

2. Country Profile: Belgium

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2.1 Introduction

The information gathered in this profile is based on three different sources of information:

- Responses returned by Klein Kasteeltje reception centre and the Aliens Department of the Ministry of the Interior concerning the first stage of the asylum procedure for detention centres
- Background documentation (mainly statistics)
- Information gathered during visits and interviews with key actors in the asylum procedure in Belgium.

The visits and interviews in Belgium were carried out between 13th and 16th June 2000.

The following persons and institutions were visited:

Croix Rouge

Head of Section, Mme Valerie Velghe + colleague from the Flemish Red Cross

Klein Kasteeltje Reception Centre

Head of Section, Dr. Bob Pleysier

Commission General on Refugees and Stateless Persons,

M. Luc de Smet

Reception Centre at Kazerneweg 14, Kapellen

Manager, Joan Ramakers

Union of Flemish Cities and Municipalities of Brussels, Department of Social Affairs

Head of Section, Mme Ruth Stockx

Aliens Department, Ministry of the Interior

M. Freddy Roosemont

2.2 Background information on Belgium

2.2.1 Trends in the number of applicants

Like other EU countries, Belgium experienced a temporary rise in asylum seekers in 1993 as a result of the war in Bosnia. Numbers then subsided from 26,421 in 1993 to 11,602 in 1997, only to rise again sharply in 1998 and reach the dramatic total of 35,776 in 1999 because of the war in Kosovo.

The overall development in number of asylum applicants from 1990-1999 can be seen in the following table:

Table 2.1: Overall trends in number of asylum applicants 1990-99

1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
12,898	15,371	17,535	26,421	14,568	11,655	12,401	11,602	21,967	35,776

2.2.2 Number of asylum statuses granted

The change in the number of asylum seekers granted refugee status from 1990-1999 is shown in the table below:

Table 2.2: Change in the number of asylum seekers granted refugee status from 1990-99

1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
500	595	757	1,025	1,491	1,294	1,561	1,713	1,451	1,240

2.2.3 Main countries of origin

The development in main countries of origin of applicants and refugees is shown in the table below.

Table 2.3: Development in number of applicants and refugees from in main countries of origin

1995		1996		1997		1998		1999	
Natio-nality	Appli-cants	Natio-nality	Appli-cants	Natio-nality	Appli-cants	Natio-nality	Appli-cants	Natio-nality	Appli-cants
Yugo-slavia	1,455	Yugo-slavia	1,822	Yugo-slavia	1,290	Kosovo	5,626	Kosovo	12,330
Congo	972	Congo	860	Congo	1,230	Congo	1,714	Romania	1,703
Roma-nia	915	Bosnia	836	Alba-nia	1007	Romania	1,572	Armenia	1,472
Bosnia	782	Roma-nia	758	Roma-nia	641	Armenia	1,147	Congo	1,402
Turkey	581	Turkey	713	Arme-nia	604	Rwanda	1,049	Russia	1,376

2.2.4 Costs

The Belgian Government is responsible for covering the costs associated with the reception of the asylum seekers.

The Ministry of Social Integration covers all the costs in connection with the accommodation of the asylum seekers. This includes the reception centres run by the national Red Cross and the two key-NGOs OCIV and CIRE.

The Government covers the costs of primary and secondary school.

For asylum seekers not working the cost of health care is covered by the Government. For asylum seekers working, the health care costs are covered by their employer.

2.3 Organisation of the asylum procedure

Responsibility for the overall administration of the asylum procedure and assistance system lies with Belgium's federal institutions. At the same time, the communal administrations play an important role in the administration of residence permits and social assistance.

