

ENG



OFFICE OF THE COMMISSIONER GENERAL FOR REFUGEES AND STATELESS PERSONS

The asylum procedure at the CGRS

.be

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The asylum procedure at the CGRS

YOU HAVE APPLIED FOR ASYLUM IN BELGIUM

You have applied for asylum in Belgium. This means that you have requested protection from the Belgian authorities. To this end, you have filed an application for international protection (asylum application) at the Immigration Office.

This brochure gives you information on the asylum procedure at the Office of the Commissioner General for Refugees and Stateless Persons (hereafter CGRS). The CGRS is the central authority in the Belgian asylum procedure and the only authority competent to assess the grounds of your application for international protection.

The CGRS is wholly independent and will carry out a thorough assessment of your application according to the provisions of the Geneva Convention and European and Belgian law.

This brochure explains what the CGRS expects from you during your asylum procedure and what you can expect from the CGRS.

If you need more information, please contact the CGRS. You will find our contact data on the last page of this brochure.



THE INVITATION TO A PERSONAL INTERVIEW

After your application for asylum has been registered at the Immigration Office, where you had your first interview, the CGRS will invite you to a personal interview. You will receive a written invitation about three weeks before the date of the interview. If you stay in a reception centre, the CGRS will send the invitation by fax to the director of the centre, who will then hand it to you. If you stay at a private address, you will receive your invitation by registered mail at the address you have chosen as your place of residence. In both cases, you must take the invitation with you to the personal interview.

In principle, the CGRS will invite you at least once during the asylum procedure for a personal interview at its office near the Brussels-Midi train station in Brussels. This interview takes place in the morning or in the afternoon.

If you have a lawyer, he or she will have to inform the CGRS that he or she intervenes in your asylum procedure. Your lawyer will then receive a copy of all the correspondence sent to you by the CGRS, including the invitation to the interview.

If you are unable to attend the personal interview, you must inform the CGRS of this and answer the request for information. There may be a reason preventing you to come to the CGRS on the day of the personal interview, for example a stay in hospital. In this case, you must send by registered mail to the CGRS a document proving that you are unable to come to the interview (for instance a medical certificate). You must also enclose a written statement with all the necessary information regarding your application for international protection (for instance the reasons for your departure from your country). The CGRS may then assess your application for international protection without inviting you a second time to an interview.

If you cannot come to your personal interview, it is better to inform the CGRS in advance, in order for the CGRS to avoid taking practical arrangements for the interview (calling up an interpreter, etc.).

If you do not comply with the invitation to a personal interview and you do not inform the CGRS, your application for international protection may be rejected. If within 15 days (two days in case of an accelerated procedure) starting from the day planned for your personal interview, you have not presented a valid reason for your absence at the interview, or if within a month after this day, you have not answered the request for information, a negative decision may be taken.



THE ASYLUM PROCEDURE AT THE CGRS



THE PERSONAL INTERVIEW



THE CGRS INVITES YOU TO A PERSONAL INTERVIEW

This personal interview takes place at the CGRS' office in Brussels. If you are in a closed centre or in a prison, a CGRS official will come to interview you at these places. A personal interview can also take place through video conference.

You will be interviewed separately at the CGRS. None of your family members (husband, wife, partner, brothers, sisters, children...) will be present at the interview. During the interview, you will be able to explain in detail why you fear to return to your country of origin.

An interpreter will translate the questions asked by the protection officer (the CGRS official conducting the interview), as well as your answers. Your lawyer or a trusted person may attend the hearing. The protection officer will create an atmosphere of trust so that you can speak freely about what has happened to you or what you fear.

THE INTERVIEW IS AN IMPORTANT MOMENT IN YOUR ASYLUM PROCEDURE

At the beginning of your personal interview, the protection officer explains the way in which the interview will be conducted. He or she mentions who will attend the interview and explains the role of the persons present. Your lawyer is allowed to attend the hearing at the CGRS. However, he or she cannot intervene during the interview. At the end of the hearing, he or she will be allowed to explain why you are eligible for refugee status or subsidiary protection status. If necessary, a trusted person may also attend the hearing provided you inform the CGRS in advance.

The personal interview is conducted in Dutch or French, according to the language chosen at the beginning of the asylum procedure. You can use an interpreter put at your disposal by the CGRS. If you have problems with the interpreter during your interview, you can mention this to the protection officer. The interpreter is completely neutral and does not have any influence on your asylum case.

