



TAILOR-MADE ASSISTANCE: THE KEY TO SUCCESSFUL INTEGRATION

Report of two years of field experience with refugees who were granted a protection status in a closed centre



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INTRODUCTION

In January 2009, Caritas International submitted an application for financing to the ERF¹ (European Refugee Fund) and asked permission to start a two-year pilot project. Caritas International aimed to offer a service to people who only recently received a protection status, i.e. the refugee or subsidiary protection status². The goal hereof was to stimulate the integration of people who sought asylum at the national borders by means of an individual and tailor-made service. This project arose on the basis of our findings regarding the lack of support that refugees experience upon their arrival (administrative inconsistencies, social acceptability etc.). Once they have received a positive answer to their asylum application, they are expelled from the reception centres and need to start their integration in a country of which they generally have only a very limited knowledge. Without external guidance or support, they try to meet their basic needs (housing, food,...).

The concrete goal of the ERF project was to support about 200 persons over a period of two years (2010 – 2011) by means of an intensive follow-up. The initial target group consisted of asylum seekers who were allocated a protection status in so-called “open” reception centres and who could stay there maximally two months after the decision about their asylum request was taken, before being legally bounded to leave the centre³. The ERF project aimed to help these people in their search for housing, the registration in their new city or community, as well as with their subscription in a Public Social Welfare Centre (PSWC)⁴. Next to these administrative steps, the Cell Integration of Caritas International also had the intention to assist them in finding language courses, a school for the children etc. This support would take two years and would gradually be reduced after six months. In this way, we wanted to establish a relation of mutual trust, but also ensure that the refugees

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1. See bibliography for list of abbreviations.
 2. The statuses of recognized refugee and subsidiary protection are two types of protection statuses that can be granted by the Belgian authorities. The difference between these two statuses will later be explained in further detail.
 3. Note that the reception law of 12/01/2007 mentions the approval of a Royal Decree on the assistance of refugees after they have been granted a protection status. So far, this decision has not yet been promulgated.
 4. The Public Centres of Social Welfare (PSWC) are public centres that have the responsibility to ensure that all human beings can live in human dignity. In order to do so, they need to propose social measures to citizens in need and above all to recognized refugees and subsidiary protected people who do not have sufficient means to meet their basic needs (Law of 08/07/1976 and Law of 26/05/2002).



gradually became more autonomous and integrated in their new society. From the very start of our project (January 2010), we quickly relocated our focus to refugees who were detained in a frontier zone (the international transit zone) upon their arrival in the airport. The law allows that people arriving unlawfully at the Belgian territory are detained upon their arrival if they are not able to show the customs authorities the valid travelling documents or apply immediately for an asylum procedure⁵.

In reality, we observe that asylum seekers are generally detained in a “closed” centre during their entire asylum procedure. People without children are mostly brought to the “Transit centre 127”, which is located near the airport of Zaventem. Families with minor children, however, are transferred to open centres, so-called “return homes”. If the person seeking asylum receives a

5. Art.74/5 §1 2° of the law of 15/12/1980 on access to the territory, stay, settlement and removal of foreigners.

positive answer to his/her application, s/ he is allowed to reside lawfully in Belgium and has to be released on the day of the decision. Upon their release, most of the newly liberated asylum seekers end up living on the street, without housing, social network or reference to a social service. When they leave the centre, they are in possession of documents that attest their vulnerability and their right to be protected by the Belgian government. In reality, however, they find it really hard to get

access to these rights. Since newly released persons usually do not have any contact with the Belgian society before their release, they find it hard to integrate. Due to the vulnerability of this group of refugees and the many problems they are confronted with during the transit period, we decided to make this group our target group.

This report formulates and elucidates the observations we found through our field experience of the last two years (2010-

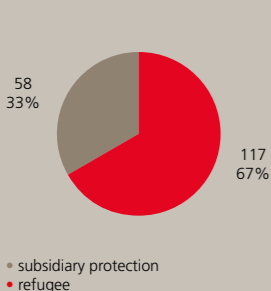


Figure 1: number of files per status

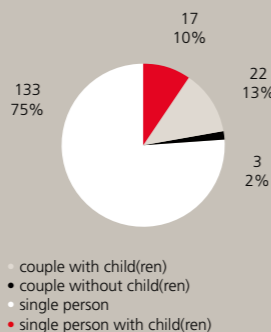


Figure 2: family composition

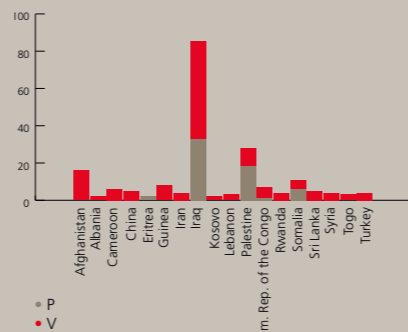


Figure 3: number of files per protection status and nationality (V= recognized refugees / P= beneficiaries of the subsidiary protection)

2011). By means of an intensive and tailor-made support of about 200 refugees, we managed to better grasp the concept of ‘integration’: the immigration process faced by the newly arrived refugees, the main difficulties and possibilities they encounter, the concrete impact of the public policy and the differences between the three different regions of Belgium (Flanders, Brussels, Wallonia). Our experience in the field was mainly conducted by a small team of “coaches”: two Dutch speaking and one French speaking person. These coaches have their main office in Brussels, but accompany the recognized refugees and beneficiaries of the subsidiary protection all over Belgium. Since January 2010, 172 “border files”⁶

have been followed up, of which 115 (67%) files received the refugee status and 57 (or 33%)⁷ the subsidiary protection status. Most people came from Iraq, Palestine and Afghanistan. 75% of them arrived alone in Belgium, while the other 25% was accompanied by at least one family member (spouse or child). These people settled in different cities in the 3 Belgian regions (Antwerp, Brussels, Liège, Maasmechelen, Lier, Duffel, Verviers etc.).

This report first of all elucidates the different stages of the integration process (release, transit, search for housing, administrative procedures, local integration). Secondly, we will elaborate on the working method of the Cell Integration of Caritas International.

The role of a coach and the individual support for people recognized at the border will be discussed step by step. This second chapter also devotes attention to the thoughts and feelings of several refugees. The testimonies in the third part illustrate our observations and elucidate the consequences of the public migration policy. In the final chapter, we formulate the assets and weaknesses of our project. We end with several recommendations about the current public policy and the function of a ‘coach’, since we consider his/her role truly indispensable to stimulate the local integration of newly arrived refugees.

6. A file can refer to one single person, one adult with child(ren), or two parents with children.

7. It is imperative to note that the statistics in this report are based on the number of files and not on the number of people. Moreover, they should be interpreted as indications of our target group and not as generalisable standards.

THE INTEGRATION PROCESS OF ASYLUM SEEKERS ARRESTED AT THE BORDER

1. Arrival in Belgium and request for asylum
2. The decision:
 - removal or immediate release
 - A negative answer: expulsion
 - The two “positive” decisions
3. Transit period
4. Search for housing
5. A house: an official address
6. Subscription in the new community: change of address
7. Registration with the PSWC
8. Request for an identity card and name change problems
9. The identity card: access to one’s rights
10. Language courses and the “integration process”
11. The education of the children
12. The right to travel
13. Family reunification
14. Access to trainings and labour market
15. Access to the nationality
16. Remark: the language barrier

1

Arrival in Belgium and request for asylum

Every person can seek asylum upon his/her arrival in Belgium. There are two possibilities: s/he can go to the airport police and lodge an asylum request or be arrested at the customs control because s/he does not have the correct identity documents (valid passport, visa, hotel booking or contact person, sufficient amount of money to pay for the costs during the stay in Belgium etc)⁸. Many refugees arrive in Belgium with the help of a human smuggler. Therefore, they often no longer possess the identity or travel documents that enabled them to reach

their destination. The human trafficker generally makes these documents disappear (especially if they are false) and often advises his customers to dispose of their passport upon their arrival to avoid them being sent back to their country of origin.

According to the Aliens Office⁹, 470 persons, or 2.35% of the total amount of asylum requests in 2010 in Belgium (19,941)¹⁰ sought asylum in a frontier zone.

8. In accordance with Art. 50 of the law of 15/12/1980, saying that a foreigner who enters the Belgian territory and wants to seek asylum, needs to lodge an asylum request within 8 days after the arrival.

9. Belgian Commission for Refugee Assistance, report meeting of 11 January 2011.

10. In 2008, 363 people applied for asylum (page 178 of the activities report of the Aliens Office <https://dofi.ibz.be/nl/jaarverslag/2008nl.pdf>) and 349 in 2009 (page 175 of the activities report of the Aliens Office <https://dofi.ibz.be/nl/jaarverslag/2008nl.pdf>).



If a person seeks asylum, the frontier police will provide a temporary identification document, i.e. the “annex 25”, which contains the declared identity of the newly arrived migrant, a passport photograph, arrival date, and the language in which s/he would like to express him/herself during the procedure. The police will take the digital fingerprints and check them through the European EURODAC system.

In this way, it is possible to verify whether the person concerned already sought asylum in another European country during the last ten years¹¹. These procedures take place in the office of the customs police at the ground floor of the airport.

The police officers often ask the newly arrived refugees by whom they were brought to Belgium in order to discover human trafficking networks. Yet, few refugees want to reveal the identity of their human smuggler. They do not consider the person who arranged their transport as a “smuggler”, but rather as someone who enabled them to flee from prosecutions or life-threatening situations.

During the asylum procedure, the refugees are transferred to a centre and deprived from their ‘liberty’¹². Adults without family are brought to a closed centre in the airport zone, i.e. the “Transit centre 127” (TC 127). This is a closed building (with shared rooms) in which the refugees have to reside as long as the CGRS has not taken a decision about their asylum application. Families with minors can reside in the “return homes”¹³ of the Aliens Office in Zulte, Tubize or Sint-Gillis-Waas¹⁴. These houses are open apartments under the care of the Aliens Office. The families can leave the buildings on the condition that there’s always at least one family member staying in the house. The children can go to school, although we observed that this often depends on the willingness of the staff of the Aliens Office.

“Unaccompanied minors” (MENA) are redirected to a centre of observation and orientation (COO)¹⁵. The guardianship services of the Federal Public Service of the Interior Ministry of Justice write a report about the minor’s situation and appoint a legal guardian. The minors will be assigned to a refugee centre for asylum seekers within 15 days.

“The closed centres are rather strange: I really felt like a prisoner. They always close the door when you enter the kitchen. They expect you to sleep and eat at specific times. I really got the impression that I did something wrong, while that’s not true. I saw many people crying in the centre. They looked sad, as if they did no longer hope for a better future. The concept of closed centres is rather odd.”

*Aisha¹⁶, 22 years.
Somali recognized refugee*

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11. Art.6 of the regulation (EC) nr. 2725/2000 of the Council of 11/12/2000 on the “Eurodac” system for the comparison of fingerprints as an effective implementation of the Dublin Convention.
 12. In accordance with Art.74/5§1 2° of the law of 15/12/1980 saying that a foreigner entering the territory without meeting the requirements of Art. 2 can be detained until s/he receives a decision regarding the asylum request.
 13. Royal Decree of 14/05/2009 and art. 74/8, § 1, of the law of 15 december 1980 on access to the territory, stay, settlement and removal of foreigners and the Royal Decree of 2/08/2002 on the place of detention of asylum seekers.
 14. The Aliens Office currently has several return homes on 3 locations: 3 in Zulte, 5 in Sint-Gillis-Waas and 4 in Tubize.
 15. Fedasil has two such centres: in Neder-over-Heembeek and in Steenokkerzeel.
 16. Fictional names are used to protect the privacy of our beneficiaries.

The following figure illustrates the distribution in terms of percentage with regard to the reception structures of the people we supported: TC127, return homes of the Aliens Office, open centres (Fedasil or Red Cross) or other social services.

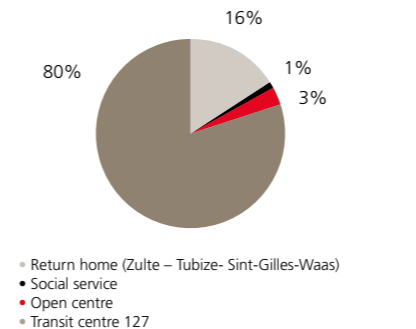


Figure 4: distribution of files with regard to the different services from which they were sent to Caritas International

All ‘closed’ reception centres (TC 127, the return homes of the Aliens Office and the COO) are located near the national borders. Refugees residing in these centres are not granted access to the Belgian territory¹⁷. We will later elaborate on the grounds and consequences of this measure.

Within five days after the asylum seeker has requested asylum, s/he will be interviewed by an employee of the Aliens Office about his/her identity, nationality, and itinerary. The refugee has to fill in a questionnaire and explain why s/he seeks asylum. Upon this written questionnaire, s/he will also be interrogated in the presence of an agent of the Commissioner-General for Refugees and Stateless Persons (CGRS). This interview (possibly in the presence of an interpreter) about the life course of the person and the grounds for his/her asylum request is conducted in the detention centre. This conversation takes about two to six hours.

On the day of his/her arrival, the social service of the reception centre will propose a pro bono lawyer who will

advise and defend the refugee during his/her procedure. The social assistant of the reception centre can pick someone out of a list (which is monthly updated by the Office of Public services for Legal Aid). In the best-case scenario, the lawyer will inform the asylum seeker prior to the interview and prepare him/her for the questions that will be asked in the questionnaire. In practice, however, we have noticed that the asylum seeker and the appointed lawyer generally meet for the first time on the day of the interview without any prior preparation.

We want to stress that 34% of all people we supported had no lawyer at their disposal during the interview with the CGRS, even though they did require such legal assistance. Yet, this conclusion is however not surprising since other organizations already repeatedly denounced

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17. Art. 41 of the reception law of 12/01/2007, Royal Decree of 14/05/2009 with regard to art. 74/8, § 1, of the law of 15 december 1980 on access to the territory, stay, settlement and removal of foreigners and the Royal Decree of 2/08/2002 on the place of detention of asylum seekers.

the lack of legal assistance during the asylum procedure, in particular in a rapport by CIRÉ¹⁸. Other testimonials revealed that several lawyers took advantage of the vulnerability of the asylum seekers and asked a financial compensation for their service, even though they are expected to offer a free legal assistance. Some lawyers charged up to 700 euro for these undeclared performances, which is, of course, completely illicit¹⁹.