Figure 2.1: Agencies in the asylum and reception procedure

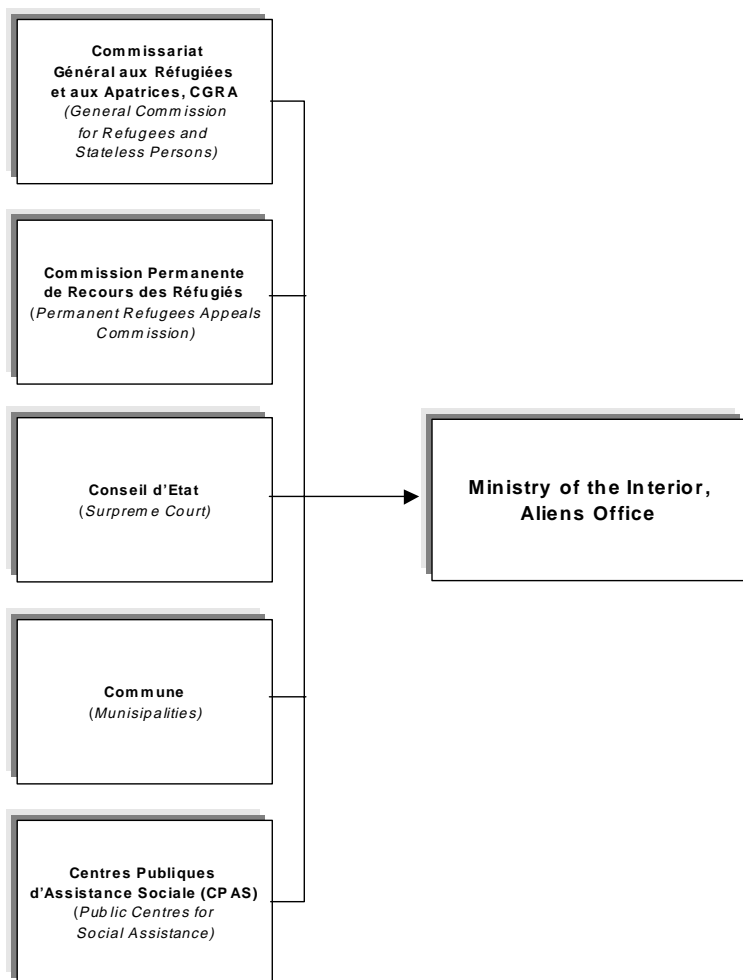


Figure 2.1 above provides an overview of the institutions involved in the handling of asylum seekers in Belgium. The following list explains the responsibilities of the institutions involved.

- 1. Ministry of the Interior, Aliens Office**
Responsibilities:
Dublin procedure
Decision on admissibility
Decision on detention
Forced repatriation
Dispatching unit:
Dispatching asylum seekers to accommodation centres / Social Assistance Centres (CPAS)
- 2. The Commissariat Général aux Réfugiés et aux Apatrides, CGRA (General Commission for Refugees and Stateless Persons)**
Responsibilities: 1st instance appeal decision on admissibility (quasi-judicial decision)
Decision on substance (administrative decision)
- 3. The Commission Permanente de Recours des Réfugiés**
(Permanent Refugees Appeals Commission)
Responsibility: 2nd instance appeal decision on substance (administrative decision)
- 4. The Conseil d'Etat (Supreme Administrative Court)**
Responsibility: Appeal decision on admissibility (suspension)
2nd instance decision on legality of substance
- 5. Municipalities**
Responsibility: Registration of asylum seekers and related administration
- 6. Centres Publicques d'Assistance Sociale, CPAS (Public Centres of Social Assistance)**
Responsibility: Administration of social assistance during the asylum procedure

2.3.1 Co-ordination

At present, no single body is charged with the overall co-ordination of asylum matters in Belgium. However, in view of the increasing influx of asylum seekers, an inter-agency task force was created in December 1999 by the Ministry of Interior. It intends to meet once a week, and brings together the heads of all services involved in the procedure.

2.4 Legal basis

2.4.1 Main changes

Belgium's asylum procedure is based on the following international and national legal instruments:

International law:

- The Geneva Convention of 1951 and New York Protocol of 1967
- The European Convention on Human Rights of 4 November 1950, Article 3
- The Schengen Accord and Dublin Convention

National law:

- The Law on Aliens, of 15 December 1980
- Successive legislation introducing modifications to the law, mostly of a procedural nature. Important institutional changes were introduced through:
 - The law of 28 June 1987 ending the UNHCR's sole competence in handling asylum requests in Belgium and replacing it with two national institutions for this purpose:
 - The General Commissioner for Refugees and Stateless Persons
 - The Permanent Refugees Appeals Commission
 - The law of 15 July 1996 adapting Belgian legislation to the various international obligations that took effect after 1990, in particular the Schengen Accord and the Dublin Convention.
- Regulation of the status of temporary humanitarian protection in relation to emergency situations. This was introduced for the first time between September 1992 and March 1995 for those fleeing the war in the former Yugoslavia.
- The law on the regularisation procedure of 1999:

In order to reduce the backlog of applications pending, and to provide an incentive for non-registered aliens to legalize their status, the Ministry of Interior initiated a regularisation procedure that commenced in October 1999. This procedure is applicable to:

1. Aliens who were staying in Belgium on 1 October 1999, either illegally or with an insecure status, and whose personal situation falls into at least one of the following categories:
 - (a) Lengthy asylum procedure: for individuals waiting more than 4 years, and for adults with children who have been going to school in Belgium for more than 3 years.
 - (b) Impossibility of returning either to the home country or to the country in which the asylum seeker stayed before entering Belgium, provided this is for reasons beyond the control of the asylum seeker.
 - (c) Serious health problems.
 - (d) Humanitarian reasons related to lasting social integration in Belgium for persons who have been living in Belgium for at least 6 years (for persons with children in a Belgian school this period is reduced to 5 years).

