

# **You are eligible for subsidiary protection in Belgium**

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YOUR RIGHTS AND OBLIGATIONS

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More information about the CGRS in general and on the asylum procedure in particular is available at [www.cgrs.be](http://www.cgrs.be).

Updated: April 2011

**This brochure is also available in Dutch and French.**

# **You are eligible for subsidiary protection in Belgium**

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YOUR RIGHTS AND OBLIGATIONS



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## YOU ARE ELIGIBLE FOR SUBSIDIARY PROTECTION IN BELGIUM WHAT ARE YOUR RIGHTS AND OBLIGATIONS?

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You have been granted subsidiary protection status. It gives you many rights, but also entails some obligations.

You will doubtless be asking yourself what the future holds in store for you as a “protected person” in Belgium. In the following pages you will find a lot of information that I trust will answer your questions. If in doubt, please contact the departments mentioned below.

This brochure gives basic information only. It is impossible to go into every detail and aspect. If you experience any difficulties with regard to your rights and obligations, please consult a lawyer, a legal service or one of the services mentioned in the annexe to the brochure. You can also contact your municipality for questions about how to acquire Belgian nationality and identity documents, or the Centre public d’action sociale (CPAS) [Public Social Welfare Centre] in your municipality for questions about social issues (integration, etc.) or income support. The Immigration Office can advise you about visas, residence permits and family reunification.

The Office of the Commissioner-General for Refugees and Stateless Persons is also available to deal with your questions, in so far as it is able to do so.

I hope that your integration into Belgian society is as smooth as possible.

Dirk Van den Bulck

Commissioner-General for Refugees and Stateless Persons

## 1. RIGHT OF RESIDENCE IN BELGIUM

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The Office of the Commissioner-General for Refugees and Stateless Persons (CGRS) has granted you subsidiary protection status. Initially, this status enables you to reside in Belgium for a limited period of time. You must take this decision to the administration in the municipality where you live.

1. The administration in the municipality where you live will provide you with a residence permit ("certificate of registration in the register of foreign nationals", also called 'CIRE') valid for one year. This can be extended and renewed. If you are given an "electronic identity card", this is called an "A card".
2. You will be authorised to stay in Belgium for an unlimited period of time after five years, counting from the date on which your application for asylum was lodged. You will then receive a "type B electronic identity card".

There is an important difference between residence for a limited duration and residence for an unlimited duration in terms of exercising certain rights and for your status as a "protected person".

## 2. WORKING IN BELGIUM

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### Employee with a contract of employment

You must apply for a work permit before you can work in Belgium during the period in which you have limited residence status (the first five years). You need a " type C work permit ", which is valid for a limited period and for all salaried occupations.

- If you reside in Flanders, you can obtain a " type C work permit " by applying at the provincial migration department. You can check the following web site: <http://www.werk.be/>
- If you live in Wallonia, you must sign an application for a " type C work permit ". You can get the form from the FOREM. Complete and sign it and then return it to the appropriate FOREM for the municipality where you live. When applying, you must provide various documents, including a request for information signed by the bourgmestre (mayor) of the municipality where you live. You can find further information on the following web site: [http://emploi.wallonie.be/THEMES/PERMIS\\_TRAVAIL/Travailleurs\\_Etrangers.htm](http://emploi.wallonie.be/THEMES/PERMIS_TRAVAIL/Travailleurs_Etrangers.htm)
- If you live in Brussels, the procedure is the same, but you should apply to the Ministry of the Brussels-Capital Region, Administration of the economy and employment, Department of employment policy and the mixed economy - Work permit unit (rue du Progrès 80/1, 1035 Brussels). [http://portail.irisnet.be/fr/citoyens/home/travailler/travailler\\_comme\\_ressortissant\\_etranger/permis\\_de\\_travail/permis\\_c.shtml](http://portail.irisnet.be/fr/citoyens/home/travailler/travailler_comme_ressortissant_etranger/permis_de_travail/permis_c.shtml)

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The permit will be issued through the administration of the municipality where you live.

If you have unlimited residence, you do not need this work permit.

### Self employed

If you want to work as a self employed person (trader, agent for a company), you need a "carte professionnelle" (professional card) for as long as you have limited residence; this will be provided by the business authorisation department of the SPF Économie (Federal Public Service Economy). You should apply to the administration in the municipality where you live.

You can obtain information about your rights and obligations in relation to your work (health insurance, child benefit, etc.) from a social services department, the CPAS [Public Social Welfare Centre] in your municipality or from a trade union.