IT IS VERY IMPORTANT THAT YOU TELL THE TRUTH

You are the only one to know all the facts of your personal story. Be yourself. Tell spontaneously what has happened to you but do not rehearse a story. Do not listen to people around you who advise you to tell something you haven't experienced. Answer all the questions as directly, precisely and completely as possible. By expressing yourself clearly, you can help the CGRS to understand what has happened to you and why you ask protection in Belgium. If during the hearing you are not sure if you have understood a question correctly, please say so immediately. The protection officer will reframe the question. When you do not know the answer to a question, it is better to say so than to lie or to make something up.

YOU ARE ALSO ASKED TO SUBMIT ALL THE DOCUMENTS

You are also asked to submit all the documents (on your identity, origin, itinerary and asylum grounds) that support your declarations. If possible, provide original documents. Provide

as much documents as you can. Withholding documents and/or important information can have a negative influence on the assessment of your application for international protection.

An interview can last up to four hours, with at least one break. If necessary, an additional interview will be organized. Make sure to bring some food and drink, as well as medicines if you need to take these at regular intervals.

For the interview to proceed smoothly, it is better that no young children are present. If you have young children, we advise you not to take them to the CGRS on the day of your interview. If you cannot find someone to watch your children, you can take them to the CGRS. You and your partner can in turn watch your child(ren) while one of you is being interviewed. The CGRS has a waiting room for families with children.



THE ASYLUM PROCEDURE AT THE CGRS





WHAT HAPPENS AFTER THE PERSONAL INTERVIEW ?

The protection officer writes down in a report all that is being said during the personal interview, all his or her questions and all your answers. This report is called the “Notes of the personal interview”.

During the personal interview or up to two days after the interview, you and your lawyer can state that you wish to receive a copy of these notes. They will then be sent to you within a few days. You can make remarks on these notes, which the CGRS has to receive within eight working days. The CGRS has the obligation to take your remarks into account.

ASSESSMENT OF ASYLUM APPLICATION

After the personal interview, the protection officer will assess your application for international protection in an impartial and independent way.

He or she assesses the credibility of your declarations and checks whether you meet the criteria of the Geneva Convention or whether you are eligible for subsidiary protection.

According to the Geneva Convention, a refugee is a person who:

- has fled his or her country and is therefore outside this country;
- has a well-founded fear of being persecuted for reasons of race, religion, nationality, political conviction or membership of a particular social group;
- cannot obtain any protection in his or her country.

When assessing your application for international protection, the protection officer takes into account the information you provided during the personal interview and checks whether your application meets the criteria of the Geneva Convention.

If your application does not meet these criteria, the protection officer checks whether you are eligible for subsidiary protection status. This is the case if you run a real risk of suffering serious harm upon returning to your country of origin. Serious harm can consist of the following:

- death penalty or execution;
- torture or inhuman or degrading treatment;

- serious threat to life by reason of indiscriminate violence in situations of international or internal armed conflict.

The protection officer who assesses your application for international protection has a thorough knowledge of asylum matters and knows the situation in your country of origin. He or she checks whether the documents and other evidence you have submitted, are relevant and authentic. Your declarations are assessed in light of the general security situation in your country of origin. The protection officer is assisted by a team of researchers who closely follow the political and human rights situation in your country of origin.

On the basis of this assessment, the protection officer drafts a decision within a reasonable time. If additional investigations are necessary, a decision can take more time.

After the decision has been read and approved by a supervisor, the decision is submitted to the commissioner general, his deputy or a person in charge of a geographical section at the CGRS. They take the final decision and sign it.



RENUNCIATION OF THE ASYLUM APPLICATION

You can end your application for international protection at any time during your asylum procedure. You may have various reasons for doing so. The problems in your country of origin may have disappeared and you want to return. You may have obtained a residence permit in Belgium for other reasons than your application for international protection. Only you can renounce your application for international protection of your own free will and on your own initiative.

If you wish to end your application for international protection before the end of the procedure, please complete the appropriate form, which you can find on our website :

www.cgrs.be/en/forms/declaration-renunciation-application-international-protection

The CGRS will stop the asylum procedure immediately upon receiving your declaration of renunciation. You will then receive a decision of the CGRS confirming that you have renounced your application for international protection.

If you return of your own free will to your country of origin before you have received a decision of the CGRS, the CGRS will take note of the renunciation. If your residence status in Belgium is regularized while you are still in the asylum procedure, the CGRS will ask you if you want to continue your application for international protection.

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**HOW WILL YOU BE
INFORMED OF THE
OUTCOME OF YOUR
APPLICATION FOR
INTERNATIONAL
PROTECTION ?**

The CGRS will send you the decision regarding your application for international protection by registered mail at the address you have given as your place of residence.