The period prior to the interview is short, though very stressful for the asylum seekers. The CGRS is obliged to take a decision within 15 days after the file is submitted to the Aliens Office²⁰. This term often appears to be too short for persons who want to collect identity documents that endorse their declared identity and life course. Note that refugees who seek asylum after they have gained access to the Belgian territory generally have to wait four months up to three years before a decision is taken about their asylum request.

If asylum seekers who are detained at the

border have not yet received a reply of the CGRS to their asylum request two months after their arrival, they must be granted access to the territory – this is in this case an obligatory ‘release’²¹. From this moment, however, it is more difficult to get in contact with the asylum seekers if their asylum request is denied. Moreover, after they have left the international transit zone of the airport, the airline company is no longer responsible for their return and arrival if they reside illegally on the Belgian territory. If the asylum seeker is still in the transit zone on the day of the refusal of the asylum request, the airline company is in charge of the transport and return of the refugee to the country of origin (as defined in the legislation)²². Therefore, a rapid decision and processing of the asylum request is in the interest of the Belgian government and inspection authority.

In a very limited number of occasions, it is also possible to release the asylum seekers before a decision is taken about the asylum request (for instance, when a woman is at the end of her pregnancy).

We also observed that two Ivorian asylum seekers, who arrived at Zaventem airport in April 2011, were released before the Commissariat took a decision with regard to their asylum request. This exception was motivated by an internal agreement of the CGRS to postpone decisions about asylum requests from Ivory Coast due to the dangerous situation of this country. In this way, they could avoid rash decisions and temporarily “freeze”²³ the asylum requests from Ivorians. These persons were granted access to the territory and could reside in an “open” instead of a closed refugee centre.

18. “Recht op recht in de gesloten centra”, 2008, <http://www.vluchtelingenwerk.be/bestanden/executive-summary-nl.pdf>.

19. Law of 23/11/1998 regarding legal assistance of asylum seekers.

20. Art. 52/2 §2 of the law of 15/12/1980

21. Art.74/5 §4 of the law of 15/12/1980 on access to the territory, stay, settlement and removal of foreigners and Art.74/5 §3 of the same law on the detention duration in a reception structure.

22. Annex 9 of the Convention of Chicago, chapter 5 repeated in Art.74/4 of the law of 15/12/1980 on access to the territory, stay, settlement and removal of foreigners.

23. BCHV, report of the meeting of 11 January 2011.

Observe that, according the Dublin Regulation, asylum seekers who already sought asylum in one European country cannot submit another asylum application in another. When they do so, they will be sent back to the first country in which they resided. This country will be taken responsible for the asylum request.

2

The decision: removal or immediate release

The Commissioner-General for Refugees and Stateless Persons (CGRS) examines the asylum request. The declared life course and situation of the asylum seeker will be examined on the basis of the criteria of the Convention of Geneva²⁴ and the definition of the subsidiary protection. If the person is not granted a protection status, s/he may lodge an appeal to the Aliens Litigation Council (ALC). This appeal procedure extends the duration of the residence in a closed or guarded refugee centre. The

decision of the ALC is the definitive answer to the asylum application and determines whether the asylum seeker has to leave the country immediately or whether s/he can stay for another period of time. Note that further appeal to the Council of State has no suspensive effect on the stay of the asylum seeker.

A NEGATIVE ANSWER: EXPULSION

If the ALC gives another negative advice, the refugee will be expelled permanently. A day will be proposed on which the departure has to take place. On that day, the staff members of the TC127 will bring the asylum seeker to the airport police. The police officers will ask this person if s/he is willing to take the next flight. If the person accepts this proposal, s/he will be brought to his/her country of origin the same day. If the person refuses to take this flight, the staff members of the TC127 will take him/her to another closed centre (depending on the availability, in Bruges or repatriation centre 127 bis). The second attempt, however, implies a forced expulsion without any possibility to refuse.

The Convention of Chicago defined the “country of origin” as follows: the country where the person involved boarded the airplane. The airline company is taken responsible for the verification of the identity documents of the people who arrived illegally in Belgium. If the standard procedure is applied in the transit zone (and if the asylum seeker is refused access to the territory), the airline company will have to pay for the repatriation of the refused asylum seekers. They will be brought to their country of origin or another country where they have access to²⁵. It is thus not

24. In accordance with the Convention of Geneva (1951), Art.1. “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”. The same definition was used in Art. 48/3 and Art. 48/4 of the law of 15/12/1980 on access to the territory, stay, settlement and removal of foreigners.

25. Annex 9 of the Convention of Chicago, chapter 5 as referred to in Art. 74/4 of the law of 15/12/1980 on access to the territory, stay, settlement and removal of foreigners.

guaranteed that the person will be able to return to his/her own home country. This measure naturally evokes distress and complications since asylum seekers often arrive in a country they do not know the least. Several people from the Middle East (e.g. Iran and Afghanistan) were repatriated to Turkey, which appears to be a popular transit country. Nevertheless, article 3 of the European Convention of the Human Rights prohibits repatriations towards a third country in which the person will possibly be treated inhumanly.

THE TWO "POSITIVE" DECISIONS

An asylum seeker can be granted two types of protection statuses²⁶, i.e. the recognized refugee and subsidiary protection status.

Recognized refugee status

The Belgian government grants the refugee status to people who meet the criteria defined by the Convention of Geneva in 1951²⁷ and who can prove that they are in fear of persecutions in their home country on the basis of their race, religion, nationality, membership of a particular

social group or political views. It thus concerns a fear of persecution because the asylum seeker is not protected by his/her own authorities. Belgium allows that the recognized refugees reside here during an indefinite period of time. Recognized refugees have access to: travel documents ("blue passport"), social assistance of the PSWC (Public Social Welfare Centre), a job, assistance from the National Health Service (and "BIM"-status²⁸), child allowances and family reunification.

Since recognized refugees are in fear of persecutions in their country of origin, it is, in principle, forbidden to return to their home country or to contact its official representatives (in particular the embassies). Therefore, the CGRS is taken responsible to issue new identity documents (even if the refugee status was attributed a protection status by the ACL). If the refugee is still in possession of his/her original passport and/or identity card, s/he will be requested to return these documents. In exchange for these original identity documents, the CGRS will provide three official Belgian identity documents: a birth certificate, an

identity certificate and an official attestation that confirms the protection status. These three documents are necessary to obtain the definitive Belgian identity papers.

"When I crossed the border, I thought a new life was awaiting me, since I could no longer live in my home country. It was like hell. In my country, you can always be arrested and disappear. Crossing the border was an excruciating undertaking and I was terrified every time I saw a soldier or police officer passing by. It reminded me of how they made me suffer repeatedly".

Célestin, 22 years, Congolese, recognized refugee.

26. In all European countries that apply the Regulation 2004/83/EG.

27. In accordance with Articles 48/3, 48/4, 48/5 of the law of 15/12/1980 on access to the territory, stay, settlement and removal of foreigners.

28. The BIM-status (higher allowance for health insurances) entitles the holder to receive a higher reimbursement for medical costs.

In 2010, 2,107 asylum seekers were granted the refugee status (10.7% of the total number of decisions in 2010). Most recognized refugees came from Guinea, Iraq and Afghanistan.

Subsidiary protection status

The subsidiary protection status is granted to asylum seekers who are not at risk of being persecuted according to the criteria of the Convention of Geneva (and therefore were refused the refugee status), but "in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin [...] would face a real risk of suffering serious harm [death penalty or execution, torture or inhuman or degrading treatment, serious threat to one's life by reason of indiscriminate violence in situations of international or internal armed conflict] and who are unable or, owing to such risk, unwilling to avail themselves of the protection of their country of origin and on"²⁹. This status was introduced in Belgium in 2006. It came into being by a European directive³⁰ and under the impetus of several social and non-governmental

organisations. These bodies focused on the importance of such a status for people who fled conflict zones and would face a serious threat upon their return to their home country. Strictly speaking, however, these asylum seekers do not meet the criteria of the Convention of Geneva. Therefore, the situation in the country of origin is regularly examined by the Commissioner-General in order to assess the potential danger and precarity of the home countries as correctly as possible (especially with regard to the criterion of "indiscriminate violence").

The subsidiary protection status is attributed by the CGRS or ALC and enables the asylum applicants to reside lawfully in Belgium during one year. After this year, the Aliens Office re-examines the situation in the country of origin. On the basis of the advice of the CGRS, it will be examined whether the refugee is still in need of protection and whether the residence permit will be renewed for another year. After an uninterrupted residence of five years (counting from the date of the asylum application), the beneficiary of the subsidiary protection will be granted a

permanent residence permit which enables him/her to stay in Belgium for an indefinite period of time. Unlike for people with a recognized refugee status, of which the identity is determined by the CGRS, the Aliens Office is responsible for determining the identity of the persons with a subsidiary protection status.

Asylum applicants who were granted the subsidiary protection status have access to: social assistance of the PSWC (an equivalent for the integration allowance given to recognized refugees), the labour market (but only if they have a working permit C), a remuneration of the mutuality for medical care (so-called BIM-status) and family reunification. However, they do not receive any child allowances during the five first months of their residence in Belgium (but can obtain a similar allowance with the PSWC), nor travel documents, as they are still partially protected by the government

29. Art 48/4 of the law of 15/12/1980 on access to the territory, stay, settlement and removal of foreigners.

30. Qualification Directive 2004/83/EC.

of their country of origin. This aspect is very important for the “admissions” at the border since many people seem to have “lost” their passport when they arrive. We will elucidate this phenomenon in detail in the next chapters.

It is possible to start an appeals procedure with the ALC against the decision of the CGRS if the people who were granted subsidiary protection want to obtain the refugee status. Yet, our field experiences demonstrated that very few people are aware of this possibility. First of all, we noticed that the social workers of the PSWCs hardly ever mention the possibility of appeal. As a consequence, few refugees know that they are legally allowed to protest against the granted status. Secondly, our experience indicated that the time period to start an appeals procedure is often too short due to the rapid border procedures. When asylum is requested at the border, a decision has to be taken within five days after the submission of the application, while a “normal” appeals procedure (for people who are not detained at the national borders) is 30 days.

Also note that several people we assisted were wrongly refused the refugee status (due to a lack of time to collect the necessary identity documents, insufficient information and legal preparation prior to the interview, absence of a lawyer during the interrogation, miscommunication, incompetence of the interpreter etc.) Nevertheless, no one started an appeals procedure because they were severely discouraged by the long and complicated procedure and the stress such an appeals procedure evokes. Also note that lodging an appeal implies that the entire file of the asylum applicant is being revised, which might even lead to a refusal of the previously granted protection status or both statuses.

In 2010, 710 asylum applicants were granted the subsidiary protection status (or 3,6% of all decisions taken in 2010). These refugees came above all from Iraq and Afghanistan.

“I could no longer find any food in Gaza, there was nothing left. Everywhere I looked around, I saw war and conflicts. The situation

was horrible and violent. It became impossible for me to live there.”

Yassir, 25 years, Palestinian beneficiary of the subsidiary protection status.

in both cases: immediate release

If the asylum seeker is granted one of both statuses, s/he will receive a residence permit and must be released from the detention centre immediately. At that point, the following formalities will be completed: the decisions of the CGRS or ALC are sent by fax to the TC127 or the “return homes of the Aliens Office” on the day of the decision-taking. The decision is thus immediately transferred to the social service of the person involved. After some formalities are taken care of (recollecting the documents with the border police, providing the “annex 25” with a signature and a date of arrival, picking up the medical file etc.), the persons protected by a status need to be released. They receive a train ticket – one-way – to a Belgian train station of their choice, from where the complicated integration process full of obstacles can start off.

3

Transit period

On the moment of their release the persons with a protection status receive the “annex 25” (the document issued by the police on the day of their asylum application, in which their declared identity or name that is found on an identity document is written). Furthermore, they receive a copy of the fax that confirms and explains the decision of the CGRS or the ALC. The CGRS can change the name or identity in certain cases, as we will later discuss in more detail. If the Council of State does not appeal within 30 days after the decision with the ALC³¹, the decision will become definite.

The border police generally writes the annex 25 in Dutch. The language of the asylum procedure (and of the decision) is determined by the Aliens Office, except when the asylum applicant asks explicitly to express him/herself in Dutch/French or requires the assistance of an interpreter³².

Upon the release, refugees have to start their search for housing as quickly as possible. The Aliens Office (who took care of their “reception” during the procedure) is in fact no longer responsible, neither Fedasil³³ (which was responsible for the reception of the asylum applications upon their arrival in Belgium). From that moment onwards there is no reception centre where the beneficiary can reside. Some people can make use of social assistance provided by the PSWC. Yet, this is not always possible as they first need a renting contract to have access to this social support. Therefore, they are confronted with a sort of juridical void, not with regard to jurisdiction, but rather regarding the access to their rights.

What did we observe in practice? At best, refugees can register at the dispatching of Fedasil in order to obtain a place to sleep in an “open” centre for one or two months. However, we noticed that, due to the reception crisis in Belgium since 2008³⁴, very few persons that we followed received access to these centres. What is more, Fedasil is not legally obliged to accommodate recognized refugees, as

they are, in principle, already protected by their status. Persons with an international protection status can also contact acquaintances who already live in Belgium. However, it is not always self-evident to find family or friends who can simply host someone for a certain period of time.

Some people are brought to hotels, hoping that they can afford the accommodation costs. However, most of them have to leave after a short stay of only one or two nights as they can no longer pay for the costs. Mostly, they end up living on the street (train stations, bridges etc.) or in homeless shelters. Those shelters (e.g. SAMU Social in Brussels) offer mainstream services. The different shelters are organized differently,

31. This hardly ever happens.

32. Art.51/4 of the law of 15/12/1980 on access to the territory, stay, settlement and removal of foreigners.

33. The federal agency for the reception of asylum seekers.

34. Between October 2009 and March 2010, 2000 ended up on the street because they did not have access to a reception structure from Fedasil. (“De gezichten van de opvangcrisis”, CIRE/Vluchtelingenwerk Vlaanderen, 2010).

but they are usually opened from 8 p.m. until 8 a.m. In general, they offer a hot meal and basic facilities. By day, the centre is often closed for cleaning, organisation etc. During the summer, it is often possible to find a place to sleep. In winter, however, (especially when it is very cold) demand always exceeds supply. Therefore, the centres have to draw lots in order to divide the available beds among the different homeless people. As a consequence, the protected refugees are not certain that they will be able to stay in the centres by the end of the evening. Another question that arises is whether this kind of emergency accommodation is fit for persons of whom is recognized that they are vulnerable and in need of protection. Homeless shelters often accommodate people who live on the fringes of society (persons with psychological problems and social needs, alcohol and drug addicts etc.) and are thus less appropriate for refugees.

