

GUIDE FOR UNACCOMPANIED MINORS WHO APPLY FOR ASYLUM IN BELGIUM

This brochure
belongs to:



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HELLO

Every child is vulnerable. Foreign unaccompanied minors even more so. Many of them arrive in an unknown country with a different culture after a traumatic journey, to ask for asylum. This makes it even harder for them to tell their asylum story in a clear and understandable way.

For this reason the CGRS has put in place a special procedure for the examination of asylum applications from unaccompanied minors.

You are an unaccompanied minor asking for asylum in Belgium. This guide explains to you the different steps of your asylum procedure. All unaccompanied minors receive this guide on the day they make their asylum application at the Immigration Office.

Find out
more

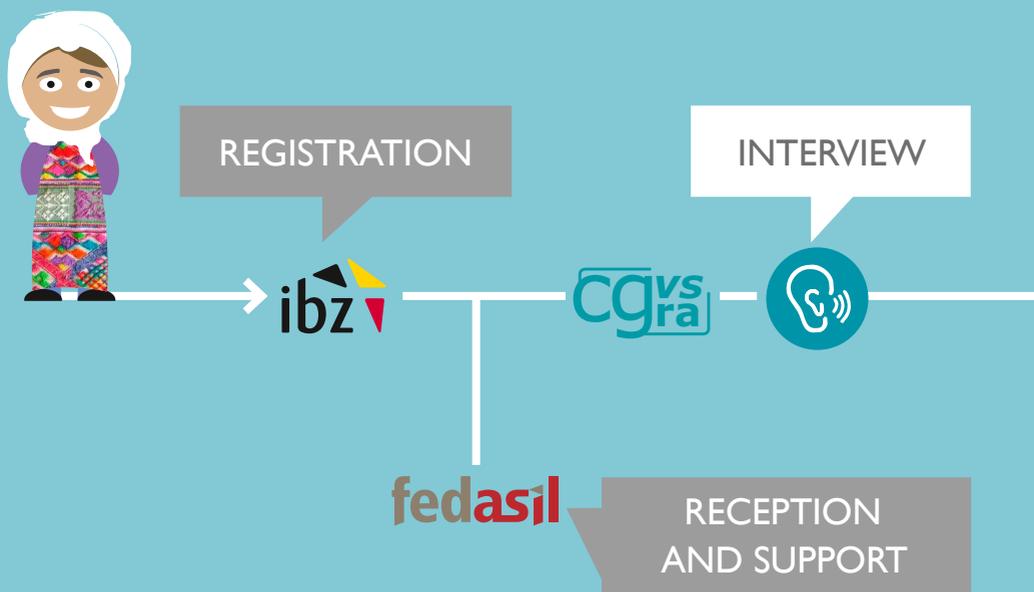
You can find a summary of the main points in this guide on: www.cgrs.be/en/asylum/children-asylum-procedure

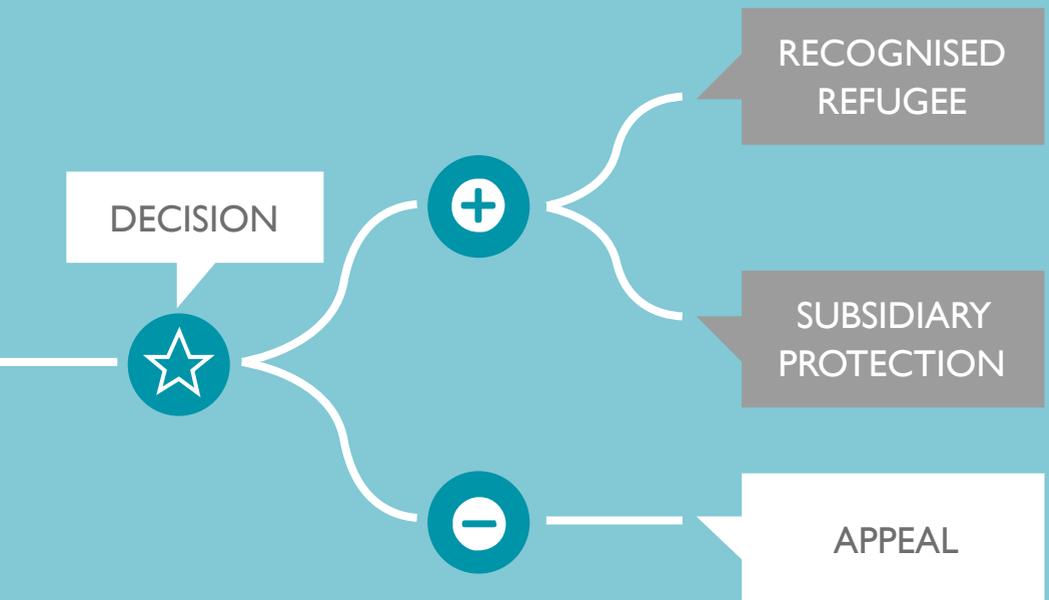
On the CGRS website, you will also find much more information on the asylum procedure in Belgium.