If you stay in a reception centre, the decision will be sent at the address of your reception centre. Depending on the procedures in the centre where you stay, you will receive the decision from a staff member of the centre or you will have to go to the post office in person to collect the letter enclosing the decision.

If you remain in a private house, the postal worker will ring at your door and deliver the registered letter to you. You will have to sign for delivery. If you are not at home, the postal worker will leave a note in your mailbox, asking you to collect the registered mail in person at the post office within two weeks. If you do not collect the registered letter in time, the post office will send it back to the CGRS.

The reasons why your application is granted or refused will be stated in the decision. Your social worker can explain the content of the decision to you.



THE DECISION



THE DECISION IS POSITIVE

A positive decision means that you are recognised as a refugee or that you receive subsidiary protection. A positive decision has consequences for the possibility to work, to request family reunification, to obtain material support and to arrange your stay in Belgium.

RECOGNITION OF REFUGEE STATUS

You have received from the CGRS a decision recognising you as a refugee. After about a month, you will receive a refugee certificate. With this certificate, you have to go to the municipal office of your place of residence to have yourself registered in the aliens' register.

Your recognition as a refugee entitles you initially to a limited stay of five years in Belgium (electronic aliens' card A). After five years, starting from the date you filed your application for international protection, you will be authorized to unlimited stay in Belgium (electronic residence card B). As a recognised refugee, you are subject to the Belgian legal system and to the same laws, rights and duties as Belgian citizens.

As a recognised refugee, you have the right to travel abroad but if you return to your country, you run the risk of losing your refugee status. During the first five years of your stay, you have to report every journey to your country of origin at the municipal office of your place of residence.

In order to travel abroad, you must own a valid electronic refugee card and a 'travel document for refugees', also

known as 'blue passport'. You must deposit at the CGRS any valid national passport issued by the authorities of your country.

As a recognised refugee, you can work as an employee or as a self-employed person in Belgium. For this, you do not need a work permit or a professional card. You have access to the labour market under the same conditions as Belgian citizens.

If some of your close relatives want to join you, they can use the possibility of family reunification. Requests to this end are processed by the Immigration Office.

After you have obtained refugee status, you can no longer obtain certain civil status documents through your embassy, such as birth certificates. Such documents can be obtained from the Helpdesk Recognised Refugees of the CGRS.

You will find more information on the recognition as a refugee on the CGRS website :

www.cgrs.be/en/international-protection/refugee-status and in the brochure 'You are recognised as a refugee in Belgium': [www.cgrs.be/sites/default/files/brochures/asiel_asile - erkend reconnu - you are recognised as a refugee in belgium - eng.pdf](http://www.cgrs.be/sites/default/files/brochures/asiel_asile_-_erkend_reconnu_-_you_are_recognised_as_a_refugee_in_belgium_-_eng.pdf).

SUBSIDIARY PROTECTION STATUS

If you do not meet the conditions for recognition as a refugee, the CGRS can grant you subsidiary protection status. You will then receive a decision explaining why refugee status cannot be granted to you. In addition, the decision states that you have obtained subsidiary protection status.

As a person enjoying subsidiary protection, you are entitled to a limited stay in Belgium. You will receive a residence permit for one year, which the municipal office will then extend twice for two years. After five years, as a person enjoying subsidiary protection, you will receive an unlimited residence permit, which will also be arranged by the municipal office

As a person enjoying subsidiary protection, you can work in Belgium after receiving a work permit (employee) or a professional card (self-employed person).

You will find more information on your status as a person enjoying subsidiary protection on the CGRS website :

www.cgrs.be/en/international-protection/subsidiary-protection-status

and in the brochure 'You are eligible for subsidiary protection in Belgium': www.cgvs.be/sites/default/files/brochures/brochure_subsidiary-protection_eng.pdf.

As soon as you enjoy subsidiary protection status, your close relatives can join you in Belgium through family reunification. The Immigration Office will process requests to this end.

If you are recognized as a refugee or have been granted subsidiary protection status, the municipal office of your place of residence will hand you a residence permit. From that moment, you are free to choose your place of residence in Belgium. If necessary, you can request financial aid at the Public Centre for Social Welfare (CPAS/OCMW) of your place of residence.

Of course, you will be given some time to leave the reception centre, so that you can look for a new home and move your personal belongings. Your social worker can help you with this.

You will find more information on residence documents, right of residence, travelling and work on the website of the Agenschap Integratie en Inburgering (www.agii.be), under the tab 'vreemdelingenrecht & internationaal-privaatrecht' (Alien law & private international law) :

www.agii.be/thema/vreemdelingenrecht-internationaal-privaatrecht

THE DECISION IS NEGATIVE

When you receive a negative decision, this means that on the basis of a thorough assessment, the CGRS found that you are not in need of protection. If you do not agree with this decision, you have 30 days to lodge an appeal with a special court, the Council for Alien Law Litigation (CALL).