2.5 Arrangements immediately upon arrival

Asylum requests must be submitted either immediately upon arrival to the Belgian border authorities, or once inside the country to the Aliens Office within 8 working days after arrival.

Prior to the start of the actual asylum procedure in Belgium, the Aliens Office examines EU-member state responsibility under the Dublin convention. If it determines Belgium to be the responsible state, the asylum request is registered by recording his personal data and fingerprints. As the first step in the asylum procedure the Aliens Office then examines the admissibility of the request.

Upon the submission of his request and during the examination of admissibility, the Dispatching Unit at the Aliens Office assigns the asylum seeker to an accommodation centre where he/she will receive accommodation as well as social and medical assistance. These accommodation centres are open facilities, and the asylum seeker is not obliged to live there. However, the assigned centre becomes the asylum seeker's obligatory official address during the admissibility phase, and the only place where the person is entitled to receive social and medical assistance.

The Aliens Office may also decide that an asylum seeker must be placed in a closed centre or, in exceptional cases in which the asylum seeker is considered to present a danger to public order or national security, at the “temporary disposal of the Government” (i.e. he is placed in detention).

Steps in the asylum procedure:

1. Submission of the request:

Aliens can request asylum at the border or inside the country. A request at the border must be submitted immediately on arrival, and inside the country within 8 days of arrival.

The Belgian system distinguishes between two phases of the procedure that follows the submission of the request, namely the examination of admissibility and the examination of substance

2. Examination of admissibility and registration of the request for asylum

The examination of admissibility is the responsibility of the Aliens Office. Its first step is the examination of member state responsibility under the Schengen/Dublin procedure. If another state is identified as responsible, Belgium requests this state to accept the person into its procedure. A person may be detained in a closed centre during the period essential for the transfer. If the person falls under the responsibility of Belgium, or the Belgian authorities decide to accept the person despite not being responsible under the Schengen/Dublin provisions, the request is further examined by the Aliens Office. Once the Aliens Office has determined that Belgium will consider the request, it is registered and the asylum seeker’s identity and fingerprints are recorded.

The Aliens Office then proceeds to the first hearing of the asylum seeker. Based on the Belgian legislation of 1996 on the use of languages, the asylum seeker must choose either French or Flemish as the language in which the procedure will be conducted. If the asylum seeker needs an interpreter for either language, or fails to select a language, then the Aliens Office will determine the language.

On submission of his request, the asylum seeker must take residence in Belgium. In certain cases, the Aliens Office may determine an “obligatory place of registration” (=closed centre) or decide that the person is to be “placed at the Government’s disposal” (=detention). In all other cases, asylum seekers are either assigned a place in

an accommodation centre, or are free to choose their place of residence if they have own means of subsistence. In either case, the address taken for registration does not necessarily have to be the person's address of physical residence, but all correspondence regarding the procedure will be sent to the address of registration. Failure to respond to such correspondence may lead to a rejection of the asylum request.

If the asylum seeker does not specify an address of registration, then the General Commission for Refugees and Stateless Persons (CGRA) is deemed as such.

Based on its hearing and the data received concerning the asylum seeker, the Aliens Office decides on the admissibility of the request. The possible grounds for inadmissibility are specified in the Aliens Act (Art 52, 1.4), and include: Late submission of a request; Fraudulent request; Giving reasons for the request which are manifestly incompatible with the criteria of the Geneva Convention; Manifestly unfounded request; The asylum seeker represents a danger to public order or national security; The asylum seeker has already resided three or more months in a safe third country; Failure of the asylum seeker to respond to a summons to attend or a request for further information.

In the event of a negative decision, a suspensive appeal can be submitted to the CGRA, provided this is done within three working days. A further appeal to the Supreme Court for a suspension or annulment of the decision may be submitted within 30 days.

If the CGRA accepts a request as admissible, the person is transferred to a 'Centre Publique d'Assistance Sociale' (CPAS), and may be given permission to work (see below in the chapter entitled 'Labour market').