“Priority number one was finding accommodation where we could stay. We did no longer have access to the transit centre and it was

really difficult to live in a homeless centre where many drunk and ill people stay. I just wanted a place for myself. I was six months pregnant when I left the airport.”

Juliette, 29 years old, recognized refugee from Congo.

In this respect, we conclude that during this “transit period” financial aid and medical support are a big problem. As long as the refugees do not have a legal address, they cannot be registered with the PSWC or the municipality. Even though they have been registered on the waiting list of the municipality where they stayed in a return home or closed detention centre after their arrival, it appears to be difficult to receive assistance of the PSWC of this community since they now live somewhere else. Note that, legally speaking, the PSWC of the community in which they were registered the first time, can provide social and medical assistance during 30 days following the decision (since the asylum procedure is not yet fully finished)³⁵. In reality, however, it is very difficult to make claim to this right. Most people do no longer live in

the community of the reception centre after their release. The PSWC redirects the persons asking for assistance to other services (such as Fedasil and AO). We often received evasive responses to questions concerning medical costs in the transit period. Several agencies tried to get rid of their responsibilities. The PSWC of Zulte (where five houses of AO are located) told us that “the Aliens Office had ensured them that they should not have to give financial aid to people living in the return homes³⁶”. What is more, the PSWC of Steenokkerzeel refused to pay for the costs of someone who had been hospitalized after his release out of the TC127. The PSWC declared that Fedasil was responsible for these costs.

Note that refugees with international protection should have access to the PSWC of their transit place on the basis of their subscription in the PSWC of their new place

35. Art. 2§5 of the law of 2/04/1965 on taking charge of the financial aid by the PSWC.

36. E-mail of the head of the social service of the PSWC in Zulte to one of the coaches on 27 July 2011.

of residence (where they legally reside). Yet, this transfer appears to be a complicated procedure and requires certain knowledge of the Belgian legislation. Moreover, when refugees or beneficiaries of the subsidiary protection move in with acquaintances who receive financial aid of the PSWC, their financial support will be reduced to the income of the newly received guest. This regulation discourages and financially punishes people who want to open their house to newly arrived refugees.

As a consequence, beneficiaries of the international protection status stand alone after their release, without any point of reference, social follow-up or medical assistance. Nevertheless, this transit period is of crucial importance in order to make them aware of their rights and to ensure that they have real access to the protection that they are granted. They now have to find out themselves how they can meet their basic needs (sleeping accommodation, food etc.). The biggest challenge is the search for a house, which appears to be a hazardous undertaking.

4

Search for housing

In order to find suitable accommodation, refugees and persons with subsidiary protection need to convince the landlord to rent his apartment or house to them, even though they do not speak the language. Another problem that arises is the lack of official identity documents. Upon their release, refugees only have an “Annex 25” and a fax in which the decision about the asylum application is described. What is more, at that point, they do not have access to the PSWC yet and thus possess insufficient financial means to pay for the rent or the deposit. This search is a big challenge, especially in Belgium. This is due to the general housing crisis and the unwillingness of landlords to rent their house to ‘foreign’ tenants (on the basis of prejudices or negative experiences). Many landlords first want a payment receipt of the rent (deposit) or refuse to rent their house to people who receive financial aid of the PSWC.

“The main problem is as follows: once you found a place to live, the landlords refuse to rent you the house if they know you receive financial aid of the PSWC”.

Mariam, 28 years old, refugee from Guinea.

With regard to the rent deposit, asylum applications at the border can ask the PSWC of the community in which they live for a loan. At that point, they already need to have a rental agreement and lodge an application themselves that will be examined after the house control by the social assistant. The waiting period can vary from one week to one month, depending on the work load of the PSWC that is responsible for the application. In general, the PSWCs only give a lease for the rental guarantee if it can be deposited on a blocked bank account. In practice, however, most landlords want the guarantee to be paid in cash (even though this is not legal), which the PSWC usually refuses to do. On the basis of our field experiences we concluded that only the PSWC of Liège was willing to

pay the rental guarantees in cash, which appeared to be very effective in the search for housing. Apart from the problem with regard to rental guarantee, we also noticed the financial problem of the first month rent. The tenant is often required to pay the first month rent when signing the contract, even before s/he receives the keys of the house. However, after the application is lodged to the PSWC, it takes at least one month (statutory term)³⁷ before the applicant receives financial aid. It is possible to receive a limited allowance beforehand, but this amount is usually insufficient to pay for the first month rent. Therefore, the renter needs to try to reassure the landlord that the money will be paid in a month, or collect the money him/herself.

Note that asylum seekers residing during their asylum procedure in an open centre, can make use of a minimum of facilities that can help them finding a house. Once their asylum application is approved, they can stay for two more months in the centre. The reception centre usually provides some guidance or assistance and an internet or telephone connection. They often also

receive public transport tickets that can be used to for visiting houses and apartments. People staying in such reception centres can thus make use of certain advantages. They can try to expand a social network and get into contact with the Belgian society. Moreover, they are offered the possibility/ chance to follow language courses in the centre. People who cannot reside in a detention centre, on the other hand, do not have access to these facilities.

In several cities there are social real estate agencies that offer people with a low income the possibility to rent a house at a lower price. Yet, in reality, we noticed that very few people had access to such houses as there were long waiting lists (sometimes for several years) for the relatively small number of available houses. Besides, the tenant/renter needs to meet many requirements in order to be allowed to lodge an application (particularly the possession of an identity card or residence permit). Moreover, there is no database centralising all available social houses in the different cities or communities or giving an oversight of the available waiting lists. Such

a database would simplify the search for housing to a considerable degree.

Consequently, the quest for a house appears to be a real trail with many obstacles, whether the refugees have only just left an open centre or whether they have already lived on the street. However, there are few social services that actively search for housing and the refugees generally have to try to find out everything themselves.

37. Art. 58 of the law of 8/07/1976.

5

A house: an official address

Note that the new citizens have the right to live in the city as well as in the language region of their choice. Of course, some cities or communities attract more people, because the average housing rent is lower or because landlords are more willing to accept immigrants. Antwerp and Liège are two such cities that are nowadays

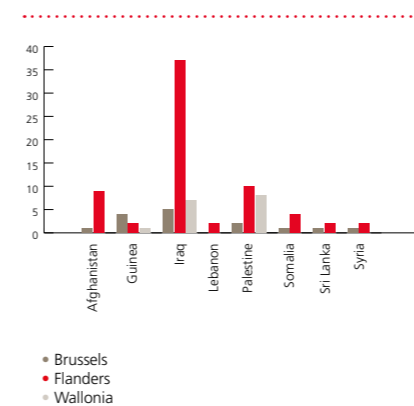


Figure 5: number of files per nationality and region

considered truly 'multicultural'. Other cities have only a limited number of new immigrants due to the high rental prices or strict criteria the renters have to meet before renting the house.

Some criteria are of priority interest, such as the rental price, the presence of a community with people coming from the same country of origin and the preference for a certain language. For bigger families with many children, however, the quest is mainly determined by rather random possibilities on the market, since it is already quite difficult to find a house even without bearing these criteria in mind.

The following table illustrates in which region the persons we followed now live on the basis of their nationality.

The search for a house (and an official address), grants the new citizens access to their rights and puts an end to a stressful and precarious period during which they are forced to live in unstable and very difficult circumstances, often deprived from their privacy. Thanks to their new "home"

they can truly start off with their integration process and local anchorage.

6

Subscription in the new community: change of address³⁸

Once refugees with a protection status have received the temporary identity documents (the "annex 25" and the fax), they can start to apply for a residence permit. This residence permit allows recognized refugees to legitimately stay in Belgium for five years, and people with a subsidiary protection status for one year. In order to obtain this permit, they need to register with the municipality and ask for their address to be changed. Subsequently, they will receive a "Model 2" confirming

38. Also read "Vluchtschrift" July – December 2010 regarding this subject. File: De inschrijvingen van vreemdelingen in de gemeente: een praktische handleiding indien het misloopt. (http://www.caritas-int.be/fileadmin/pdf/vluchtschrift/Vluchtschrift_jun-dec_2010.pdf).

their application. This procedure should be costless, although some communities charge 7 euro for this document.

The local authorities forward the application to the local police service so that they can verify whether the person really lives at the declared address. The new citizen will be requested to write his/her first and last name legibly on the door bell. If the local police officer does not find this name indication or if the person is absent, he will write a negative report. If there is no clear evidence that the person effectively lives at his/her declared address, the registration in the aliens register can be cancelled. The domicile investigation should be conducted within 8 days after the address change application is lodged at the municipality³⁹. However, it usually takes one week up to maximally one month before a police officer passes by, depending on the work load of the municipality and police in the city where the persons live. In case the new inhabitant is absent, the police officer will come back at a later time/on another day or leave a letter to invite the inhabitant to come to a police commissariat, depending

on the town district in which the person resides.

This domicile control is a routine procedure. The person should be able to prove that s/he is actually living in the house by means of personal devices, basic furniture etc. Note that, in Belgium, the majority of the rented houses is not furnished. Therefore, refugees or beneficiaries of the subsidiary protection status are entitled to receive an "installation premium", which is similar to one month social integration income (family rate)⁴⁰. This amount is calculated per person or per adult, and does not take into account the number of children (the amount is the same for a single person as for a mother of 6 children). Note that, legally, recognized refugees have access to one installation premium per major person, while people with a subsidiary protection status receive one grant per family⁴¹. However, it is rather rare that two married refugees receive two separate installation premiums. Beneficiaries of the international protection can apply for this unique financial aid that can only be used for installation costs (purchase of

furniture), with the PSWC during their first encounter, but the grant will not be available immediately (a waiting period of at least one month). As a consequence, most people have to "camp" in their house with some basic means until they receive the financial assistance, as determined by the legislation. Once a police officer has finished the domicile control, he will send a confirmation report to the municipality. From then onwards the registration of the new domicile address can be processed.

Refugees and people of the subsidiary protection generally have to contact the aliens service of the community in which they live. In some cities (especially in Antwerp and Liège), however, there are separate services for recognized refugees (long term residence) and people with a

39. In accordance with Art. 7§5 of the Royal Decree of 16/07/1992, the police investigation needs to be completed within 8 working days following the address change application.

40. Law of 8/07/1976 regarding the PSWC. Since 1/05/2011, a family receives 1006,78€.

41. Law of 8/07/1976 met betrekking tot het OCMW. Since 1/05/2011, a family receives 1006,78€.

subsidiary protection status (short term residence). Therefore, the applicants have often difficulties finding the right service, if they do not receive any guidance or clear instructions.

7

Registration with the PSWC

Once the refugees live in their new house, they can contact the PSWC of the community⁴² to ask for social and financial assistance. Upon this first intake, they should receive a receipt on which the date of the first PSWC contact is mentioned. This indication is important as the PSWC legally has one month⁴³ to process the application and to enact a decision. If the decision is positive, they will receive a social integration income that has to be calculated with retrospective force from the date of the first encounter (written on the receipt) onwards.

Note that this date does not coincide with the first appointment, but with the

first intake in the PSWC. It is important to highlight the difference between these two contact moments as the first appointment with a social assistant in some centres can be postponed a couple of weeks after the first intake. In this way, if the date of the first appointment instead of the date of the first intake would be written down on the receipt, the person concerned would lose the money s/he is entitled to. We noticed, however, that several less accurate employees of the PSWC registered/wrote down the date of the first appointment on the receipt sheet, which is illegal.

Following the general rule, the PSWC of the community in which the new citizen resides should be taken responsible for providing assistance⁴⁴. Yet, derogation is allowed to people of whom the PSWC in the city where they were registered in the waiting register is responsible for providing financial aid⁴⁵. On the whole, we noticed that most offices of the PSWC applied this general rule. They thus looked at the actual place of residence of the person. Only the PSWC of Antwerp refused repeatedly to take the responsibility for some persons who lived

in Antwerp. When these people asked for social assistance within 30 days of time limit for appeal following the decision of the CGRS (or CAD), the PSWC referred to an exceptional measure of this withdrawal period and interpreted the waiting period as part of the asylum procedure and not the "transit period". An employee of the PSWC Antwerp informed us that, according to their policy, the PSWC of the community in which the person was registered during the asylum procedure (e.g. Zulte) should be taken responsible for providing social aid during the 30 days following the notification of the decision. This measure led to absurd situations since the persons with a protection status first had to register

42. The PSWCs are subdivided differently, depending on the (size of the) city. In bigger cities, there are separate services ("antennas") depending on the region/age of the beneficiaries ("PSWC-youngster"). Note that one antenna in Liège (le Service d'accueil des Demandeurs d'Asile-SADA) was created for asylum seekers and people with a temporary residence permit (such as subsidiary protection), regardless their place of residence (part of the city).

43. Art. 58 of the law of 8/07/1976.

44. Art. 1 of the law of 2/04/1965.

45. Art. 2 of the law of 2/04/1965.

with the PSWC of Steenokkerzeel even though the term of appeal of 30 days was almost finished.

Legally speaking, new inhabitants can lodge an application without being in possession of all documents. However, in reality they will always be requested to bring the identity documents, the attestation or contract that proves the effective residence in that city or community and the payment receipt of the first month rent and rental deposit (if these amounts have already been paid). Yet, we noticed that several employees of the PSWC sometimes also required a copy of the interview of the asylum request, under the pretext that they needed that information about the life course of the person, which is illegal.

If the refugee does not have any financial resources, s/he will receive a monthly financial allowance (similar to the social integration income), an installation premium (one-off assistance), an advance to the child allowance, as well as an allowance for medical care (a “medical warrant”) as long as s/he is not registered

at the National Health Service (NHS).

Public Social Welfare Centres are generally open before noon and often have long queues (especially in bigger cities). The exact procedure depends on the internal agreements of the social centre. In the best-case scenario, the beneficiary will be given an appointment for a first intake on the same day of his/her first registration. The social assistant will register the application, collect the necessary documents and information and make a new appointment with the assigned social assistant. However, it is also possible that the foreigner has to come back for a first intake on a later date. The waiting term for this appointment depends on the (work load of) the social centre. Some persons have to wait up till 3 weeks before they have an appointment and can apply for social assistance⁴⁶.