YOU LODGE AN APPEAL AGAINST THE NEGATIVE DECISION OF THE CGRS

While your appeal is being processed, you cannot be expelled or forcibly removed from Belgium and you will receive material support.

In order to lodge an appeal with the CALL, you have to file a petition, in which you explain why you do not agree with the decision of the CGRS. Specific deadlines and formal requirements apply to this. Therefore it is important that the petition is well prepared. We advise you to seek advice from a lawyer. After filing the petition, you and your lawyer will be invited to a hearing at the CALL. Your presence or that of your lawyer is required. At the hearing, you or your lawyer can present your arguments orally.

YOU DO NOT LODGE AN APPEAL AGAINST THE NEGATIVE DECISION OF THE CGRS

If you do not lodge an appeal against the decision taken by the CGRS (or if all appeals are exhausted), your asylum procedure has ended and the Immigration Office will order you to leave the territory. You then have to leave the reception centre (or residence). You do no longer have any right to social services, but you are still entitled to receive medical care in case of an emergency (urgent medical care). In order to benefit from this, you have to present yourself at the social service of the Public Centre for Social Welfare (CPAS/OCMW) of your place of residence, before you see a doctor.

Your social worker can give you more information about this.

The appeal period of 30 days applies to an ordinary decision of refusal. However, some decisions have a shorter period of appeal. Moreover, in certain cases, the appeal is not automatically suspensive, which means that you can be expelled or removed from Belgium while your appeal is being examined. You will find all this information in your decision. Please read your decision carefully with your social assistant and/or your lawyer. Check with him/her which period of appeal applies to your case.





CESSATION OR REVOCAATION



CESSATION OR REVOCATION OF REFUGEE STATUS AND/OR SUBSIDIARY PROTECTION STATUS

If the CGRS decides that refugee status or subsidiary protection status has been granted erroneously to you, the Commissioner General can decide to revoke your status. This can be the case for example if you have obtained your status on the basis of false declarations or falsified documents.

The Commissioner General can also decide to end your refugee status or subsidiary protection status when the circumstances in your country of origin have changed thoroughly and permanently so that you no longer need protection from the Belgian authorities.

You have 30 days to lodge an appeal with the CALL against a decision revoking or ending your status, unless you stay in a closed centre or in a prison. In that case, you only have 10 calendar days to lodge an appeal.

We advise you to see a lawyer for this.



ARE YOU UNDER 18 ?



ARE YOU UNDER 18 ?

If you are younger than 18 years and you are in Belgium without one of your parents or a legal guardian, you are considered as an unaccompanied foreign minor. If you apply for asylum, a separate procedure applies to you, about which you will find more information in the following brochure :

www.cgrs.be/sites/default/files/brochures/brochure_unaccompanied-foreign-minor_2017_english_0.pdf

If you are younger than 18 years and you stay in Belgium with (one of) your parents or a legal guardian, you are considered an accompanied foreign minor. For accompanied minors, the CGRS has published a brochure with important information.

https://www.cgrs.be/sites/default/files/brochures/asiel_asile_-_minors_-_guided-foreign-minors_-_eng_1.pdf

Addresses of Belgian authorities for international protection, reception and voluntary return

AUTHORITIES OF INTERNATIONAL PROTECTION

Office of the Commissioner General for Refugees and Stateless Persons (CGRS)

Rue Ernest Blerot 39

1070 BRUSSELS

T 02 205 51 11

F 02 205 50 01

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

Website : www.cgrs.be

- > *Examination of applications for international protection*
- > *Granting or denying refugee status and subsidiary protection status*
- > *Issuing certificates and documents of civil status to recognised refugees and stateless persons*

Immigration Office (DVZ / OE)

Avenue Pacheco 44

1000 BRUSSELS

T 02 793 95 00

Infodesk (visas, residence permits ...)

T 02 793 80 00

E-mail : infodesk@ibz.fgov.be

Website : www.dofi.fgov.be

- > *Entry and residence (visas, residence permits)*
- > *International protection (registration, Dublin)*
- > *Interior control and border management (return, management of the detention centres and other facilities)*
- > *Residence procedures for victims of trafficking and aggravated forms of smuggling in human beings*
- > *Exceptional residence procedures (humanitarian & medical grounds).*

Council for Alien Law Litigation (CALL)

Laurentide

Rue Gaucheret, 92-94

1030 BRUSSELS

T 02 791 60 00

F 02 791 62 26

E-mail : info.rvv-cce@ibz.fgov.be

Website : www.rvv-cce.be

> *Appeals against decisions taken by the Immigration Office and the Commissioner General for Refugees and Stateless Persons.*

RECEPTION OF ASYLUM SEEKERS

Fedasil

Rue des Chartreux 21

1000 BRUXELLES

T 02 213 44 11

F 02 213 44 22

E-mail : info@fedasil.be

Website : www.fedasil.be

Arrival centre Fedasil

Rue de Passchendaele 2

1000 BRUSSELS

T 02 793 82 40

Open Monday to Friday, from 9 to 13h.