3. Examination on Substance and Decision

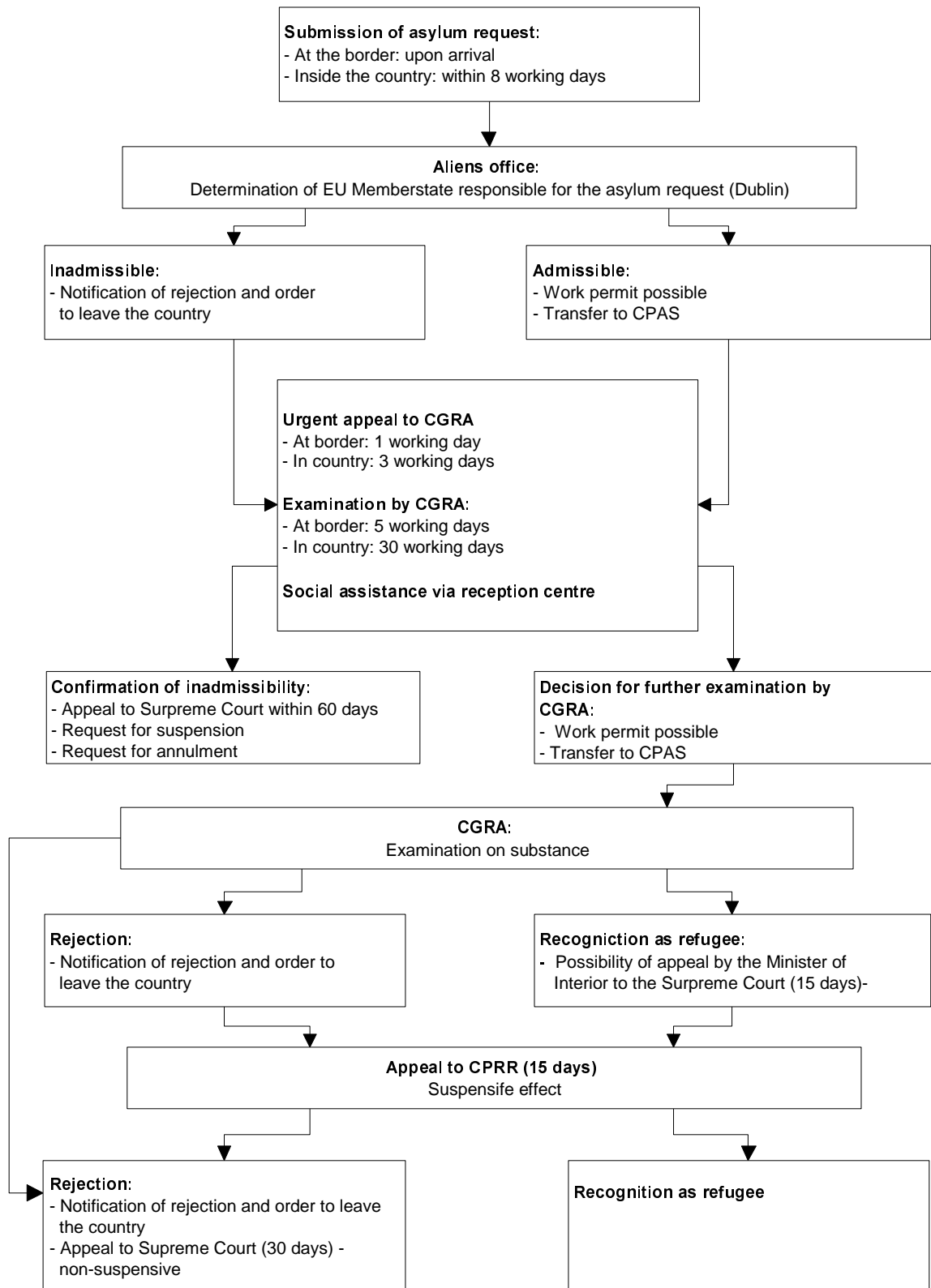
The examination of substance is primarily carried out by the CGRA, using the criteria of the Geneva Convention. Asylum seekers are normally invited to the hearing, even though the law does not explicitly provide for this.

In the event of a positive decision the applicant is recognised as a refugee. In the event of a negative decision, the decision, together with the reasons justifying it are communicated to the applicant. A suspensive appeal to the Permanent Refugee Appeals Commission (CPRR) can be submitted within 15 days. Equally, the Ministry of Interior may appeal against a positive decision within 15 days.

In the absence of an appeal, or on confirmation of the negative decision by the CPRR, the Aliens Office sends the applicant an order to leave the country.

This order is, however, rarely enforced, and most asylum seekers who do not leave the country voluntarily are de facto tolerated if they remain, albeit they are excluded from the social assistance framework provided by the CPAS system. This is a supplementary burden on the Belgian system, and one can argue, that it makes Belgium a more attractive country for possible asylum seekers.

Figure 2.2: The asylum and reception procedure



2.6 Accommodation

The Belgian system makes different accommodation arrangements during the two main phases of the procedure – i.e. the examination of admissibility and the examination of substance.

