance, regardless of their administrative status or the length of their stay.

Programmes to assist reintegration in the country of origin

In collaboration with Fedasil, IOM and Caritas International are developing programmes specifically focused on reintegration in a number of countries of origin, in which they benefit from a wide network of partners.

These organisations help people to reintegrate into society as part of their return: it may be starting a business, looking for a job, finding housing, undertaking training or studies...

Assistance is provided at different levels:

the provision of information concerning the situation in the country of return (security, health care, housing, etc.)

support in the implementation of the return project both in Belgium and in the country of return

access to material assistance (reintegration funds)

legal, social, administrative, psychological and administrative follow-up

This is done in collaboration with partner organisations located in the country of return and partner organisations in Belgium.

Who should I contact?

For persons residing in a reception centre for asylum seekers (Red Cross or Fedasil) or detained in a detention centre: it is advisable to contact the social workers or return advisors of the centre.

For other people, it is advisable to:

contact one of IOM's non-governmental associations or partner cities/municipalitys

go to a Fedasil return counter (in Brussels, Ghent, Antwerp and Liège)

phone form the general call number 32 (0)800/327 45 (toll-free number)

website consult the site retourvolontaire.be (in 12 languages)

Contacts for voluntary return (counters and return partners)

USEFUL ADDRESSES:

CGRS - office of the commissioner general for refugees and stateless persons

Official address
Rue Ernest Blerot 39
1070 BRUXELLES
For asylum seekers, lawyers, persons of confidence, guardians, recognised
Rue Ernest Blerot 39
1070 BRUSSELS
Entrance for visitors
Place Victor Horta 40
1060 BRUSSELS
+32 (0)2 205 51 11
+32 (0)2 205 50 01 (fax)
cgra.info@ibz.fgov.be

IMMIGRATION OFFICE

Boulevard Pacheco 44
1000 Bruxelles
Plan d'accès
INFODESK
(Pour toutes vos questions liées à votre dossier)
Tel. : 02/793.80.00
Monday 9h30-12h00
Tuesday 9h30-12h00
Wednesday 9h30-12h00
Thursday 14h-16h00
Friday 9h30-12h00
E-mail : infodesk[at]ibz.fgov.be

CALL – Council of Aliens Law Litigations

Adresse
Conseil du Contentieux des Étrangers
Rue Gaucheret 92-94
1030 BRUXELLES

The Council is easily accessible by public transportations

By train: 5 minutes' walk from Bruxelles-Nord station
By tram or bus: Bruxelles-Nord station
Open Monday to Friday 8.30am to 4.00pm
Phone et fax
Tel.: 02/791.60.00
Fax: 02/791.62.26
Email : info.rvv-cce@ibz.fgov.be .