These organisations can also provide information about "income support" (unemployment benefit, etc.) if you are out of work.

### 3. RESPECTING BELGIAN LAW

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Belgian law will apply to most aspects of your life in Belgium. However, certain laws of your country of origin (laws of the country whose nationality you have) remain in force, particularly those concerning your “ personal status ” (majority, conditions for the validity of a marriage contracted in Belgium, etc.).

## 4. TRAVELLING ABROAD

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You have the right to travel abroad if you are eligible for subsidiary protection status. Nevertheless, you must have a **valid passport** and the **visas** required for the countries you wish to visit. If you do not have a passport and you cannot obtain one from your consulate or embassy, the Federal Public Service (SPF) Foreign Affairs, will only be able to provide you with a "foreigner's passport" from the date on which you receive authorisation for unlimited residence in Belgium. You should apply to the provincial administration where you live (See annexe 3).

A passport is essential, even for travel to a European country. You should always obtain information from the diplomatic missions of the countries you want to visit before travelling.

**Note :** If you travel to your country of origin, you run the risk of affecting your protected person status! Travelling to your country of origin could signify that the circumstances which permitted subsidiary protection to be granted no longer exist or that they contradict the declarations which enabled this protection to be granted (see "End of subsidiary protection" below).

## 5. CAN THE OFFICE OF THE CGRS HELP YOU TO OBTAIN DOCUMENTS PROVING YOUR CIVIL STATUS?

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No. The law dealing with subsidiary protection does not give the Office of the Commissioner-General for Refugees and Stateless Persons competence to supply documents proving civil status (birth certificate, marriage certificate, etc.). A " notarisated certificate " may replace a birth certificate for certain procedures (marriage, naturalisation). You can obtain a notarisated certificate from a 'juge de paix' (magistrate) in your place of residence.

## 6. YOUR CHILDREN

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Your children who arrived at the same time as you are eligible for subsidiary protection status if you requested this during the procedure.

(Children must be entered on the annexe 25 or 26 that the Immigration Office provided you with when you made your request for asylum.)

Your children who were born in Belgium after you were granted subsidiary protection status must be entered by the municipality in the register of foreign nationals, provided you present their birth certificates.

Children who arrived in Belgium after you were granted subsidiary protection status must be declared to the:

**Immigration Department:**

WTC II

Chaussée d'Anvers, 59B

1000 BRUSSELS

to lodge an application for asylum.

## 7. FAMILY REUNIFICATION

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Certain members of your family may be eligible for a Belgian residence permit if they fulfil certain conditions. The members of your family concerned (spouse, children under the age of 18 and single persons) should apply to the Belgian diplomatic mission of the country they are in. These applications are processed by the Immigration Office, visa department, of the 'Service public fédéral l'Intérieur'. You must provide evidence of having adequate accommodation and health insurance for yourself and the members of your family.

Once you have been accepted for residence in Belgium for a limited period (the first five years from lodging your application for asylum), those members of your family who may be eligible for family reunification will receive a residence permit whose validity will be for the same length of time as your own residence permit.

Once you have been accepted for residence in Belgium for an unlimited period, those members of your family who may be eligible for family reunification will be granted residence for three years initially, and then for an unlimited period.

Social services may assist with the steps you need to take in order to bring a member of your family who is still in your country of origin and also give you further information on the procedures you need to follow (see annexe 2: List of social services).

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Note that the Red Cross offers a tracing service, which will make every effort to find your relatives if you have no information about them. You can find the addresses of the Red Cross in the annexe (" Croix-Rouge de Belgique" and " Rode Kruis Vlaanderen ").

The Immigration Office web site ([www.dofi.fgov.be](http://www.dofi.fgov.be)) also contains information about family reunification.

## 8. HOW DO YOU BECOME BELGIAN?

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There are various procedures. The two most common ways of becoming Belgian are by naturalisation and by declaration of nationality. We recommend you begin this procedure only after you have been granted residence for an unlimited period.

### Naturalisation

Conditions:

1. You must be at least 18 years old;
2. You must be resident<sup>1</sup> in Belgium legally for at least three years.

Procedure:

1. Ask your municipality for a naturalisation application form.
2. Fill it in and send it:

- either to your municipality
- or to:

**the Chambre des Représentants**

Naturalisation Department

Rue de Louvain, 48

B-1000 BRUSSELS

You should attach:

- An extract from the registers of the population or of foreign nationals proving that you have had your main residence in Belgium continuously for 3 years;

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<sup>1</sup> Legally resident means the situation of a foreign national granted residence to stay for more than three months in Belgium or to settle there.