During the first phase the asylum seekers are normally sent to one of 31 accommodation centres across the country, where they stay until the decision on the admissibility of their request has been taken. These centres are official establishments run either by the Federal State or by the Red Cross on its behalf. The government has opted for the organised accommodation in these centres during the admissibility phase in order to achieve a more or less harmonious distribution of asylum seekers across its territory, and to ensure the provision of basic social and medical assistance. A further reason for central co-ordination is to retain an overview and measure of control over the distribution of asylum seekers during the period immediately after arrival. Taking into consideration the social and psychological problems of mass accommodation (lack of privacy and individual choice, social and ethnic tensions etc.), asylum seekers may leave the centre and apply for assistance by a CPAS if the admissibility phase exceeds 4 months.

The large influx of asylum seekers during the past 2 years has exceeded the capacity of the official accommodation centres, which have become congested. In consequence, increasing numbers of asylum seekers cannot be housed in an accommodation centre and are therefore asked to register directly with a communal “Centre Publique d’Assistance Sociale” (CPAS), where they receive mostly financial assistance. An emergency reception centre near Brussels provides temporary shelter (1-2 nights) to asylum seekers who cannot immediately be offered a place in an accommodation centre.

2.6.1 Special treatment

Assistance for accommodation through the CPAS system is normally intended for the second phase of the asylum procedure. Two forms of assistance through the CPAS exist:

1. The standard form based on the Belgian social assistance system, in which asylum seekers cover their own accommodation and living expenses from the financial assistance they receive from the CPAS (See below in the chapter 'Means of subsistence')

2. The organisation by the CPAS of an “initiative d’accueil” (Reception initiative), a programme combining cash with assistance in kind. In this case, the CPAS replaces part or all of its financial assistance with direct social, medical and other assistance.

2.6.2 Capacity of reception and accommodation facilities

The following table provides an overview of the number and capacity of reception and accommodation centres, as well as the number of persons receiving accommodation assistance – in cash or in kind – under the CPAS system.

Table 2.4: Reception and accommodation facilities

Number of (emergency) reception centres	1
Capacity of reception centres	3,904
Number of accommodation centres	30
Capacity of accommodation centres	5,580
Total capacity of reception/accommodation centres	9,484
Number of persons accommodated in private housing	Ca, 15,000 (= number of CPAS registrations)

2.6.3 Names and addresses of reception and accommodation centres

At the moment all reception and accommodation centres are organised by either the government or one of the official or semi-official organisations (see the table below). The federal government is paying for all reception and accommodation: directly (for the federal reception centres) or indirectly (by means of conventions with other organisations). The government is also subsidizing the full cost of financial help given to by the social services of the municipalities for asylum seekers living in private houses.

Reception / Accommodation centre	Name and Address	Authority managing	Authority financing	Capacity
Accommodation	“Klein Kasteeltje” Negende linielaan 27 1000 Brussel	Federal centres	The Federal Government	640
Accommodation	“Kapellen” Kazerneweg 14 2950 Kapellen	Federal centres	The Federal Government	450
Accommodation	“Sint-Truiden” Montenakenweg 145 3800 Sint-Truiden	Federal centres	The Federal Government	350
Accommodation	“Florennes” Rue du Rohan Chabot 120 5620 Florennes	Federal centres	The Federal Government	350
Accommodation	“Jumet” Parc industriel 2/24	Federal centres	The Federal Government	180

Reception / Accommodation centre	Name and Address	Authority managing	Authority financing	Capacity
	6040 Jumet			
Accommodation	"Rixensart" Rue du Plagniau 1 1330 Rixensart	Federal centres	The Federal Government	160
Accommodation	"Ekeren" Laar 140 2180 Ekeren	Federal centres	The Federal Government	100
Accommodation	"Virton" Croix le Maire 9 6760 Virton	Federal centres	The Federal Government	75
Accommodation	"Sugny" Voie de Bohan 245 5550 Sugny	Federal centres	The Federal Government	75
Accommodation	"Arlon" Rue Godefroid Kurth 2 6700 Arlon	Federal centres	The Federal Government	68
Accommodation	Centre "Bocq & Pierre Bleue" Rue de Redeau 70 5530 Yvoir	Red Cross French	The Federal Government	360
Accommodation	"Centre de Fraipont" Rue Transenster, 34-38 4870 Fraipont - Trooz	Red Cross French	The Federal Government	280
Accommodation	Centre "L'Amblève" Sedoz, 6 4920 Remouchamps	Red Cross French	The Federal Government	243
Accommodation	Centre "Couleurs du monde" Rue de Hotton, 11 6987 Rendeux-Haut	Red Cross French	The Federal Government	150
Accommodation	Centre "Chez Nous" Route de Blaimont, 106 5541 Hastière-par-delà	Red Cross French	The Federal Government	74
Accommodation	"Antwerpen "	Red Cross (Flemish)	The Federal Government	195
Accommodation	"Lanaken" Molenbergstraat, 101 3620 Lanaken	Red Cross (Flemish)	The Federal Government	180
Accommodation	"Alseberg" Senatoriumstraat, 165 1652 Alseberg	Red Cross (Flemish)	The Federal Government	150
Accommodation	"Lint" Kapelstraat, 1 2547 Lint	Red Cross (Flemish)	The Federal Government	115
Accommodation	"Overpelt" Napoleonweg, 51 3900 Overpelt	Red Cross (Flemish)	The Federal Government	102
Accommodation	"Wingene"	Red Cross (Flemish)	The Federal Government	100
Accommodation	"Foyer Selah" Boulevard d'Ypres, 28 1000 Bruxelles	Red Cross (Flemish)	The Federal Government	86
Accommodation	"Menen" Sationstraat, 15 8930 Menen	Red Cross (Flemish)	The Federal Government	70
Accommodation	"Brugge" Vlamingstraat, 55 8000 Brugge	Red Cross (Flemish)	The Federal Government	60
Accommodation	"Deinze" Beekstraat, 119	Red Cross (Flemish)	The Federal Government	55