During the intake, the applicant will be asked to show all the identity documents in his/her possession and to explain the asylum procedure s/he went through since the arrival in Belgium and the current living conditions. The social worker also aims to

explain the rights and duties with regard to the social assistance and registers the type of social assistance (social integration income, installation premium, medical assistance) the person requires. The social worker sets a date on which s/he will visit the house to control if the person actually lives there (and in which living conditions). The waiting term for this house visit depends, once again, on the work load of the employees of the PSWC. Some PSWCs do not organise any house controls due to a lack of time or employees.

Once all information is collected and the house control is conducted, the social assistant will write a social report about the situation of the person concerned. This document will be presented to the PSWC commission, which will decide on the application. This commission consists of social assistance advisors who generally meet once a week to discuss the applications of the previous week (or month).

46. In contravention of Art. 58 of the law of 8/07/1976.

In anticipation of the effective assistance (a waiting term of 2 up to 6 weeks), it is possible to ask for an exceptional financial assistance, if the living conditions of the person concerned are too precarious. This type of financial assistance has to be requested explicitly, as it is often not suggested by the social assistant him/herself. This aid can be given in kind (food parcels, vouchers for social restaurants) or in cash (advance payment on the living allowance or installation premium), depending on the vulnerability of the person. However, there is no guarantee that this financial aid will be provided as long as the commission of the PSWC has not promulgated a decision about the application. If the person does not receive any assistance in this transition period, s/he has to try to survive on his/her own.

Note that, at that point, people with a refugee or subsidiary protection status, are often still occupied with their registration procedure in the community of their new address. In anticipation of the reception of the official identity cards, they mostly only possess the provisional identity documents

they received from the closed (or guarded) reception centre. Therefore, they cannot open a bank account, neither register at the Health Service Centre in order to receive reimbursements for the medical costs. It is important to highlight this inconvenience, since several social assistants considered the official identity documents as an extra stipulation before any assistance could be provided, even though this is illegal. For instance, the social assistants of the PSWC in Antwerp refused to transmit an application for assistance to the commission as long as the person concerned did not possess an “annex 15”.

“A Somali 81-year-old woman lived on the second floor of an apartment block in Antwerp. A police officer paid her a visit twice to control her place of residence, but she wasn’t able to open the door. Due to her bad health conditions, she had difficulties going down the stairs. When she arrived downstairs, the police officers had already left. Therefore, she received a negative police report. Due to this negative advice, the PSWC refused to give

her social assistance, even though the social assistant had attested her place of residence during her visit a couple of weeks earlier!”

Hanne, coach Caritas.

Legally speaking, the PSWC should control the place of residence of the person concerned through a social investigation and not rely on the administrative registration procedure of the municipality⁴⁷.

A refusal on the basis of administrative grounds (in case the house control is not yet conducted by the police officer or if the person concerned has no official place of residence yet) is illegal. With regard to the control of the place of residence, we clearly noted the difference between someone who resides unlawfully in Belgium (and who is not yet registered at an official address) and someone who resides here illegally (and is not allowed to reside in Belgium). The PSWC can only refuse to give

47. Art.60 §1 of the law of 8/07/1976 and Art. 19 §1 of the law of 26/05/2002.

medical emergency care to persons who reside illegally in Belgium⁴⁸. People who do legally reside in Belgium (even if they are not yet fully registered in the aliens register of the community), on the other hand, cannot be refused any medical assistance. The waiting term is often prolonged if the person does not have a bank account into which the PSWC can deposit the financial aid. In this case, the social aid will be paid in circular cheques or by means of a bank card that is issued in advance (into which account the specific amount of money will be deposited). Due to these complications, it can take some more days, or even weeks before the applicant has access to the social income.

“The main problem is the payment of the financial assistance of the PSWC. I’ve been waiting for 3 months before I received my identity card. Since I did not have a bank account, I had to wait for another two weeks before they could give me the money in circular cheques. After receiving those cheques, I went to the post office, but they refused to give me the money because I did not

possess an identity card. I had to ask the PSWC to give me a copy of the “annex 25” in order to receive my money from the post office.”

**Mahmoud, 31 years old,
Palestinian refugee living in 1000
Brussels.**

It is interesting to note that the language of the identity documents (“annex 25” and the decision of the CGRS) is crucial for the processing of the documents. For instance, a French speaking employee of PSWC in Brussels refused to provide assistance simply because she did not properly understand the decision that was written in Dutch. The letter of the decision, entitled “Allocation of the subsidiary protection status”, also explained the grounds for not receiving a protection status. Therefore, the social assistant thought that the person concerned had received a negative decision. Only after our service had explained the status, s/he received financial assistance. Such a miscommunication, due to a simple language problem, caused a delay of 10 days.

The waiting term for the provision of social assistance depends on the office competent for the beneficiary (size, staff, internal organisation, efficiency of the procedures etc.). Our field experiences demonstrated that the role of the social assistant can be crucial in the processing of the application. The commitment of the employee determines to a great extent the effective waiting period and access to social and financial aid. S/he can opt for a more personal service (including a tailor-made follow-up) or a very formal and administrative approach (only provide financial assistance). Of course, the type of approach is highly influenced by the working conditions and the internal policy of the different offices. Certain offices face a bigger work load (several social assistants are responsible for up to 180 files!), have limited working facilities (one PSWC did not have an internet connection and only one telephone for 5 social assistants), or are confronted with a very high work pressure (processing many new files even though the

48. Art.57 §2 of the law of 8/07/1976.

older ones have not yet been finished), etc. The below figure indicates that the waiting periods are remarkably shorter in small communities than in bigger cities.

Note that these figures are remarkably lower than in real life and not entirely representative since the follow-up of a coach generally speeds up the processing of an application. Moreover, the different prerequisites to receive social assistance also depend on the internal agreements of the different PSWCs, especially with regard to the installation premium. Some

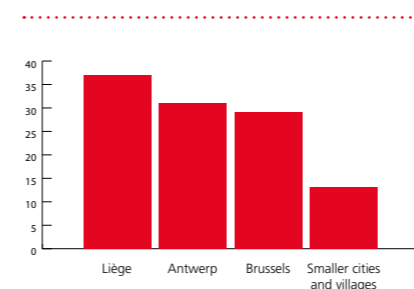


Figure 6: average waiting period prior to the provision of social assistance depending on the size of the cities

PSWCs (e.g. Sint-Gillis-Waas) do not grant an installation premium if the refugee presents two different invoices (of the purchased furniture) of two different shops, even though the amount of money does not exceed the installation premium. Other PSWCs (such as in Antwerp) initially pay half of the installation premium and only provide the other half when the person can demonstrate by means of an invoice that s/he actually spent the first half “wisely” (purchase of basic furniture) and if s/he can justify the need for other furniture. In Flanders, the person will always be requested to show invoices that attest the amount that is spent on furniture and installation costs. This is not the case in Brussels and Wallonia. In some cases, a social worker will schedule a second housing control during the month following the reception of the premium in order to verify what the beneficiary has purchased. Note that the PSWCs in Brussels and Wallonia often already grant an “exceptional emergency aid” to compensate for the living income and installation premium, which will be paid at the end of the month.

We observed that not all PSWCs provide the same kind of assistance. A PSWC in Antwerp refused (illegally) to give an installation premium to a Somali woman (beneficiary of the subsidiary protection status), only because she had a residence permit for only one year instead of five (refugee status). We also observed some inconsistencies with regard to furnished houses. Some PSWCs (such as in Liège) declared that the refugees (in this case an Iraqi) were not entitled to receive an installation premium because there was already furniture available in the house. Another PSWC (in Sint-Agatha-Berchem) refused to give a Guinea man an installation premium under the pretext that he ‘didn’t really need it’. Such situations indicate that it is often the benevolence and the individual interpretation of the concept of ‘installation premium’ that will determine whether the refugee is granted an installation premium or not.

Once the OCMW commission approved of the social assistance, the refugees can also lodge an application for other social provisions, apart from financial and medical

assistance. Such provisions include a social season ticket for public transport, reduction cheques for cultural events, also known as “article 27”, an application for the social tariff for gas and electricity, a financial allowance for language courses and legal equivalences of diplomas, a partial reimbursement for school costs, access to IT courses, etc. Yet, our field experiences indicated that very few social workers mentioned these provisions spontaneously. In many cases, the social worker did not mention the possibility of an installation premium. If we had not mentioned the possibility of an installation premium ourselves, many people would not have been aware of this possibility. Therefore, it is imperative to highlight that the social workers are legally obliged to mention the different available options and services. .

8

Request for an identity card and name change problems

Once the police report confirming the domicile address is sent to the community, this administration can register and issue the official identity documents (residence permit). In order to do so, the refugee must go to the municipality in the week or 10 days after the domicile control (conducted by a police officer). The municipality will make an appointment or notify the person that s/he has to wait until s/he receives an invitation letter. Note that some communities have very long waiting periods before an appointment can be made.

“It’s been a month now since I start living in this apartment without any furniture. I currently don’t have access to a bank account and it will take another 3 months to arrange everything. The registration in the community takes a long time: I have to wait 4 or 5 weeks before I can talk to someone or open a bank account.

At this moment, I only have a place to live and some money.”

Farid, 27 years, Afghanic refugee living in Antwerp.

The below figure illustrates how long it usually takes before a residence permit can be requested in the municipalities of the different cities/communities.

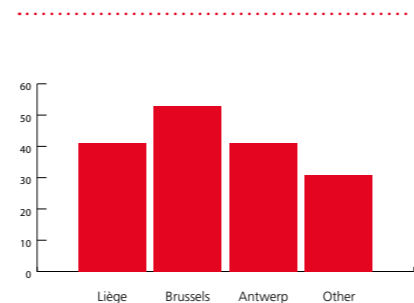


Figure 7: number of waiting days per city prior to an application for a residence permit

Refugees who were granted a protection status, will receive a letter 30 days after the CGRS enacted the positive decision. In this letter, they are requested to confirm (the spelling of) their official first name, last name, place/date of birth and signature. They also have to fill in the first and last name of their parents. On the basis of this information and the information that is already known by the CGRS, the identity (as well as the spelling) will be determined. Subsequently, the CGRS will issue three documents that are necessary for the application of the residence permit in the municipality: an attestation of birth, an attestation of identity and an official refugee attestation.

As long as the refugee does not possess these three official certificates issued by the CGRS, s/he cannot obtain an official residence permit. The total waiting period to receive these documents takes 6 up to 8 weeks. However, it can take even longer before the refugees effectively receive these certificates, in particular when Afghanic identity documents (written in taskara) have to be translated by the interpreters of

the CGRS. For instance, an Afghan family with four children had to wait four months before they could retrieve their documents from the CGRS due to this long translation process. Therefore, they could not apply for their residence permits, which slowed down their entire integration process.

Note that the CGRS cannot send the invitation letter if the refugee does not have a new domicile address within 30 days following the notification of the decision (which is almost impossible). In the best case scenario, this letter will be sent to the person's lawyer. If this appears to be impossible, the CGRS will wait until the person has an official domicile address.

In our opinion, it is also necessary to highlight that the CGRS is responsible for the identity that will be attributed to the refugee upon his arrival in Belgium. If the person is in possession of an international passport, the identification will be simplified and there will be less confusion about foreign names that are transcribed in Latin (in particular passports from China or Arabic countries). However, if the

person does not have any international identity documents, the CGRS will have to rely on national identity documents that indicate the person's identity (national ID card, certificate of marriage, etc.). Our field experiences demonstrated that the attribution of an identity raises substantial problems, especially regarding refugees from Iraq, Afghanistan and the Democratic Republic of the Congo (DRC). The Iraqi national identity documents (identity card and certificate of nationality) mention the identity in a very specific way: the first name, the last name, as well as the “family name” (i.e. the name referring to the kinship), which consists of the first and last name of the father and grandfather. When one can only present these national identity documents to the CGRS, the identity will be determined on the basis of the first and last name written on those documents.

If the person is married, s/he will be requested to present a marriage certificate. Iraqi marriage certificates usually contain the first name and the “family name” (complete name), without mentioning the last name of the person concerned. The

preference for the family name instead of the last name is based on ethnic grounds: a last name indicating a religious origin (shiite, sunni, christian or kurd) can evoke religious conflicts. By omitting the family name on civil acts (such as marriage certificates), interreligious conflicts can possibly be avoided. Another reason for the omission of the last name is possibly due to the negligence of certain clerks/civil servants of the commonalty who neglect to transcribe the last name. Whatever the explanation might be, there are many marriage certificates who do not mention a last name as such.

Due to this confusing situation, the CGRS decided to apply a hierarchical order to the different identity documents. If a marriage certificate is available (or a copy hereof), the CGRS will use the first name written on this document as the official “first name” and the kinship name (first name of the father and grandfather) as the “last name” to determine one’s Belgian identity. Therefore, some persons lose their original last name and are attributed a modified identity instead. This name change proved to be problematic for several persons who wanted

to be reunified with their family. As they were given a modified identity, their last name did no longer correspond with the name of their children, which led to serious worries. Their full name consisted of the first name and the kinship name, while the identity of their children was composed of the first name and “last name”. As a consequence, several family members can have completely different names due to a rather arbitrary name determination. Some parents feared that modification of their identity would impede the reunification process.

“The main problem is the name change. The modification of my name caused severe inconveniences. If one compares my ID card with my son’s, it seems as if we are not related. That is really hard to accept.”

Salim, 41 years, Iraqi refugee.

We noticed a similar problem with regard to Afghan couples who got married in their country of origin. CGRS considers an Afghan national identity card (taskara) as a document of greater official value than a

marriage certificate. Therefore, they rely on this document to determine one’s identity. The taskara mentions the maiden name, even if the woman is married. Since CGRS attaches more official value to an ID card than a marriage certificate, the woman will be recognized under her maiden’s name as last name instead of the name of her husband, which is written on the marriage certificate. In Afghanistan, however, preference is given to the husband’s name to determine the identity of married women. This is the official name of the woman in her country of origin. The people we followed had many difficulties with regard to the name change. According to their point of view, it seems as if they are not really married due to this difference in last name. We observed a second problem with regard to the date of birth of single and married persons. The date of birth is mentioned on the taskara according to the Persian calendar (which is used in Iran and Afghanistan), which is often interpreted differently by CGRS. Therefore, many Afghans have only a year of birth (e.g. 00.00.1970), instead of a complete date of birth. This different time chronology can cause extra administrative

complications, especially when the children have to be enrolled in a school and divided into different classes according to their age.