ASYLUM PROCEDURE





1

WHAT KIND OF INTERNATIONAL PROTECTION CAN YOU GET IN BELGIUM?





TWO TYPES OF ASYLUM

You apply for asylum in Belgium. This means that you ask the Belgian government to protect you because you have or fear to have serious problems in your home country or your country of residence. Because of these problems, you believe that you cannot return to your country. Belgium offers two forms of asylum: refugee status and subsidiary protection status.



What kind of international protection can you get in Belgium ?



WHO IS A REFUGEE?

Belgium has signed the Geneva Convention or Refugee Convention. This international treaty puts Belgium under the obligation to offer protection to people who have been persecuted or fear persecution in their home country or country of residence. Persecution may happen for several reasons:

- your political opinions, or those of your family
- your religion
- your race
- your nationality
- your membership of a 'particular social group'. A 'particular social group' is a group of persons who share a common characteristic they cannot change. Because of this shared characteristic, the majority of the people in your country or the authorities of your country treat you in a hostile way. An example of this may be a person who is persecuted because he is a homosexual.

If you have left your country and/or are unable to return there, for one or several of the above reasons, you may be granted refugee status in Belgium.



WHAT DOES SUBSIDIARY PROTECTION MEAN?

If you are not granted refugee status, because of your situation, the CGRS will examine if you are entitled to subsidiary protection status.

The CGRS will grant you subsidiary protection status if you run a real risk of serious harm in your country. Serious harm may consist of:

- death penalty or execution
- torture or inhuman or degrading treatment
- serious threat to your life in case of an armed conflict.

What kind of international protection can you get in Belgium ?

2

YOUR IDENTIFICATION AND REGISTRATION AS A FOREIGN UNACCOMPANIED MINOR



YOU ARE A FOREIGN UNACCOMPANIED MINOR

- if you are under 18
- if you stay in Belgium without your parent(s) or a (legal) guardian
- if you come from a country outside of the European Union
- if you apply for asylum or if you stay in Belgium without legal residence documents.

You can apply for asylum on your own or together with your guardian at the Immigration Office or at the border. If you are alone, the Immigration Office will **inform** the Guardianship Service of your presence.

The Immigration Office fills in an information sheet with you, in order to inform the Guardianship Service that you arrived in Belgium on your own. The Guardianship Service makes sure that your rights are respected, because you need special protection as a child or minor.

Find out more

RETURN TO YOUR COUNTRY

If you want, you can choose to return permanently to your home country, even if you have applied for asylum. You may receive help for the preparation of your return and during the return journey. You can talk about your wish to return with your guardian or with your social worker. You will find more information on the website www.voluntaryreturn.be



YOUR AGE IS ASSESSED



Your identification and registration as a foreign unaccompanied minor

If there is any doubt about your age, the responsible service will conduct an **age assessment**. In a medical examination an X-ray of your wrist, collarbone and teeth is taken. With this X-ray, we can assess your age approximately. If you do not agree with the result of this assessment, you may, with the help of a lawyer, lodge an **appeal** with the Council of State within 60 days. If the Guardianship Service concludes, on the basis of the age assessment, that you are not a minor, you will not receive help from a guardian and will be treated as an adult.



A GUARDIAN IS ASSIGNED TO YOU



In case there is no doubt about your age or the age assessment has shown that you are a minor, the Guardianship Service will immediately assign a **guardian** to you.

The guardian is your legal representative for the duration of your stay in Belgium until you reach the age of 18. The guardianship will end on your 18th birthday or when your parent(s), or the person who is legally in charge of you, arrive in Belgium. The guardian will see to it that you receive a lawyer to assist you during the asylum procedure. He or she will also make sure that your rights are respected in Belgium, that you go to school, that your paperwork is in order, etc. He will help you with the preparation of your asylum application and will explain to you what you may or may not expect. Your guardian will be present during your interviews at the Immigration Office and at the CGRS. He or she will see to it that the interviewer respects your rights. During these interviews, the guardian can also give information, if he so wishes, about your specific situation.