Reception / Accommodation centre	Name and Address	Authority managing	Authority financing	Capacity
	9800 Deinze			
Accommodation	"Steenokkerzeel" De Mailletlaan, 2 1820 Steenokkerzeel	Red Cross (Flemish)	The Federal Government	40
Accommodation	"De Foyer" Bodegemstraat, 27-29 1000 Bruxelles	Red Cross (Flemish)	The Federal Government	24
Accommodation	"OciV" Parmastraat 26 1060 Bruxelles	Others	The Federal Government	500
Accommodation	"Cire" Rue de la Charité 47 1210 Bruxelles	Others	The Federal Government	300
Accommodation	"Erezée" Rue des Combattants 12 6997 Erezée	Others	The Federal Government	48

Possible changes and development

The government policy is changing as well on the asylum procedure (shorter procedures and the integration of the three asylum instances in one Federal Asylum Administration) as for reception. Main intention of the government in reception policy is to replace all financial support by help in kind. On January 10th when the new program law will come into force all asylum seekers will get help in kind. For this reason the government planned an opening scheme for new accommodation for asylum seekers. This accommodation will be organised in the traditional way (+ 7450 beds) but also by private organisations (10.000 beds); At the end of 2001 the government is planning for an overall capacity of 26.000 beds.

2.7 Means of subsistence

Asylum seekers in Belgium are not automatically eligible for social assistance. Needy asylum seekers may apply for such assistance, which may be granted in three ways:

1. Through an Accommodation Centre in which the asylum seeker receives lodging and social and medical assistance and a small amount of pocket money.
2. Through a CPAS (Centre Publique d'Assistance Social / Public Social Assistance Centre), which provides financial assistance corresponding to the minimal rates granted to Belgian nationals in need, the so-called "minimex". However, in contrast to Belgian nationals or permanent residents, asylum seekers do not have an entitlement to these rates, only to "the assistance necessary to live in accordance with human dignity". A CPAS is therefore authorised to amend the standard rates.

3. Such amendment takes place especially when a CPAS provides assistance via an “Initiative d’Acceuil” as described in the preceding section.

Table 2.5: Financial assistance for self-caring asylum seekers at centres

	Cash	Kind
	Under CPAS	Accommodation Centre
Adults	500 Euro / month	Depending on the CPAS
Couple	650 Euro / month	
First Child	200 Euro / month	
Second Child	250 Euro /month	
Further Child	370 Euro / month	
Individual asylum seekers	Ca. 3.70 Euro (week)	Lodging, food, social and medical assistance, payment of costs (e.g. communication, local travel) related to the procedure.

A judgement of the 22nd of April 98 states, that asylum seekers on every stage of the asylum procedure should be granted some kind of financial assistance. This also counts for asylum seekers who appeal their case. Social assistance terminates with the rejection of an asylum request.

2.7.1 Possible changes

PLS RAMBOLL Management has not received any information suggesting that changes are about to be made with respect to the financial assistance of asylum seekers.

2.8 Access to education

Education is compulsory until the age of 18 years old for asylum seekers.

Asylum seekers who are not recognised as refugees are subject to the same laws that apply to foreigners with respect to university education. This means that they will have to pay the fees unless they are from a ‘disadvantaged’ country. Recognised refugees are subject to the same fee structure as Belgians.

Table 2.6 shows the access to education for children and adult asylum seekers.