Many Congolese do not have a first name due to a change in the registration system under president Kabila. If they do not have a passport indicating their name, the CGRS will take the combination of their last name and “kinship name” as their identity, without mentioning the possible first name.

The below figure indicates the different files of which the name was changed by the CGRS (39%) per nationality.

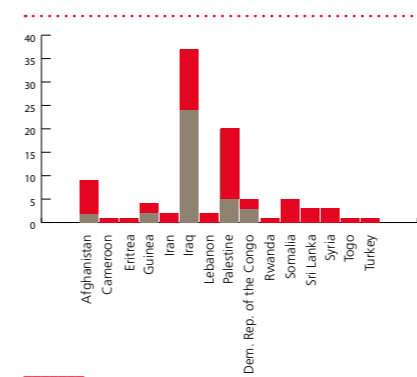


Figure 8: distribution of the percentage of the files per nationality of which the person’s identity has been changed

According to Art. 25 §2 of the Convention of Geneva of 1951, the government is responsible for the protection of refugees and should provide the necessary identity and travel documents that are normally issued by the national authorities, with respect for the identity of the persons. Name changes are illegal and constitute a serious violation of one’s rights, as protected by Art. 8 of the European Convention on Human Rights.

The CGRS is not responsible for the allocation of the identity of subsidiary protected people, as this commission refused to grant the refugee status. Therefore, the Registration and Administration Department of the AO is responsible for those beneficiaries. AO allows the municipality to register the person with a subsidiary protection status and to issue a residence permit of one year 30 days after the CGRS (or ALC) has enacted a decision.

The attributed identity is firstly determined by the CGRS on the basis of the documents the person can present during the asylum

procedure. If s/he possesses a valid passport, the name on this document will be considered as the official name of the person. Yet, if the person has not (no longer) any international identity document, the CGRS will take the national identity documents to determine the identity. After the decision, the AO will determine officially the identity (without any confirmation per mail neither a hierarchical order of the different possible identity documents).

If there are any doubts about the identity (due to an error in the transcription or the assignment of the name), the person should contact the AO immediately. In general, this name can no longer be modified, unless an international identity document is presented (a valid passport that indicates/proves the authenticity). It is possible to obtain other official identity documents when the person’s passport has been transferred from the embassy of the country of origin to Belgium. In case it concerns an error in the transcription or the translation of the national documents, it is also possible to correct this mistake by a

legalized translation (if the person is not in possession of a valid passport).

It is imperative to highlight this rather unknown mechanism to determine the identity of recognized refugees and subsidiary protected persons because a subjective name allocation can lead to administrative problems in a later phase of the integration process. Several people who were followed by one of our coaches clearly suffered from psychological problems (because they had to change their own name or could not have the same name as their children) and feared that a name modification could impede or delay their family reunification process. Since they no longer had the same last names as their family members, it was less evident to recognize the family ties. These concerns about the reunification do not stand alone. Next to the stress about the names and family reunification procedure, they face the constant fear of losing their family members or children who are still in need in dangerous conflict zones in the country of origin.

It is advisable to correct name mistakes before the first residence permit is requested in order to avoid future complications. Ideally, the data are verified during the first interview with the AO, or at a later time during the interview by the CGRS.

Recognized refugees and subsidiary protected persons have to present themselves in person to the municipality in order to request a residence permit (or “an evidence of registration in the aliens register”). They need to bring two or three passport photographs and about € 15 or € 35 per residence permit (the exact price depends on the community in which the person resides). However, it is often difficult to pay for these residence permits in this early stage of the integration procedure, especially with regard to (big) families. At this moment, they did not yet receive any social assistance of the PSWC and have to gather the money for these documents themselves.

Most communities issue the “annex 15” when the identity card is requested. The “annex 15”, which is valid during 45 days⁴⁹, replaces the “annex 25” and the fax in which the decision of the CGRS is described. Some communities do not provide this document immediately if the person does not explicitly request it. This document can be for free or cost up to €15. It is important to underline that (in accordance with the law) the refugee should receive this document during the first contact with the community, even before the house control⁵⁰. This annex enabled the person to register with the Health Service Centre. Yet, our field experiences indicated that very few people received this document right away. For all other administrative steps, they need an official identity card instead of only an annex 15.

49. The “annex 15” can be prolonged twice for a term of 45 days (Foreigners Legislation 37, p.18).

50. Art. 119 of the Royal Decree of 8/10/1981.

It is equally important to point out that the civil servants are not always fully informed and sometimes unaware of what documents should be given to which people. In three different communities (Sint-Gillis, Ixelles, Liège), 4 persons received an orange card (residence permit during the asylum procedure), while they already had all required documents to obtain an identity card.

9

The identity card: access to one's rights

It takes (maximally) one month before a **recognized refugee** receives the PIN code of his/her residence permit, which is necessary to register with the community and to obtain the residence permit. S/he will receive a permit valid for 5 years counting from the date on which s/he registered at the community. **Beneficiaries of the subsidiary protection** will receive a temporary residence permit that is valid

for one year only after the registration at the community. This card can be renewed every year. The temporary residence permit gives access to the following documents and assistance: the NHS (for which the waiting term between the application for and the reception of a SIS card (medical insurance card) takes 8 up to 10 weeks), the department responsible for social and family affairs (RKW in Belgium) in order to obtain child allowances (the application has to be processed within 3 months), a public transport season ticket at a reduction price (if an attestation of the PSWC is presented), access to language courses and a civic orientation course of the ‘Inburgering’ service (integration service), family reunification, subscription at temporary employment agencies (in Belgium: FOREM, ACTIRIS, VDAB), assistance with the application for housing at a social price and regional renting allowances (Adèle, Bruxelles Logement, Wonen Vlaanderen), the equivalence of certificates and professional qualifications, etc. .

10

Language courses and the « integration process»

Belgium consists of three separate territories with a different jurisdiction about the immigration policy. The autonomy of these three regions creates a different migration policy in Flanders, Brussels and Wallonia. The choice for a particular territory will influence the rights and duties of the integration process of recognized refugees and subsidiary protected people (e.g. language courses, orientation courses, social assistance).

Since 02/03/2008, Flanders aims to inform all newly arrived refugees upon their arrival by means of a specific public service, the so-called “Inburgering office”. This reception service offers recognized refugees and subsidiary protected people a commitment contract, that consists of three main parts: a Dutch language course, a civic orientation course and career advice. A “traject counsellor” proposes

a personalized integration trajet that is adapted to the professional level and the interests of the refugee. Such a contract is mandatory in the Flemish territory.

About 4 months after the arrival in Belgium and following the subscription in the municipality/community, people with a protection status are invited by mail to present themselves within 3 months in the nearest “reception office”. In practice, we recommend them to subscribe as quickly as possible, since most offices have long waiting lists for the language and orientation courses.

As for the Dutch language courses, the “House of Dutch” is in charge for the language courses and subdivision into different levels. This service is often located in the same building as the “Inburgering Office” (integration office). The candidate has to make a test to determine his/her level. On the basis of this test, the integration office will determine which language course is best adapted to the candidate’s level. The “House of Dutch” has a database in which all available places

are subdivided into different levels and regions, which is very useful in the search for courses. Since illiteracy courses are very popular among newly arrived refugees, they are mostly fully booked, especially in bigger cities (e.g. Antwerp). Some people have to wait over a year before they can start with their first course. The subscription in a language course is free for persons who signed an integration contract (also for refugees and subsidiary protected people). The assigned trajet counsellor will then monitor the integration process of the person. Next to the language course, a civic orientation course in the native language (6 weeks) of the person is also mandatory. This orientation course aims to make the person familiar with the general rules, history and organisation of Belgium.

We observed that, next to these two educational parts (Dutch course and civic orientation course), the reception services of the ‘Inburgering’ (Integration) often also voluntarily support the people in their integration process (e.g. assistance with the negotiation about the apartment, activities for the children, appointment with a

(specialised) doctor etc.). Since the contract is part of a mandatory political policy, people who do not meet their duties/obligations (as agreed upon in the contract) have to pay a fine of 50 up to 5000 euro. It is also imperative to highlight that the PSWC considers the registration with the “Reception Office” (so-called Onthaalbureau) and the “House of Dutch” is an absolute requisite for the PSWC to provide social assistance.

In the Walloon Region, there is no such obligatory integration contract for newly arrived refugees and subsidiary protected people. There are numerous organisations that offer French courses, but there is no instance that centralizes all available places and information. The newly arrived migrant him/herself has to try to find a place in an organisation where s/he can learn the language. Nevertheless, there are several social assistants of the PSWC who can give list of the available schools or organisations, but usually only when requested by the person him/herself and without any further follow-up. The person thus needs to find his/her way in

the maze of many different institutions offering illiteracy and language courses. The many different teaching methods, schedules and conditions of enrolment can be very different, which complicates the search for a course. Moreover, there are very few organisations offering an “integration course” or a course about the Belgian society. To our knowledge, there is no organisation offering such a course in the native language of refugees. We also observed that many French courses have long waiting lists since the demand generally exceeds supply. In general, most courses are rather cheap or sometimes even for free. If the person has difficulties paying for the course, the PSWC can often give financial assistance for this education. Due to the bilingual character of the Brussels Region, new inhabitants can choose which language they want to learn. In case they want to learn French, they have to find a French course themselves, as it is the case in Wallonia. In Brussels, however, there are several institutions that organize French and civic orientation courses. For instance, Convivium, a Brussels non-profit association that mainly focuses on the assistance to

refugees, organizes such courses. Yet, if the person decides to learn Dutch, they can try to find the different schools and language organisations themselves, or they can sign in to the “Brussels Onthaalbureau” (“bon vzw” or “Brussels reception centre”), of which the organisation is similar to that of the Reception Centre in Flanders. This reception centre centralizes all available information about the Dutch courses in Brussels, the available places, the conditions of enrollement, the waiting terms etc. Such centres also offer the possibility of an “integration contract” in which a personalized integration process is explained, as well as the civic orientation course that can be followed in different

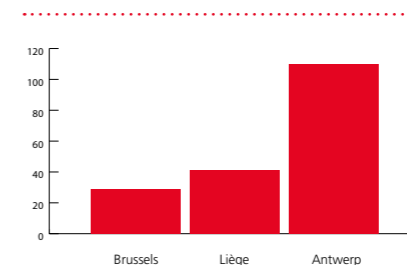


Figure 9: average waiting term before subscription for a language course per city

languages. The only substantial difference between the Flemish and Brussels contract is that the Brussels variant is not mandatory. Therefore, there will be no financial fee if the “undersigned” does not meet the agreements as described in the contract.

11

The education of the children

In Belgium, children are schoolable until the age of 18, regardless their (parents’) status. Every pupil has the right to enroll in the school of his/her choice after they have received the approval of the board of the school. We observed that refugees and subsidiary protected people often had to leave their country of origin in a hurry. Therefore, they generally did not have the time to collect the official certificates and attestations of their studies. For that reason, the child’s parents and school board will determine the education level of the children by mutual consent (in case an attestation cannot be presented). Especially with regard to children who do

not have French as their native language this consultation is highly recommended. An orientation test in French could give the impression that the children have a lower level than they actually have.

If possible, the children can enroll in a so-called “OKAN-class” (a class for minor newly arrived migrants) or in a regular class, but with an adapted curriculum that is similar to that of OKAN-classes. Such classes focus above all on the acquisition of the French or Dutch language. The goal hereof is to teach children the language during one year before they start to follow ‘regular’ courses. In this way, children speaking a different language are not automatically subdivided into classes of a lower education level due to their lack of knowledge of the language rather than their intelligence level. We also observed that several schools advise the parents to subscribe their children in a lower level out of convenience rather than a good assessment of the child’s level. In this way, they are pushed towards more technical or basic secondary school disciplines (in Belgium this is called TSO and BSO), while

they could actually also follow general secondary education (ASO). If the board of the school does not give advice on the basis of a proficiency test, this suggestion is a clear form of discrimination.

The “OKAN classes” are not available in all Belgian schools. They are mainly organised in bigger cities and in a number of cities in the Brussels Region close to the detention centres. In smaller cities, however, there are only a very limited number of such classes available. As aforementioned, schools without a specific programme for children with a different native language will therefore try to integrate the child in a normal class, but with an adapted curriculum. In this way, general courses are replaced by a higher number of (Dutch or French) language courses. In reality, we observed that many schools refused to register minor children of refugees under the pretext that the level of that school was not ‘adapted’ to foreigners or because those children did not ‘fit’ within the groups of pupils of that school. As a consequence, they send them to other ‘less privileged’ schools with a more multicultural

population, resulting in an even more obvious cultural and social fragmentation.

Our experiences in the field indicate that tailor-made assistance contributes to the successful integration in a school. Due to the support and advice of the Cell Integration of Caritas International, children of an Iraqi family could go to a catholic school in Verviers. A coach of Caritas International accompanied the family during their first appointment with the school. This assistance enabled the parents to explain the situation and to clarify their needs and rights. In this way, the children could be enrolled in this school. Until that moment, however, the school had never accepted any foreign children who did not speak the language. The children followed adapted courses during the first year with the help and support of the teachers and the board of the school. All three children (3rd, 4th and 6th grade) passed their exams and could subscribe for the next year. Such initiatives are only possible if a tailor-made assistance by a coach or reference person is provided.

Children of persons with a protection status often arrive in Belgium in the course of the academic year. Once the family is registered in the community, the children have the right to go to school. Since there is generally no specific service that can help them with this search for and inscription in a school, the parents need to contact the schools themselves, which quite often appears to be a difficult undertaking.

It is imperative to highlight that the reception centre of integration in Antwerp has developed a special service, i.e. “Integration -18”, which focuses on the subscription of minors in schools. This service centralizes all available places per grade for new pupils and the availabilities in the OKAN-classes in the different cities of the province of Antwerp. They also provide much-needed assistance in the search for schools for children with a physical or mental disability. We were repeatedly confronted with the complexities that people with minor disabled children encounter. First, the handicap of the child needs to be determined by a specialized doctor (neurologist or psychiatrist). Such

medial consultations need to be made 6 months beforehand in a hospital in big cities, such as Antwerp. Once the official medical diagnosis is determined by a doctor, the handicap also needs to be officially recognized by the Flemish Community. This recognition usually takes more than a year, which seriously slackens the entire procedure. What is more, before the children can actually start to follow the courses, they have to wait another couple of months due to the long waiting lists. During this long process, the parents need to take care of the children and cannot start off their own personal integration process since they are not able to follow language or civic orientation courses. This situation is also problematic for the child itself, since it cannot develop together with other children in a class that is suited to its own level. Therefore, it is important that the parents are aware of the possibility to receive extra financial support and assistance. They can receive a bigger amount of child allowances and a higher remuneration of the NHS for the medical costs. The procedure to request extra financial aid is simple and fast (after

a medical examination is conducted by a government physician) and does not require any official attestation of the Flemish Community, the so-called “VAPH ticket”.