YOU ARE HOUSED IN A RECEPTION CENTRE



Your identification and registration as a foreign unaccompanied minor

Fedasil is responsible for the reception of all asylum seekers in Belgium. This means that Fedasil is also in charge of your reception as an unaccompanied minor. If you have relatives living in Belgium, you can choose to stay with them.

You will receive a place in a reception centre adapted to your needs, and separated from adults. The reception centres of Fedasil and its partner organisations (such as the Red Cross) are all “open centres”. This means that you are free to enter and leave the centre, as long as you observe the centre’s rules.

You will stay in a reception centre throughout the asylum procedure. If you have not received a decision when you turn 18, you will be transferred to a reception centre for adults.

Being a minor means you have to go to school and you will be registered in a school. Even if you live with relatives, you still have to go to school.

THE IMMIGRATION OFFICE TAKES YOUR STATEMENT AND YOU FILL IN A QUESTIONNAIRE

The Immigration Office invites you together with your guardian.

Firstly, the immigration officer writes down your **personal details in a statement**.

Then you have the opportunity to explain in a short **interview** why you fled. Tell the immigration officer **why you have left your country** and why you cannot or do not want to return there. This interview is based on a standard questionnaire. It is very important that you give a clear insight into your situation and background. This means that you must provide complete and correct information on:

- your identity and nationality
- the places where you have lived
- your family members, and the place where they have lived and are currently living
- your journey to Belgium
- all the reasons why you left your country.

If you do not speak Dutch or French, an interpreter will help you during this interview. The interpreter will translate everything you and the interviewer say. The interviewer and the interpreter are bound by professional secrecy. **This means they cannot share any information on your application with third parties or with the authorities of your country.** After this interview, the Immigration Office will transfer your asylum application to the CGRS.

3

YOUR ASYLUM PROCEDURE AT THE OFFICE OF THE COMMISSIONER GENERAL FOR REFUGEES AND STATELESS PERSONS



AN EXPERT EXAMINES YOUR APPLICATION



The CGRS has a team of **protection officers** who are specialised in dealing with asylum applications from unaccompanied minors. The protection officer is the person who examines your application. He or she is highly trained and has also received special training for interviewing children. He or she **adapts the interview** to your age, education level and special needs. When necessary, the protection officer makes use of extra tools during the interview, for instance drawings or pictures, to help you explain your asylum story as completely and clearly as possible.

The Commissioner General for Refugees and Stateless Persons or his deputies are responsible for taking a decision on your application.



A PROTECTION OFFICER CONDUCTS AN ELABORATE INTERVIEW WITH YOU

When the CGRS receives your asylum file from the Immigration Office, the CGRS invites you for an interview. Your guardian and your lawyer also receive an invitation for this interview.

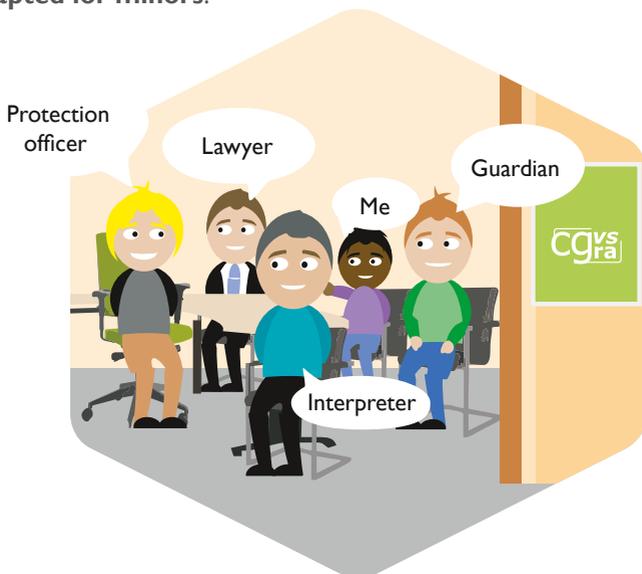
Your interview is the **most important part of your asylum procedure**. During the interview, you have the opportunity to explain why you have applied for asylum in Belgium.