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- A double-sided photocopy of your residence permit (white card, yellow card) ; you must ask your municipality to certify that the photocopy is a “ true copy ”.

### Declaration of nationality

You must be legally resident in Belgium for 7 years to become Belgian by declaration of nationality. This procedure is also possible under other conditions.

Being married to a Belgian does not automatically give a foreign spouse Belgian nationality. You can also acquire Belgian nationality by “ declaration ” through marriage to a Belgian after three years living together (or 6 months in certain cases).

- Your municipality can give you information about these procedures.
- The registrar of the magistrates court where you live can give you information about drawing up a notarised certificate, which replaces the birth certificate.

When you become Belgian, any children under the age of 18 over whom you have parental control also become Belgian.

## 9. THE END OF SUBSIDIARY PROTECTION

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Subsidiary protection status is granted when certain circumstances allow this status to be granted. The Commissioner-General for Refugees and Stateless Persons is authorised by law to **revoke** this protection if the circumstances which allowed it to be granted have changed for the better in your country of origin. The competent minister may then issue an order to leave the country if the decision to revoke the status is decided within **5 years** of your request for subsidiary protection status.

The Commissioner-General for Refugees and Stateless Persons is also authorised to **withdraw** subsidiary protection if this has been granted on the basis of false declarations, false documents, or facts which have been altered or concealed. In this case, the competent minister may also issue an order to leave the country within 10 years following your request for subsidiary protection status.

The Immigration Office may also ask the Commissioner-General for Refugees and Stateless Persons to withdraw or revoke subsidiary protection status.

You will be informed if one of these procedures is being considered.

# Annexe 1

## ANNEXE 1: BELGIAN AUTHORITIES

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

WTC II

Boulevard du Roi Albert II, 26 A

1000 BRUSSELS

T 02 205 51 11

F 02 205 51 15

[www.cgra.be](http://www.cgra.be)

### **Immigration Department**

WTC II

Chaussée d'Anvers, 59 B

1000 BRUSSELS

T 02 793 95 00

**Helpdesk** (visas, residence permits, family reunification):

T 02 793 80 00

F 02 274 66 91

[www.dofi.fgov.be](http://www.dofi.fgov.be)

[www.ibz.fgov.be](http://www.ibz.fgov.be)

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**Council for Immigrant Litigation (CIL)**

Laurentide

Rue Gaucheret, 92-94

1030 BRUSSELS

T 02 791 60 00

F 02 791 62 26

[www.rvv-cce.be](http://www.rvv-cce.be)

**Federal Public Service (SPF)****Foreign Affairs, Foreign Trade and Development Cooperation**

Rue des Petits Carmes, 15

1000 BRUSSELS

T 02 501 81 11

[www.diplomatie.be](http://www.diplomatie.be)

[www.dgcd.be](http://www.dgcd.be)

# Annexe 2

## ANNEXE 2: SOCIAL SERVICES

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### Brussels-Capital region

#### **Belgian Red Cross**

Rue de Stalle, 96

1180 UCCLE

T 02 371 31 58 or 02 371 31 63

F 02 371 31 45

#### **Caritas International**

Rue de la Charité, 43

1210 BRUSSELS

T 02 229 36 11

F 02 229 36 25

#### **Social services - socialist solidarity**

Rue de Parme, 28

1060 BRUSSELS

T 02 537 95 45

#### **Protestant Social Centre**

Rue Cans, 12

1050 BRUSSELS

T 02 512 80 80

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## Flanders

### **Rode Kruis Vlaanderen (Flanders Red Cross)**

Motstraat 40  
2800 MECHELEN  
T 015 44 35 22  
F 015 44 36 19

### **Protestant Social Centre**

Lange Stuivenbergstraat 54-56  
2060 ANTWERP  
T 03 325 34 05

### **CAW De Mutsaard**

Maurits Sabbelaan 57  
2020 ANTWERP  
T 03 247 88 20

### **CAW Leuven**

Diestsesteenweg 42  
3010 LEUVEN  
T 016 46 49 61

### **CAW Waasland**

Prins Albertstraat 35  
9100 SINT-NIKLAAS  
T 03 776 82 71

### **CAW Transithuis**

Oude Houtlei 124  
9000 GENT  
T 09 267 85 10

### **CAW De Viersprong**

Spinolarei 10 A  
8000 BRUGGE  
T 050 44 37 78 (72)