12

The right to travel⁵¹

If refugees are in possession of an official passport upon their arrival in Belgium, they have to hand this document to the CGRS when they receive the three official attestations. Since they are internationally protected by the Belgian government, it is forbidden to keep their original identity documents (that indicate their national protection). If they want to travel in Belgium, they can ask for a specific travel document: the so-called “blue passport”. This document can be issued by the municipality if they present their national identity card and an attestation of the family composition to the passport office of the province in which they reside. This travel document costs 50 euro and remains valid during two years. Refugees can only travel if they possess such a blue passport, a Belgian identity card (and sometimes required visa). It is not allowed to return to one’s home country where the person is supposed to be unsafe. The CGRS can

revoke the identity documents if it is found out that the refugee has returned to the country of origin. Despite the protection by the Belgian government, subsidiary protected people remain dependent on their national government to obtain a passport. Therefore, they need to present a valid passport issued by their country of origin, as well as their residence permit and visa, if they want to travel outside the Belgian territory (even if it concerns a European destination). If they do not have a passport when they arrive in Belgium, they can lodge an application to their embassy. However, it appears very delicate for many people to go to the national representatives of their country of origin since they have fled their country out of fear for persecution. The situation is even more complex for people from Palestine, and more specially the Gaza Strip. Due to the complex political situation and subdivision of the territory between Hamas and Fatah it is very difficult for the previous inhabitants of Gaza to request and receive a new passport from their embassy.

“I had a passport that was valid until 2015, but I threw it away before my arrival in Belgium so that they would not send me back. If I now would apply for a new passport, the security service will know I’m in Belgium. I cannot take this risk.”

Mohammed, 37 years, Palestian beneficiary of the subsidiary protection.

It is imperative to focus on the importance of valid travel documents (blue passport and national identity card) and a residence permit if one wants to travel freely outside the Belgian borders. If refugees with international protection do not have the valid documents with them when crossing the border, they can be arrested and detained for several weeks. Identity documents issued by Belgium are not valid abroad if the refugee cannot present the valid travel document. In such case, the Belgian government will have to discuss the release of the person with the government

51. This subject is discussed in the next edition of “Vluchtschrift” (September 2011).

13

Family reunification

People in possession of an official residence permit (valid during 1 or 5 years), i.e. refugees or beneficiaries of the subsidiary protection, are entitled to reunify themselves with their spouse and children. The family first needs to apply for a visa to the Belgian diplomatic post that is competent for their country of origin. The family is often granted permission to lodge a visa application to another diplomatic post that is located closer to where the family lives, if there is no such diplomatic service in the country of origin itself.

By exception, i.e. on the basis of severe grounds (especially because of safety and health reasons) and if permission is granted by the Immigration Service, it is also possible to lodge a visa application to the Aliens Office in Brussels. Moreover, this permission can also be exceptionally granted, if it is impossible or dangerous for the family members to go to the

of the country in which s/he is detained, in presence of a lawyer. The same rules apply to the “transit period”, i.e. the weeks or months following the positive decision. During this period, the refugees only have an “annex 25”, i.e. the document that explains the decision of the CGVS and the granted status. Therefore, people who only have this document can be arrested and detained abroad. During the past two years, several people were detained at the Dutch border because they crossed the frontier without having the required identity and travel documents with them. It mainly concerned people who lived close to the German and Dutch borders (e.g. Maasmechelen, Liège, Antwerp) and who accidentally arrived on the territory of Belgium’s neighbouring countries. For instance, an Iraqi was once detained upon his arrival in the Netherlands after he had unintentionally taken a bus in the wrong direction. A short moment of inattentiveness can thus have serious consequences for refugees who do not have an international passport and travel documents.

diplomatic representation themselves. For instance, an Iraqi mother of four children of whom the spouse had been granted the refugee status very quickly upon his arrival, was granted such exceptional permission. This family lived in the South of Iraq in a remote region. Since the father had left for Belgium, they had to live in hiding out of fear for retaliation. As they did not possess any passports (and did not dare to lodge an application at the national authorities), they could not go to a neighbouring country to start the family reunification procedure (since there is no Belgian diplomatic representation in Iraq). By means of several letters on the basis of highly motivated grounds and an intensive follow-up by our integration service, Aliens Office granted permission to lodge a family reunification application in Brussels. In this way, the family did not have to make a dangerous journey towards the diplomatic representation in a neighbouring country of Iraq. However, such permission is exceptional and the father had to wait 6 months before he received an answer to his request.

A visa application requires several official documents (if needed, accompanied by a legalized translation confirmed by oath) in Belgium (a copy of the residence permit, evidence of the subscription in the NHS, copy of the renting contract etc.) as well in the country of origin (marriage certificate, certificate of birth, medical certificates, passports, etc.). Once the fully completed file is submitted to the authorized diplomatic post, the Aliens Office should issue the visa within a term of 9 months. In practice, however, we observe that the family reunification procedure is usually a very complex, time-consuming and expensive process. Next to the “visible and direct” costs, e.g. the price of the passports (usually 50 up to 100 euro per passport, depending on the country of origin), visa (50 up to 100 euro), airplane tickets, (400 up to 800 euro per ticket) and required legalized translations (25 up to 40 euro per page), there are several ‘indirect’ costs. In order to collect the necessary documents, one needs to go to the diplomatic post (which is often located at a distance of hundreds of kilometres), or, in case there is no diplomatic post in the country itself,

pay for the transportation costs towards a country where there is such a post. As aforementioned, this is the case in Iraq. The closest diplomatic post where Iraqis can lodge a visa application is located in Ammam (Jordan). Many families have to travel to this city and reside there for several days or weeks before they can obtain their visa. People in Guinea face the same kind of problems. If they want to be reunited with their family in Belgium, they have to go to Dakar (in Senegal) to lodge a visa application. Next to the transportation and accommodation costs, there are often extra costs, such as for DNA tests (required by the Aliens Office) when the original certificates of birth cannot be presented or when there are doubts regarding the originality of these documents. The price of such tests (between the parent residing in Belgium and the children in the country of origin) is about 200 euro per person. Moreover, when the family members arrive in Belgium, they will generally need a house that is bigger than the smaller flat or apartment the father/mother rented before. This different housing leads often to a much bigger cost as not only the rent, but also the guarantee

will rise substantially, even though the family member in Belgium still receives the living allowance of a single person.

Note that some organisations⁵² – under certain circumstances – can grant financial loans for the payment of airplane tickets or administrative costs for a family reunification. Nevertheless, it happens quite often that the people are not well informed regarding their family reunification rights. For instance, a social assistant of the PSWC Antwerp told an Iraqi refugee that it was obligatory to have a job before the family reunification could be started. Legally speaking, however, she could not require of him to have a job already. Another aspect that needs to be taken in mind is the constant fear the family member residing in Belgium experiences regarding the safety and living conditions of the family that is left behind. The family members in the country of origin often face serious threats and problems due to the escape of the father (or other family member).

52. Especially BCHV, Crédal, Convivium ivzw and Caritas International ivzw.

“I’m not always feeling at ease here. I’m thinking of my family members 24/7 since people are still dying in my village every day. A couple of days ago, they tried to kidnap my son, but luckily they did not succeed. My thoughts are always with them. I cannot eat. I cannot sleep. I cannot concentrate myself when I go to school. I went to see a doctor, cause I want this madness to stop. I can’t talk about it to anyone and these thoughts keep haunting me.”

Haider, 36 years, Iraqi recognized refugee.

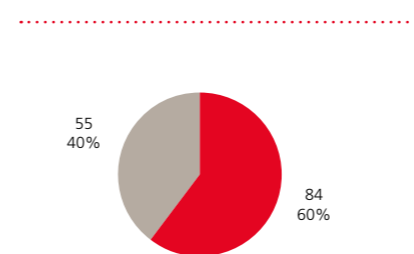


Figure 10: percentage of people started who started a family reunification procedure (light colour)

In May 2011, a new bill about the family reunification procedure was approved, in which new admission criteria were described (such as sufficient resources). This law will possibly influence negatively the approval of several family reunification files from August 2011 onwards.

14

Access to trainings and labour market

On the basis of their identity card, refugees have direct access to the labour market and temporary agencies (FOREM, VDAB or ACTIRIS). Job-seekers who are registered with such agencies, are also entitled to follow trainings. Beneficiaries of the subsidiary protection have the same rights as recognized refugees, but first need to have a “work permit card C”, issued by the Ministry of Labour, depending on the region where one lives (Flanders, Wallonia, Brussels). The work permit will be granted by the community in which

the person resides upon presentation of the residence permit and a fully completed form by the regional temporary agencies. This work permit is valid during one year (the residence term for beneficiaries of subsidiary protection) and can be used for all paid employees. If a beneficiary of subsidiary protection wants to be self-employed, s/he needs a professional card, issued by the economical department of the Belgian government (FOD Economie). The application for this card has to be submitted to the administration service of the community in which s/he resides.

On the basis of the experiences of the different people we followed, we concluded that the beneficiaries of subsidiary protection had substantial problems in finding a job. The reasons for these difficulties are the limited validity of the work permit (one year) and a poor communication of several temp agencies. It is interesting to note that the subscription in such an agency in Flanders is only possible if one has already a basic knowledge of Dutch, which is not the case in Wallonia or Brussels. Some PSWCs (e.g.

in Liège) ask the beneficiary to submit a certificate of enrollment and a copy of their work permit immediately upon their request for social assistance, even if they haven't started a French language course yet.

We observed that many young people initially wanted to continue their studies in Belgium, but were discouraged afterwards due to the long and complex procedure to find a university or college. In order to get access to higher education, their foreign diploma has to be officially recognized by the competent authorities of the language region in which they reside. This procedure is expensive (€124 + costs for a certified translation)⁵³ and usually takes several months. If explicitly requested, the PSWC can propose to pay for the costs. As aforementioned, many people have left their country in a hurry and could not retrieve their diploma. The loss of this document is problematic for students who want to start or continue their studies in Belgium. Next to the certified recognition of their degree, it is mandatory to do an academic language test before starting off the higher education studies. In addition,

the PSWC needs to grant them permission to keep receiving a social income during their entire studies. Therefore, the student needs to submit a motivated letter in which s/he elucidates his/her zeal and capabilities in order to keep receiving an allowance during the entire duration of the studies. In reality, however, we noticed that the social assistants often encourage the students to follow vocational studies (instead of university) or to start working right away. Many temp agencies orientate the (young) job-seekers with international protection towards practical-oriented trainings and bottleneck professions to ensure they would find a job as soon as possible.

53. See also publication of the Walloon agency for refugees CIRE "Guide pratique pour les équivalences de diplôme en Communauté française de Belgique - 2009", <http://www.cire.be/ressources/guides/guide-equivalence.pdf> and of Flemish agency for refugees "praktische gids 'studeren in het hoger onderwijs in Vlaanderen'" (2008): <http://www.vluchtelingenwerk.be/bestanden/publicaties/studeren-hogeren-onderwijs.pdf>.

"According to the PSWC, I am no longer allowed to study. They told me to find a job within a year. I wanted to study a Master in English, but the PSWC did not agree with me. They wanted me to study English only to find a job in the near future and not to develop my own plans and projects. In my country of origin, I had to work to pay the studies of my family and now they try to prevent me from studying again. But I'm gonna do everything to realise my plans."

**Ahmed, 29 years,
Afghan refugee from Antwerp.**

A young Syrian recognized refugee from Antwerp, who had studied IT in his home country, inquired a temp agency in Flanders about the possibilities of an advanced IT course. When he informed his social assistant of the PSWC about his plan, she refused to pay this training because IT is not a bottleneck sector and the impact of this training on employability would be rather small. In another PSWC in the same city, however, a young Iraqi woman did receive the permission of the PSWC to follow a specialized academic Dutch training and did not even have to pay for these rather expensive courses (€500). In this way, she could get access to the university where she wanted to study medicine. Two other persons, both qualified scientists, also received the permission to follow a training that was organised by a non profit organisation and the temp agency FOREM of Nivelles to train laboratory engineers. This pilot project aimed to provide an adequate training for Belgians with a degree in paramedics and foreigners of whom the scientific degree was not (yet) recognized in Belgium. After this training, the students were closely followed to make

sure they could contact companies of this bottleneck sector.

The below figure indicates the education level of the people we followed. .

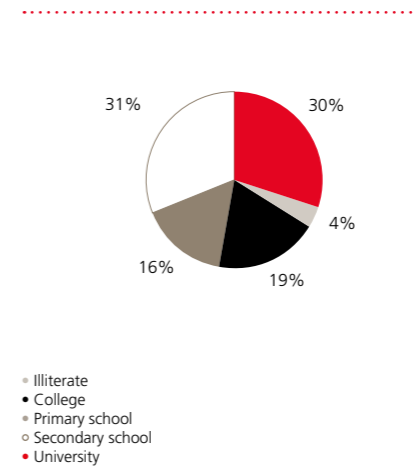


Figure 11: number of people per education level

15

Access to the nationality

Refugees can obtain the Belgian nationality in two ways: by naturalisation or by nationality declaration. One can apply for naturalisation directly to the House of Representatives. This procedure is a concessionary measure rather than a right. Naturalisation can be requested by everyone who is in possession of an unlimited residence permit (recognized refugees as well beneficiaries of the subsidiary protection who already reside uninterruptedly in Belgium for 5 years) and who legally lives in Belgium for at least 2 years (or 3 years for subsidiary protected people). The file must consist of the following documents: a fully completed standard form, a copy of the residence permit, an attestation of the family composition and a copy of the act of marriage (if it concerns a family).

The naturalisation commission will seek advice from the Aliens Office, the District

Court and the State Security. If one of those three advices appears to be negative, it is very improbable that the naturalisation will be granted. Besides, the waiting terms for the procession of the applications are very long and are determined by the agenda of the Chamber of Representatives for naturalisation. We observed that, in general, the term before the applicant will receive an answer to his/her request is at least two years.