You will receive an invitation letter indicating the date and hour for your interview. Both you and your guardian **have to be present** at the interview. If for some reason, for example because you are ill, you cannot be present at the interview, your guardian has to inform the CGRS about this. He has to do this within 15 days from the day of the planned interview. You will have to proof your absence. You will then receive a new invitation for an interview at another date.

Your guardian and your lawyer will prepare the interview together with you. **Before the interview, it is very important that you collect as much information and documents as possible to prove your identity, age, journey, asylum reasons and, where relevant, the different places of residence of the other members of your family**. The CGRS needs this information to examine your asylum application as thoroughly and quickly as possible. Your guardian and lawyer will help you with this.



The interview takes place at the CGRS in a **room specifically adapted for minors**.



If you do not speak Dutch or French, an **interpreter** will translate for you. The interpreter is only present to make sure that you and the protection officer understand each other properly. The interpreter interferes in no way with the examination of your application. The protection officer and the interpreter at the CGRS have to respect **professional secrecy**, just as with the Immigration Office.

A **trusted person** may also accompany you during the interview. This is someone you trust and who works with you in a professional capacity (psychologist, teacher, social worker...).



What do I remember?

WHAT CAN YOU EXPECT DURING THE INTERVIEW AT THE CGRS?

The **protection officer** is in charge of the interview. He/she is there first and foremost to **listen** to you.

During the interview, the protection officer will ask you questions. Tell him all you know about yourself, your problems or the problems of persons close to you. He will also ask you questions about your documents and about your journey to Belgium.

If you **don't understand a question** or if there is any other problem during the interview, it is important that you tell the interviewer immediately. This is to avoid mistakes and allows the interviewer to rephrase the questions.

If you **don't know the answer** to a question, just say you don't know. **Do not invent answers.** Take your time to think about what you want to tell.

Be **honest** and tell all you know.

Since an interview may take several hours, regular breaks are foreseen. If you need a break during the interview, you can ask for one.

Your **guardian** can also **make comments** during the interview.

After the interview, you can still add **information or documents** to your asylum file. Your guardian or your lawyer will help you with this.



What do I remember?

WHAT DOES THE PROTECTION OFFICER EXPECT FROM YOU DURING THE INTERVIEW?

In order to take a decision on your application, the CGRS needs all the information available. By law, you have a duty to cooperate actively.

The protection officer expects the following from you:

- Tell the truth. Give honest answers, with as much detail as possible.
- If possible, show documents to prove:
 - your age
 - your identity
 - your nationality
 - your background
 - your current (and previous) place(s) of residence and those of your family members
 - your journey to Belgium
 - the problems you suffered in your home country

If the CGRS finds out that you made false or incorrect declarations, or submitted false or forged documents, your application may be rejected. If the CGRS discovers this only after granting you international protection status, it can withdraw your status. This may also have negative consequences for any of your family members who have come to Belgium through family reunification on the basis of your protection status.

If you don't give insight into your real situation or if you cannot explain sufficiently why you are unable to provide some information, the CGRS cannot make a proper assessment of your fear of persecution. This may also lead to a rejection of your application.



THE EXAMINATION OF YOUR ASYLUM APPLICATION

After your interview, the protection officer **examines** your asylum application. To do so, he or she checks the following:

- the credibility of your asylum story
- the documents and other evidence you submitted to prove your asylum story
- the general situation in your home country or country of residence
- the individual character of your claim. The CGRS examines every asylum application on an individual basis and assesses your individual fear upon return and whether it is well-founded.

The CGRS takes into account your age, maturity, school level and specific needs.

The **best interest of the child and the child's vulnerability** are decisive for the examination of an asylum application. Children do not see the world around them in the same way as adults, they interpret facts and events in a child-specific way. For that reason the CGRS doesn't expect from you to have a clear answer to every question.

When required and possible, the CGRS may also invite witnesses for an interview (for instance, an uncle or an aunt living in Belgium), to clarify your situation.

Finally, to examine your asylum application, the CGRS uses country information which includes information on the situation of children and minors in your country.



THE DECISION ON YOUR ASYLUM APPLICATION



Some time after your interview, you will receive a decision from the CGRS. The original of this decision is sent to your guardian. Your lawyer will receive a copy. You will also receive a copy of the decision by post at your address or by fax at your reception centre. The decision of the Commissioner General is written in a language which is adapted to your age and your background.