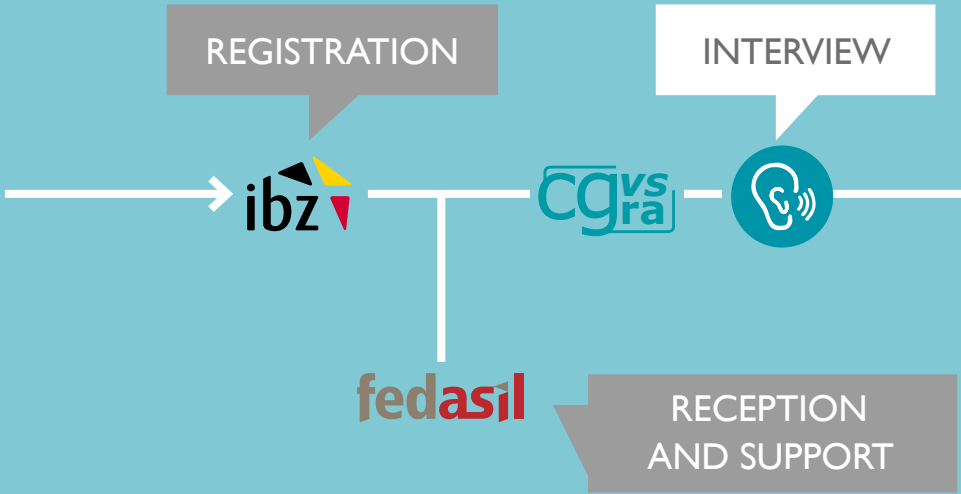
VOLUNTARY RETURN

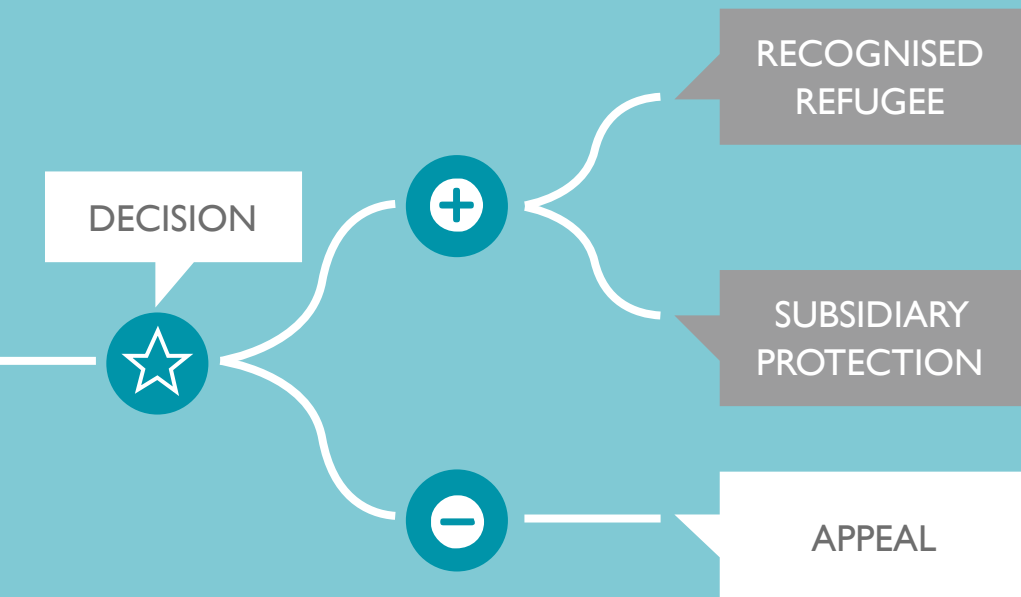
Website : www.voluntaryreturn.be

> *For any information on the voluntary return or to make an appointment in one of our return desks.*

T 0800 327 45 (FREE NUMBER)

ASYLUM PROCEDURE







THE ASYLUM PROCEDURE AT THE CGRS

Learn more about the CGRS?



www.cgrs.be



@cgvs_cgra



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www.cgrs.be



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