The nationality declaration is a legal procedure that can be requested by those people who already have an unlimited residence permit and have Belgium as their legal main place of residence for at least 7 years. The following documents have to be submitted: a certificate of birth, an attestation of the family composition and an extract of the national register that confirms the uninterrupted and legal residence in Belgium during 7 years.

After the request is submitted, the public prosecutor of the Court of First Instance has to give advice within four months following the application. If one of the parents is granted the Belgian nationality,

this nationality also applies to their minor child(ren). If a person is granted the Belgian nationality, he loses the refugee status.

16

Remark: the language barrier

It is imperative to highlight the difficulties the language barrier entails during the different integration steps. The newly arrived refugees and beneficiaries of the subsidiary protection are not only left to fend for themselves, but also need to explain everything and lodge all applications in another language (in shops, schools, language courses, trainings, administration services, PSWCs etc.). Even if the person speaks a commonly used language (e.g. English), s/he will not always be allowed to explain him/herself in this language (e.g. the administration of the community) and will be requested to come back at a later time in the company of someone who does speak the official language of the community.

“In general, I don’t feel like a foreigner, as long as I don’t meet any racist people. It happens. When I went to the post office, they addressed me in French. I explained that I didn’t speak French in English, but they refused to help me. Some people understand that you aren’t proficient in French yet, while others treat you as if you’re inferior.”

Noora, 22 years,
Somali recognized refugee.



THE CELL INTEGRATION

1. Who's a "coach"?
2. The day of the release
3. "Intake"
4. During the transit period
5. Local integration: an intensive and tailor-made follow-up by a coach
6. Keep in touch: point of reference
7. A collective dimension

This second part explains the functioning and approach of the Cell Integration of Caritas International. The Cell intensively supported people who were granted their protection status at the national borders. The Cell was founded by means of two EVF projects. The first project was the creation of a specific reference person for refugees, accompanying the beneficiary towards a tailor-made integration pathway. This project revealed the most important needs and problems of the newly released refugees. The second project tried to focus on the direct material needs of the target group.

1

Who's a "coach"?

The **coach** is a contact person who supports and informs people with a protection status from the very start of his/her integration process in the Belgian society. The coach guides the refugees and beneficiaries of the subsidiary protection through the different stages of the social and practical integration process. The coach is present during all first appointments with the different agencies (PSWC, subscription in the municipality, reception centre 'Inburgering', House of Dutch etc.). S/he is a flexible reference person who can assist the target group by means of the necessary advice. The coach also gains insight into the rights and duties of a beneficiary of



international protection (which will be explained in detail during the “intake”) and develops a network consisting of several contact persons (administration, key contact persons of the CGRS, landlords, doctors, etc.). During the first six months following the release, the person will be assisted intensively. In this way, the coach can support the beneficiaries of international protection in their personal development (regarding professional, familial, cultural and sportive aspects) and integration in our society. This is a great advantage since it is easier to ask all information to one contact person instead of having to address many different institutions. This tailor-made guidance proved to be absolutely necessary to offer our vulnerable target group the necessary assistance and support (arrival, detention, communication problems etc.).

2

The day of the release

Once the social service of the TC127 (or return homes of the Aliens Office) has received a fax of the CGRS or ALC describing the positive reply to the asylum request of the inhabitant (or family), the Cell Integration will be notified of the release of the person or family. The social workers will send the fax, the “annex 25”, and briefly describe the social situation of the beneficiary of international protection. During this conversation, a coach will already check whether the person has family or friends who can provide accommodation during the transit period. If the person has a place to sleep, the coach will arrange an appointment for an intake the next day. If the person has no place to go to, the Cell will try to arrange an appointment the same day.

After the refugee has left the reception structure, s/he can ask for shelter to the dispatching cell of Fedasil. Recognized

refugees and beneficiaries of the subsidiary protection should then be attributed a place in a reception centre where they can stay for two months until they have found a house. In practice, however, we observed that not everyone is assigned a shelter. Therefore, we offer the people who do not have any place to stay (and who do not have any family or acquaintances who can accommodate them) a place to sleep in religious communities (individual room or apartment) or in youth hostels during their transit period. In the course of the EVF project, we could develop a network of reception centres to accommodate recognized refugees and beneficiaries of the subsidiary protection in case of emergency.

3

“Intake”

The “intake” is the first encounter between Caritas International and the refugee (possibly in the presence of an interpreter).



One of the “coaches” will explain the meaning of the protection status, as well as the rights and duties it implies. S/he elaborates on the different steps of the integration process and points out what the refugee should do immediately upon his/her release. The intake also offers the opportunity to verify the refugee’s identity and name spelling. If necessary, the CGRS or Aliens Office will be requested to change the name. If it concerns a beneficiary of the subsidiary protection, s/he will be informed about the possibility to lodge an appeal to the CCE and will be able to contact a lawyer to further discuss this option. If it concerns a recognized refugee, the CGRS will be requested to send the concerning notice that confirms the identity of the person to the Cell Integration if the refugee has not yet a permanent place of residence. The coach aims to reassure the person and ask the person about his situation, expectations and specific needs (medical, psychological, etc.).

4

During the transit period

During the transition period, the refugee or beneficiary of the subsidiary protection will be sheltered by the Cell Integration or friends. Depending on the city in which s/he resides and the local facilities, s/he will get access to a social grocery, a social restaurant or food packages. At that point, refugees have not yet requested social assistance to the PSWC. Therefore, the Cell Integration can provide financial assistance or pay for the medical costs if the people appear to be very vulnerable. The main problem during this transition period is the search for housing. The coach will try to contact several landlords to check whether there is appropriate housing available. S/he will also try to arrange an appointment to visit a house. A coach will accompany the person during this property visit. In this way, s/he can reassure the landlord and explain the protection status and rights of the person (especially regarding the right to financial assistance of the PSWC). This explanation

facilitates the communication between the landlord and the renter (if necessary, in the presence of an interpreter). The housing visit also offers the opportunity to control whether the house meets the minimum standards (which can be very different from the standards in the country of origin). Other questions that can be answered are: is the renting price commensurate with the quality of the house? Is the house truly habitable or does the landlord try to take advantage of the precarious situation of the potential tenant?

Since almost all landlords are very reluctant towards migrants receiving a living income from the PSWC, we propose that Caritas International will pay them the deposit (generally similar to two months rent) and the first month rent directly. We ensure the landlord that we will do our utmost to ensure that the beneficiary will receive a monthly income that is sufficient to pay the rent. The landlord can still refuse to rent his house to the beneficiary, but will probably be more inclined towards an agreement if s/he knows that the PSWC will directly pay the rent on his/her bank account than

when this is not the case.

Also notice that the deposit should always be paid on a blocked bank account. Even if the tenant has paid in cash, s/he will always have the right to require that this amount of money will be put on a blocked bank account. However, it regularly happens that the landlord refuses to accept this money on a blocked account and only wants to sign the contract if he receives the deposit in cash.

Our field experiences demonstrate that the presence and support of a coach during a property visit definitely helped to convince the landlord to rent his house to one of the people we assist. Thanks to this approach, we succeeded in our mission to find housing for all our clients.

5

Local integration: an intensive and tailor-made follow-up by a coach

Once the deposit and the first month rent are paid, we help the person to move to his/her new house (especially if it concerns a family with minor children). We rent them a “basic installation package” (including mattress, blanket, pillow, cooking-pot, frying pan, cutlery, a small table, chairs) to enable them to live in dignity in their new house as long as they have not received any financial assistance of the PSWC yet. On the day of the installation, we usually check the energy meters and make sure the name of the consumer is changed. We also briefly explain the general basic rules with regard to the neighbourhood and the recycling system.

Next to this practical assistance, the coach will also accompany the refugees to the PSWC, the community, the House of

Dutch” and the Integration Office. In this way, the refugee is motivated to learn the language and to start the different (administrative) steps of the integration process. If required, the coach can also help to find a school for the children and contact the board of the school. Once all administrative steps have been completed, the person (or family) can still be contacted, for instance in case of problems with the family reunification.

6

Keep in touch: point of reference

The tailor-made assistance will gradually decrease during the course of the integration process. The coach ensures that the person is installed, receives a monthly living income, has gathered all official identity documents and has started to follow language courses. Afterwards, s/he will become a first-line contact person who can be contacted when a refugee or beneficiary of the subsidiary protection has questions or needs help, but the follow-up will be less intensive.

7

A collective dimension

Next to the personal tailor-made follow-up, the Cell Integration also organizes collective activities to bring different refugees and beneficiaries of the subsidiary protection together. Every year, there are three information sessions in different languages to inform the target group about the Belgian recycling system and the use of electricity and gas. Next to these informative gatherings, there are also recreative activities (e.g. museum visit, city tour, daytrip to the Belgian coast or the zoo every four months etc.), which are always embraced with great enthusiasm. Such activities are good opportunities to meet new people or catch up with acquaintances who resided in the same detention centre, to share experiences with people experiencing the same problems, as well as to forget one's problems or isolation just for one day.

**TESTIMONIES**

The third part of this report presents several testimonies of refugees and beneficiaries of the subsidiary protection. We asked them to describe their feelings, the concept of integration and their future prospects.

“I finally start to feel as a human being again. I have new plans for the future and feel treated with dignity. I start to live again and feel as if I’m reborn. I know there’s a hopeful future awaiting me. I feel as if I can achieve what I’ve always dreamt of.”

Bilal, 21 years, Palestinian beneficiary of the subsidiary protection.

“Life’s good in Belgium. I finally have a feeling of safety, peace and stability. My kids will have a better future here. Yet, I don’t feel completely at ease yet. Belgium is my third country, since I already moved from Iraq to Syria before arriving here. I don’t have any family or acquaintances here. I feel lonely and isolated because I have no friends with whom I can speak or go out. My husband’s always studying and reading books. He’s always busy.”

Imane, 47 years, Iraqi recognized refugee.

“We already got to know some people here, but not that many. Since we do not speak the language fluently, most contacts are rather superficial. We ask them “how are you?”, but then we get stuck as we don’t know how to say other things in French. We have some friends in our neighbourhood and we try to speak with them in French or in sign language!”

Ali, 54 years, Iraqi recognized refugee.

“Since we got here, about a year ago, we’ve done a great many things for the children: registration in a school, participation in sport activities etc. Our life is stable now. I worry less than before, cause the children can go to school and life’s okay. My wife and I also go to school. Even though it’s not going as quickly as we would like, we keep making progress, step by step. In a year from now, we may have a normal life. We just need some more time to adapt ourselves. We need to speak the language to develop a normal social life and we still have to get to know many things. We need to learn the rules and start to develop a broader social network together with Belgian people.”

Ali, 54 years, Iraqi recognized refugee.

“It would be great if my children could study here at university. I want to find a job and use all the knowledge and expertise I gathered during my previous career. Belgium is our country now. We lost our previous country of origin. Therefore, I want to invest in this country and contribute to its development.”

Hamid, 45 years, Iraqi recognized refugee.

“The thing that hurts me the most is when people are staring at me as if I came here only to receive financial and material aid. Such people make me feel really bad. Luckily, I’m in a safe, democratic and peaceful country. This thought makes me truly happy.”

Tarek, 45 years, Palestinian recognized refugee.



“Integration means that you try to socialize with Belgian people and not only with people who speak the same language as yours. By communicating, discussing and exchanging ideas, you can really get to know your new country.”

Mohammed, 37 years, Palestinian beneficiary of the subsidiary protection.

“In my opinion, integration implies that you’re really part of society. You have to know your duties and rights and be aware of the traditions and the way of living. It also means that you communicate and get along with the people from your new country and that you can return them what they’ve given you.”

Issam, 21 years, Palestinian beneficiary of the subsidiary protection.

“When I got here, life was very difficult. I felt like a foreigner because our Palestinian society is not that individualistic. Belgium is beautiful. In the beginning, it was hard because I didn’t know where to go and how to get everywhere. Once I got to know some people and started to study, it was easier.”

Issam, 21 years, Palestinian beneficiary of the subsidiary protection.

“I don’t really feel at ease and I worry a lot. It’s not easy to only have a living income of the PSWC and it’s difficult to find a job. I often think of what the future will bring, but I’m afraid. I’m afraid of what might happen.”

Issam, 21 years, Palestinian beneficiary of the subsidiary protection.

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

This report aimed to discuss the different aspects of the integration process of asylum seekers who were granted their protection status at the national border, on the basis of the field experiences of the Cell Integration during the last two years. We noticed that refugees are generally left to fend for themselves. They do not have any access to their transit residence and experience many difficulties to obtain financial or material aid as long as they have not found a house. They need to find out all administrative procedures themselves, which appears to be a true obstacle course with many difficulties to overcome.

In spite of their substantial number, very little is known about the reality and specific problems of people detained at the border. By elucidating their specific needs and problems, we noticed several judicial “voids” on different levels.

First and foremost, we want to draw attention to the systematic detention of all asylum seekers at the national borders (by the Aliens Office). This detention is, in accordance with the legislation, not obligatory, but neither forbidden: the Aliens Office “can” detain them⁵⁴. As we explained earlier, this mechanism is mainly based on financial grounds (the airline company has to pay for the repatriation if the asylum seeker has not yet officially entered the territory) and on reasons of efficiency (if no asylum is granted, it is easier to find the person and bring him to the airport).

Before the amendment of 1980, however, asylum seekers were only detained for the duration of the admissibility examination. If it was found that the asylum request could possibly receive a positive decision, the asylum seeker was released and could stay in a regular reception centre during the

asylum procedure. Yet, the new legislation forced the CGRS to take a decision about the asylum requests within a term of 15 days. Therefore, the asylum seekers have very little time to collect all necessary identity documents that can help them to obtain a positive protection status. This short processing term can have serious consequences for the approval or refusal of the asylum application. Moreover, due to this short term, it is often impossible to meet a lawyer before the interview takes place. Even during the interrogation, there is not always a guarantee that a lawyer will be present.

54. Art. 74/5§1 2° of the law of 15/12/1980 allows that the refugee is detained in a detention centre during the entire asylum procedure.



Once the refugees have left the reception centre, their complex integration journey starts off. From then onwards they have to survive without any assistance of a social service. They do not only have to meet their basic needs (place to sleep, medical care, food, transport, etc.), but also have to find housing, despite all uncertainties and prejudices their refugee status entails. As aforementioned, the person needs to pay a deposit and first month rent, even though they have not received a living income at that moment. The refugee is thus the victim of the amendment of 1980. Due to this amendment, the clear distinction between the different responsibilities became less outspoken, especially with regard to the PSWCs of the communities in which the detention centres of Fedasil and the Aliens Office are located. Fedasil is not directly responsible for the acknowledged refugees and the beneficiaries of the subsidiary protection, but should ideally support them during their integration process during the transit period.