If you receive a negative decision, your lawyer or social worker can explain the reasons for the refusal to you.

Find out more

Taking into account all the elements in your asylum file, the Commissioner General takes either a positive decision (granting a protection status) or a negative decision (refusal to grant a protection status). Several types of decision are possible. Read more on www.cgrs.be/en/asylum/types-decisions

Your asylum procedure at the CGRS



NEGATIVE: THE CGRS REJECTS YOUR ASYLUM APPLICATION. WHAT HAPPENS NEXT?

The CGRS takes a decision refusing both refugee and subsidiary protection status. There are not enough elements to conclude that you have a well-founded fear of persecution or a real risk of serious harm upon return to your country. The CGRS explains in its decision why it has reached this conclusion.

APPEAL AGAINST A NEGATIVE DECISION

Has the CGRS refused to grant you refugee and subsidiary protection status? Or have you received subsidiary protection status but do you want to be recognised as a refugee? In these cases, you can lodge an **appeal** against the negative decision. This appeal has to be made before the Council for Alien Law Litigation. Your guardian and lawyer will help you with this. You have the right to stay in Belgium during your appeal or as until you turn 18. If your appeal is rejected, you will have to return to your home country once you turn 18.

Find out more

The Council for Alien Law Litigation (CALL) decides on appeals against negative decisions of the CGRS. There are different types of appeal procedures, depending on the type of decision. The CALL issues rulings with a detailed reasoning. Read more on www.cgrs.be/en/international-protection/appeals-procedures



POSITIVE: YOU ARE RECOGNISED AS A REFUGEE

Decision to recognise refugee status: you have been recognised as a refugee by the CGRS.

WHAT DOES A REFUGEE STATUS ENTAIL?

You will receive an initial residence permit allowing you to stay in Belgium for 5 years. Once you have received this permit, your family members can make a request for family reunification.

You will receive a **refugee certificate** some 30 days after your decision. This certificate is sent to you automatically by the CGRS.

If you need civil status documents (for example a birth certificate), you can submit a written request for this to the “Helpdesk recognised refugees and stateless persons” at the CGRS. For a travelling passport for refugees you have to go to the provincial administration of your place of residence. As a recognised refugee, you are not allowed to travel to your country of origin.

Find out more

As a recognised refugee Belgian law applies to you. You have to follow the same laws as Belgian citizens. You can find more information on your rights and obligations, and on the documents you can obtain from the CGRS as a recognised refugee, on: www.cgrs.be/en/international-protection/refugee-status www.cgrs.be/en/documents



POSITIVE: YOU HAVE BEEN GRANTED SUBSIDIARY PROTECTION STATUS

Decision to refuse refugee status and to grant subsidiary protection status: there are not enough elements to recognise you as a refugee but, because you run a real risk of serious harm, you cannot return to your country of origin at present.

WHAT DOES A SUBSIDIARY PROTECTION STATUS ENTAIL?

You will receive an initial residence permit for 1 year. This can be extended. Your family members can make a request for family reunification.

The CGRS does not provide civil status documents to beneficiaries of subsidiary protection. If you want to travel abroad, you will in principle have to use a passport issued by your country.

Find out more

Some laws of the country of origin of the minor still apply to beneficiaries of subsidiary protection, for instance laws on legal majority and on the validity of a marriage.

For more information, go to www.cgrs.be/en/international-protection/subsidiary-protection-status

I remember
this!

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Contact

COMMISSIONER GENERAL FOR REFUGEES AND STATELESS PERSONS

WTC II

Boulevard du Roi Albert II, n° 26A

1000 BRUSSELS

Tel +32 (0)2 205 51 11

Fax +32 (0)2 205 51 15

E-mail: cgvs.info@ibz.fgov.be

Website: www.cgrs.be

THE CGRS UNIT FOR MINORS

The CGRS has a coordinator for minors. The coordinator knows everything that has to do with asylum applications from foreign unaccompanied minors. She follows up closely on all such applications. Guardians who have questions or observations about the asylum procedure can contact the coordinator for minors.

E-mail: CGRA-CGVS.Mineurs@ibz.fgov.be

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As a central and independent asylum authority, the CGRS is in daily contact with many Belgian, European and international partners.

Read more on: www.cgrs.be/en/partners



Want to learn
more about
the **CGRS**?

Go to our website:
www.cgrs.be





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Towards a more integrated migration
policy, made possible by the AMIF