Table 2.6: Access to education

	Children	Adults

Mother tongue tuition	Under the Temporary Protection Regime, as possible	No
Language tuition	Provided by Accommodation Centres, as well as by CPAS and NGOs according to their possibilities	
Other educational activities – e.g. technical, crafts, computer, sports	Provided by Accommodation Centres, as well as by CPAS and NGOs according to their possibilities	
Access to primary school	Yes	No
Access to secondary school	Yes	No
Access to vocational training	Yes (depending on prior degrees)	Yes (depending on prior degrees)
Access to further education	Yes (depending on prior degrees)	Yes (depending on prior degrees)

2.8.1 Possible changes

PLS RAMBOLL Management has not received any information suggesting that changes are about to be made with respect to the access to the education system for asylum seekers.

2.9 Access to the labour market

The Belgian system applies a distinction between the two main stages of the procedure with regard to the asylum seekers' access to the labour market

During the admissibility stage, no work permit is granted.

During the examination of substance, asylum seekers may be allowed to work, provided their prospective employer submits a request.

2.9.1 Possible changes

PLS Ramboll Management has not received any information suggesting that changes are about to be made with respect to the access to the labour market for asylum seekers.

2.10 Access to health care

In particular, during the initial phase of an asylum seeker's stay in the country, an accommodation centre appears to offer the best possibility of basic health care because it is available to asylum seekers directly on site. Furthermore, the medical staff working in the centre and the social workers assigned to each group of asylum seekers in the centres have the opportunity of identifying and offering assistance with psychological and health problems that are not immediately apparent or mentioned by the person in need. For the treatment of complex cases, asylum seekers will be referred to external specialists and specialised institutions.

Under the CPAS system, psychological, bureaucratic and practical barriers often prevent asylum seekers from requesting and receiving health care, despite having the right of access to health care when receiving social assistance through a CPAS.

Once the asylum seeker has passed the admissibility stage, he/she is entitled to the same health care as Belgian citizens.

Table 2.7: Access to health care

	Children	Pregnant women	Adults	Victims of torture or rape
*Health screening on arrival:	Basic health screening in Accommodation Centres			
*Psychological assistance	Yes, according to needs	Yes, according to needs	Yes, according to needs	Yes, according to needs
*Enrolment in health care programme	Asylum seekers receive direct health care when staying at accommodation centres, enrolment in national health care programmes is possible during this period. When registered with a CPAS, asylum seekers are eligible to receive health care as part of their overall social assistance. Costs are covered via the asylum seeker's affiliation to a "mutuelle" (mutual insurance company), the contributions being paid either by the CPAS or by the asylum seeker, if he/she is employed.			

2.10.1 Possible changes

PLS RAMBOLL Management has not received any information suggesting that changes are about to be made with respect to the access to the health care system for asylum seekers.

2.11 Rules on detention and other restrictions on free movement

Based on Article 54, §1 of the Aliens Law the Government (Ministry of the Interior, Aliens Office) can "determine an obligatory place of registration for aliens", corresponding to detention in a closed centre. Five closed centres exist in Belgium:

- 3 closed centres, in Merksplas, Vottem and Bruges for rejected asylum seekers and aliens with and illegal status

- 1 transit centre 127 at Melsbroek (80 places): Persons requesting asylum at the airport are placed in this centre during the examination of admissibility. If their request is judged as admissible, they are granted access to Belgian territory where they enjoy free movement during the examination on substance.
- 1 transit centre 127 bis at Steenokkerseel (192 places): This centre is for the detention of persons awaiting repatriation, who usually come from the other 4 closed centres.

The possibility of detaining asylum seekers in exceptional cases is provided for in Article 54, § 2. It states that “in exceptionally serious cases, the Minister [of the Interior] can, if he considers it necessary to safeguard public order or national security, place the person concerned under the temporary charge of the Government.”

2.12 Differences in treatment according to the stage of the asylum procedure and the type of status sought

Generally speaking there are no differences in the treatment of asylum seekers depending on the status sought. This covers all areas except from the labour market where persons seeking temporary protection can take paid work.

When an asylum seeker has been granted a temporary right to stay in Belgium he/she does no longer need to stay in an accommodation centre. If an asylum seeker wants to take paid work this can only happen after he/she has passed the admissibility procedure and if the employer submits a request.

Apart from the above-mentioned differences all asylum-seekers are getting the same treatment regardless of the stage of the asylum procedure.