The first problem we generally encounter with regard to the administrative complexities is the name change. The CGRS can change the name of acknowledged refugees if they cannot present an original passport attesting the right spelling of their name. The CGRS relies on internal agreements and a rather random determination system. These name changes can cause substantial psychological and administrative problems, especially for families with children who are not allowed to have the same last name as their parents. Such administrative problems slow down the entire integration procedure since one cannot apply for an identity card when his/her name is not yet officially recognized. Our experiences in the field demonstrated that it often concerns miscommunications, confusions, misinterpretations, a language problem or a clear ignorance problem (or incompetence) of certain employees. This lack of knowledge leads to serious problems for the refugees and their families (refusal of social assistance, issuing of wrong residence permits, fear of eviction etc.). Finally, our experiences in the field showed that the subsidiary protection status is

incomplete, especially regarding the freedom to travel. Several refugees did not want to apply for a passport in the embassy of their home country, out of fear of being punished or persecuted. What is more, some Iraqis and Palestinians coming from the Gaza Strip could not submit an application to their authorities, simply because there is no Iraqi or Palestinian embassy in Belgium. Due to such problems, they could not leave Belgium for five years. Therefore, we recommend that people who were granted subsidiary protection receive the same kind of protection as recognized refugees. This protection includes not only the official residence permits, but also a blue passport (or an equivalent) to travel.

This report also elucidated the organisation of the Cell Integration and why the people who were granted a protection status at the national borders need an individual and tailor-made assistance during the first stages of their integration process. By offering them a decent place to sleep, financial assistance for the medical costs and material support, our service managed to fill the judicial void that refugees

experience during the transition period. The Cell Integration thus assumed responsibility for the reception of refugees, while this should be done by the Belgian government.

The three coaches of the Cell Integration could create an overall picture of the common problems during the transit period, thanks to their presence and expertise in different cities all over Belgium. They now have developed a social map of the different bodies and agencies that can be contacted. They also developed a new form of social support: the coach.

However, despite this social support, we also pointed out that the integration of the newly arrived refugee is a long and gradual process, which, in our opinion, is not finished when the refugee starts to work or contributes to the Belgian society. Integration is rather a constant mutual dynamic between both the recognized refugee or beneficiary of the subsidiary protection and the society to which s/he belongs.

RECOMMENDATIONS

We think that the rights and duties of refugees and beneficiaries of the subsidiary protection would be better respected, if the below recommendations are taken into consideration.

Asylum procedure

No systematic detention at the national borders

The law does not allow that asylum seekers are detained systematically at the national borders (or any other reception centre working under the same terms and conditions). The asylum seekers are deprived from their liberty during this accelerated, but stressful period. This period often causes psychological problems (stress for interviews, lack of legal advice) and appears often to be too short to gather all necessary documents.

Advice and follow-up by a lawyer

More than 30% of all refugees we supported did not receive any assistance of a lawyer during the asylum procedure.

It is however absolutely necessary to fully inform the refugee and to provide legal assistance prior to interview by the CGRS. This is an official right that needs to be respected. In this way, s/he can better prepare himself for the possible questions and better motivate the reasons for the asylum application.

Leaving the closed detention centres or return homes

Need of a clear agency that can be contacted by all released refugees

When asylum seekers are granted a protection status (both recognized refugee and subsidiary protection status), they will be released within 4 hours after the decision is sent to the detention centre. Most of them end up on the street, without a place to sleep, food or medical care. The available homeless shelters (to which they are often denied access) are not fit for such vulnerable people. Therefore, we think it is necessary that the newly released refugees should be able to stay in a reception centre for beneficiaries of a protection

status during at least two months upon their release. This temporary shelter would enable them to search for a house and to get acquainted with the Belgian society.

Individual support in the search for housing

Finding a house is one of the biggest challenges for newly arrived refugees, since they generally do not speak the language yet and have not the least knowledge of the general norms and customs in Belgium. Therefore, they need to be assisted in this search and become aware of the rights their protection status implies. This support can be done proactively, i.e. we already check whether there is a place to sleep prior to the intake. We also try to arrange a house visit or to negotiate with the homeowners.

Sensibilization of landlords

Our target group encounters many problems in the search for a house (discrimination, racism, the fact that they receive a living income from the PSWC, lack of knowledge about the refugee status,

etc.), hence we consider it important to sensitize landlords and make them aware of the rights of refugees (e.g. the payment of the deposit and first month rent by Caritas, the direct payment of the PSWC to the homeowner, etc.). In this way, we can reassure the landlords and create a more positive image of refugees who receive a living income from the PSWC.

Administrative procedures

A. THE PSWCs

Within 30 days following the decision of the CGRS or ALC, the refugees have to register with the PSWC of their community to apply for financial assistance.

Some PSWCs declare that the asylum procedure has not yet been entirely finished as long as the decision is not entirely 'definite' (i.e. 30 days after the decision). Therefore, they are of the opinion that that the refugees and beneficiaries of the subsidiary protection should first register at the PSWC in the community in which they

resided during the asylum procedure. Such interpretations lead to absurd situations, as the beneficiaries need to go to another PSWC (which is often very far away) to register themselves, even though the decision would become definite a couple of days later.

Respecting legal delays regarding the provision of social assistance

Legally speaking, the PSWC has 30 days to decide upon the application. In reality, however, this term is not always respected. What is more, the approval of the application does not imply that the applicant has immediate access to the financial assistance (e.g. no bank account). We therefore suggest that the PSWC provides an "emergency assistance" (material or financial aid) to vulnerable people without sufficient financial means.

Informing the social workers regarding the rights of refugees and beneficiaries of the subsidiary protection

Refugees and beneficiaries of the subsidiary protection are vulnerable people who have mostly gone through severe traumas

(war, persecution, distress etc.). The social workers of the PSWC should definitely bear in mind the consequences of this difficult past when assisting the beneficiaries. If it is desired, they should mention the possibility of psychological support or make an appointment with specialized medical services.

Social workers should inform the refugee spontaneously about his/her rights and possibilities

Social workers should inform the refugee as good as possible regarding his/her rights. We now observe that not all refugees receive a full financial support, simply because they did not explicitly ask for it themselves (installation premium, social season pass at a lower price, financial assistance for energy and school costs, etc.).

Social assistants' request for interpreting services

The employees of the PSWC often ask the beneficiary to bring along a friend or acquaintance who can serve as an interpreter. Yet, this is often difficult or even impossible for people who just arrived in Belgium and have not yet developed a social network. Therefore, we want to highlight the existence of free interpreting services with very competent interpreters who can be reached by phone and who speak a variety of different languages.

Cash payment of the rental guarantee in certain cases

In certain regions, such as Brussels, the landlords demand that the guarantee is deposited on a private bank account (instead of a blocked bank account, as provided by the law). Therefore, it would be advantageous if the PSWC agreed upon depositing the money on a private instead of a blocked bank account.

B. REGISTRATION WITH THE MUNICIPALITY:

Issuing residence permits within a certain waiting period

In some municipalities, refugees have to wait more than two months before a residence permit can be requested. Due to this long waiting period, they cannot have access to their other rights (such as a bank account, child allowances etc.).

Annex 15 upon address change

The annex 15 is a required document when one wants to subscribe in the NHS. In principle, this document should be issued simultaneously with the "model 2 form" (the document attesting the address change). Yet, in reality, we observed that many municipalities provide this document only after a couple of months, when the official identity card is issued.

C. CGRS:

Clear rules for name changes

The CGRS can change the name of refugees if they do not (or no longer)

possess an original passport. The CGRS relies on internal agreements to determine the person's name. These name changes can cause substantial psychological and administrative problems, especially for families of which the different family members are not allowed to have the same last name.

Free movement of the beneficiaries of the subsidiary protection

Travel documents for beneficiaries of the subsidiary protection

Several people do not dare to apply for a passport in the embassy of their home country, since they have sought asylum in another country (often out of fear for persecutions or conflicts in their home country). Other people are not afraid of their authorities, but simply have no embassy at their disposal in Belgium. This problem is quite frequent in the case of Palestinians coming from the Gaza Strip and Iraqis who can only apply for a

passport at the Iraqi embassy in Paris. As a consequence, many beneficiaries of the subsidiary protection cannot leave Belgium for five years before they can apply for a travel document.

Integration

Importance of Dutch/French language courses

It is indispensable to have a certain knowledge of French or Dutch (depending on the region) to fully integrate in the Belgian society. Therefore, we want to highlight the importance of assisting refugees in the search for language courses that fit their needs and level.

A centre centralising all available places for French language courses

It is really hard to find an agency/institution in Wallonia and Brussels that offers language courses, especially for people who are not yet familiar with the Belgian education facilities. In general, refugees have to find a language course themselves, which complicates their language learning.

Therefore, we think it is necessary to have one centralising body that centralises all different language courses and availabilities.

Availability of the courses and adaptation of the learning methods

In several cities, refugees first have to subscribe on long waiting lists before they can start to follow classes. Newcomers often have to wait for a year if they want to enrol for a Dutch elementary course (basic level). Therefore, we plead for more practical-oriented language courses that are adapted to the level of foreigners. It is especially interesting if they can follow courses all year long without having to wait several months before they can move to the next level.

Sports and sociocultural activities to stimulate the interaction with the Belgian society

Another factor impeding the integration of newly arrived refugees is the social isolation. We therefore plead for formal and recreative gatherings and encounters by means of sociocultural and sports activities. In this way, we try to relieve the loniless

several people experience and stimulate them to get to know each other and the entire Belgian society.

Social assistance method

Coach as first-line contact person during the first two years

It is necessary that recognized refugees and beneficiaries of the subsidiary protection can appeal to someone (a coach) from the very beginning of their integration process onwards. In this way, the coach can advise them during the administrative process (especially during the first half year) and remain an important reference person during the following year. In this way, they can gradually become more self-reliant, but still ask questions to a person they trust.

The coach can make use of a network of different contacts and rely on a broad expertise and profound experience in the field. In this way, s/he is aware of the rights and duties of refugees and will better understand their situation.

Collective activities

A personal assistance is ideally combined with informal group activities (information sessions on the use of energy and recycling) and cultural and recreative daytrips (e.g. museum visit, daytrip to the Belgian coast etc.). These activities are good opportunities to bring people who faced the same kind of problems together and to make them forget their problems for one day. In this way, they can create a social network and a positive synergy.



APPENDICES

LEXICON

CGRS: Commissariat-General for Refugees and Stateless Persons

CAD: Council for Aliens Disputes

AO: Aliens Office

PSWC: Public Social Welfare Centre

Fedasil: Federal agency for the reception of asylum seekers

MENA: unaccompanied minors

ERF: European Refugee Fund

ALC: Aliens Litigation Council

EURODAC: European registration system to control the entrance of asylum seekers on the basis of their fingerprints

TC 127: transit centre 127

TC 127 bis: repatriation centre 127 bis

COO: Centre for Observation and Orientation

NHS: National Health Service, obliged in Belgium

RKW: Service for Social and Family Affairs

FOREM: Job placement service Wallonia

ACTIRIS: Job placement service Brussels

VDAB: Job placement Flanders

BCHV: Belgian Commission for Refugees Support

BIM: bénéficiaires de l'intervention Majorée (beneficiaries of higher financial assistance)

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<http://eur-lex.europa.eu>

www.inburgering.be

www.zonderopvang.be

USEFUL ADDRESSES:

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Liefdadigheidsstraat 43
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0473/78.19.42

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(Airport Brussels National)
Luchthavengebouw
1930 Zaventem
02/709.66.66
02/709.67.15

CGRS
Service documents
Boulevard Albert Ier, 26
1000 Bruxelles
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02/205.51.42

Aliens Office
Bureau Renregistrement
et administration
World Trade
Center, tower II
Chaussée d'Anvers 59B
1000 Bruxelles
02/793.90 80 (->86)

Aliens Office
Cel FITT (identificatie en
Terugkeer van Gezinnen)
World Trade
Center, tower II
Chaussée d'Anvers 59B
1000 Brussel
02/793.82.89

Fedasil
Service Dispatching
WTC II,
Chaussée d'Anvers 59B
(1^e verdiep)
1000 Brussel
02/793.82.40

Sociaal Vertaalbureau van
Brussel Onthaal v.z.w.
(Interpreting services)
Cellebroersstraat 16
1000 Brussel
02/511.27.15

Babel, Vlaamse
Tolkentelefoon (Flemish
Interpretation Service)
Vooruitgangstraat 323/3
1030 Brussel
02/208.06.11

Service de Traduction et
d'Interprétariat en milieu
Social (SeTIS Wallon)
(Social Interpretation
Service in Wallonia)
Place Xavier Neujean, 19 B
4000 Liège
04/220.01.25

Equivalence of diplomas:

CIRE
Service d'aide à
l'obtention de
l'équivalence des
diplômes étrangers
Rue du Vivier 80-82
1050 Bruxelles
02/629.77.22

Vluchtelingenwerk
Vlaanderen
Helpdesk
studiebegeleiding
Gaucheretstraat 164
1030 Brussel
02/274 00 20

Blue Passports:**If resident of:
Province of Brussels:**

Passport service
Koloniënstraat 56
1000 Brussel
02/507.99.11

Province of Liège:

Bureau des passeports,
Centre Nagelmaekers
Place Cathédrale 16
4000 Liège
04/220.60.12 ou 13

Province Antwerpen:

Passport service
Jan Van Rijswijkkiaan 28
2018 Antwerpen
03/240.64.38

For other provinces:

"U bent als vluchteling
erkend in België, Uw
rechten en uw plichten",
CGVS, augustus 2011.
(http://www.cgra.be/nl/binaries/2011-08-11_Brochure_Erkende-Vluchtelingen_NL_tcm127-17193.pdf)

Family reunifications:

Caritas International
Sociale Dienst
Brabantia
Liefdadigheidsstraat 43
1210 Brussel
02/229.36.11

Belgisch Comité
voor Hulp aan
Vluchtelingen (BCHV)
Defacqzstraat 1,
(bus 10)
1000 Brussel
02/537.82.20

Red Cross Flanders
Tracing Service
Motstraat 40
2800 Mechelen
015/44.35.22



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