### **CAW Sonar**

Ursulinenstraat 7  
3800 SINT-TRUIDEN  
T 011 68 86 00

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## Wallonia

### **Social services ‘aumônerie des étrangers’**

Rue des Anglais, 33  
4000 LIÈGE  
T 04 223 39 10  
F 04 221 16 09

### **Social services for foreign nationals**

Rue Lambert-le-Bègue, 8  
4020 LIÈGE  
T 04 223 58 89

### **Help for displaced persons**

Rue Jean d’Outremeuse, 93  
4020 LIÈGE  
T 04 343 14 44

### **Help for displaced persons**

Rue Père Damien, 14  
7090 BRAINE-LE-COMTE  
T 067 55 59 67

### **Namur-Luxembourg immigrants centre**

Rue du Beffroi, 15  
5000 NAMUR  
T 081 22 42 86

### **Namur-Luxembourg immigrants centre**

Rue du Vicinal, 7  
6800 LIBRAMONT  
T 061 29 25 18

### **Immigrant reception and support**

Rue Léon Bernus, 35  
5000 CHARLEROI  
T 071 31 33 70

# Annexe 3

## ANNEXE 3: PROVINCIAL ADMINISTRATIONS

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### **Brussels-Capital region**

Passport office,  
Rue des Colonies 56  
1000 BRUSSELS  
Monday to Friday: 9:00 am - 11:45 am  
T 02 507 99 11  
F 02 507 99 21

### **Province of Limbourg (Limburg)**

Passport office,  
Universiteitslaan 1  
3500 HASSELT  
By appointment made by telephone,  
T 011 23 80 05  
F 011 23 80 09

### **Province of Brabant flamand (Vlaams-Brabant)**

Passport office,  
Provincieplein 1  
3010 LEUVEN  
Monday and Friday: 10:00 am - 1:00 pm  
Wednesday: 10:00 am - 12:00 pm  
and between 1:00 pm - 3:00 pm  
T 016 26 71 30 or 016 26 27 28  
F 016 26 78 17

### **Province of Flandre Occidentale (West-Vlaanderen)**

Passport office,  
FAC Kamgebouw  
K. Albert I-laan 1/5 box 6  
8200 BRUGGE  
Monday to Friday: 9:00 am - 11:45 am,  
afternoons by appointment  
T 050 30 16 11  
F 050 30 16 00

### **Province of Anvers (Antwerp)**

Passport office,  
Jan Van Rijswijcklaan 28  
2018 ANTWERP  
Monday to Friday: 8:30 am - 12:00 pm  
T 03 240 64 38  
F 03 240 64 79

### **Province of Flandre Orientale (Oost- Vlaanderen)**

Passport office,  
Kalandeberg 1  
9000 GENT  
Monday to Friday: 9:00 am - 12:00 pm  
T 09 267 88 10  
F 09 267 88 19

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**Province of Brabant wallon**

Passport office,  
Chaussée de Bruxelles, 61  
1300 WAVRE  
Monday to Friday: 9:00 am - 12:00 pm  
and between 2:00 pm - 16:00 pm  
T 010 23 67 20  
F 010 23 67 30

**Province of Hainaut**

Passport office,  
Rue Verte, 13  
7000 MONS  
Tuesday and Thursday: 9:00 am - 12:00 pm  
T 065 39 64 75  
F 065 84 87 32

**Province of Liège**

Passport office,  
Centre Nagelmaekers Place Cathédrale,  
16 4000 LIÈGE  
Monday to Friday: 10:00 am - 12:00 pm  
and between 2:00 pm - 16:00 pm  
T 04 220 60 12 or 04 220 60 00  
F 04 220 60 20

**Province of Namur**

Passport office,  
Place Saint-Aubin, 2  
5000 NAMUR  
Monday to Friday: 8:45 am - 11:45 am  
T 081 25 68 64  
F 081 25 68 96

**Province of Luxembourg**

Passport office,  
Place Léopold I, 1st floor  
6700 ARLON  
Monday to Friday: 2:00 pm - 4:00 pm  
or by appointment  
T 063 23 10 74  
F 063 21 99 09

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## MEMO

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**COMMISSIONER GENERAL FOR REFUGEES AND STATELESS PERSONS**

WTC II  
Boulevard du Roi Albert II, 26 A  
1000 BRUSSELS  
T 02 205 51 11  
F 02 205 51 15  
[cgrs.info@ibz.fgov.be](mailto:cgrs.info@ibz.fgov.be)  
[www.cgrs.be](http://www.cgrs.be)