Table 2.8: Differences in treatment

Differences in treatment according to:			
	Stage of asylum procedure	Type of status sought	Vulnerable groups
Accommodation	During examination of admissibility asylum seekers normally stay in an accommodation centre. During examination of substance the applicants register with a CPAS (communal centre) where mostly financial assistance is provided. The asylum seekers can chose to live outside the accommodation centre, after recognition of admissibility.	No.	No.
Means of subsistence	Asylum seekers are not automatically eligible for social assistance but can apply for it through an accommodation centre or CPAS.	No.	No.
Education		No.	No.
Labour market related activities	Only after recognition of admissibility: Asylum seeker can take paid work if the employer submits a request.	Persons seeking temporary protection can take paid work.	No.
Health care	Asylum seekers have access to health care in the accommodation centres. For specialist treatment they are sent to external specialists or hospitals.	No.	Special mental health care is provided according to needs for victims of torture and other organised violence, the mentally ill and for persons suffering from post-traumatic stress. Pregnant women are entitled to the same health care programmes as Belgians. Special health care for minors is provided according to needs.

2.13 Political atmosphere surrounding refugees and immigrants

2.13.1 The political debate

The large influx of asylum seekers over recent years have strained the capacity of the existing institutions both in relation to processing asylum requests and to providing social assistance for the duration of the procedure. A number of our interlocutors pointed to a circular problem in this connection, namely that the increasing number of

asylum seekers exceeds the capacity of the institutions handling the asylum procedure. The resulting backlogs in asylum decisions lead to a clogging of the accommodation system. The resulting transfer of growing numbers of first phase asylum seekers to the CPAS system, where they receive financial assistance, tends to function as a financial incentive for some people to seek asylum in Belgium, thus leading to a further increase in numbers. Cases have been reported which indicate an abuse of the asylum procedure for financial gain, including organised abuse in which asylum seekers are required to hand over a part of the financial rewards to their traffickers.

The insecurity and the lack of meaningful employment and future prospects give rise to severe social and psychological problems for asylum seekers. These problems increase exponentially with the duration of the procedure, especially for rejected asylum seekers who, when temporarily allowed to stay in the country, live in a status of continuous insecurity. The staff of the accommodation centres and other organisations working with asylum seekers point to the need to provide adequate social and psychological care, both to assist the individual asylum seeker and to mitigate the social tensions experienced by people in distress.

At the local level, the increasing numbers of asylum seekers being admitted by the charge of the municipal CPAS systems and administrations have led to dissatisfaction in these bureaucracies, which consider that it is not their task to provide assistance to asylum seekers and would prefer to fund initiatives benefiting their own constituencies. Also, Belgian nationals receiving social assistance see themselves as being "in competition" for resources with asylum seekers, a perception that gives rise to social tensions.

Strategies by the Government to improve the situation emphasise three main elements:

1. The desire to supply assistance in kind rather than financial assistance in order to reduce financial incentives in the asylum procedure. For this purpose, the Government has launched the programme of "accommodation initiatives" mentioned previously. By increasing the financial allocations that the CPASs receive per asylum seeker to the level paid to the accommodation centres, this programme has already persuaded a number of CPASs to create "accommodation initiatives" and thus increase the proportion of direct assistance.
2. Further to the accommodation initiatives, the government aims to ensure accommodation in the Centres during the admissibility examination by increasing

the number of available spaces and reducing the length of the admissibility procedure.

3. To reduce the overall number of cases pending by increasing efficiency and thereby reducing the length of the procedure. The main structural changes envisaged by the Government are:
 - (a) Clarification and simplification of institutional competences, including a reduction in the number of institutions involved in the procedure.
 - (b) Condensing the current two procedural steps into a single step in which both admissibility and substance would be examined. The responsibility would rest with the General Commission.
 - (c) Splitting up the immigration and asylum procedures and creating distinct institutional arrangements and competences for each. In practice, it is anticipated that the Aliens Office would take on the functions of a "Federal Immigration Administration", and the General Commission those of a "Federal Asylum Administration".

Overall, the government is pursuing an active policy to strengthen the asylum procedure and improve the social assistance system. However, several of our interlocutors indicated that more effective Government communication on its asylum policy would be needed, both to pass clear messages to would be asylum seekers, and to reassure its citizens that the Government has a definite policy and is in charge of the situation.

2.13.2 International co-operation

Belgium is participating in a range of intergovernmental co-operations regarding asylum policies. These include the following organisations and tasks:

IGC (Intergovernmental Consultations)

- Informal forum for exchange of information and statistics
- Working groups on various subjects such as countries of origin and smuggling

UNHCR (United Nations High Commissioner for Refugees)

- Participation in workshops and seminars
- Reception of refugees referred by UNHCR
- Information on countries of origin

Council of Europe/CAHAR (Ad hoc Committee of Experts on the legal aspect of territorial asylum, refugees and stateless persons)

- Reporting to the Council of Europe
- Exchange of experience
- Investigations, meetings and seminars on refugee- and asylum issues
- Writing of proposals for resolutions to the Committee of Ministers

Belgium supports as well the EU efforts to reach common ground with respect to social conditions for asylum seekers.

2.14 Other information

None.