

The background of the entire page is a photograph showing the backs of several people's heads and shoulders. They appear to be sitting in a room, possibly a waiting area or a meeting, looking towards the front. The lighting is soft and natural, suggesting an indoor setting with windows.

# 2010 Annual Report

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OFFICE OF THE COMMISSIONER GENERAL FOR REFUGEES AND STATELESS PERSONS

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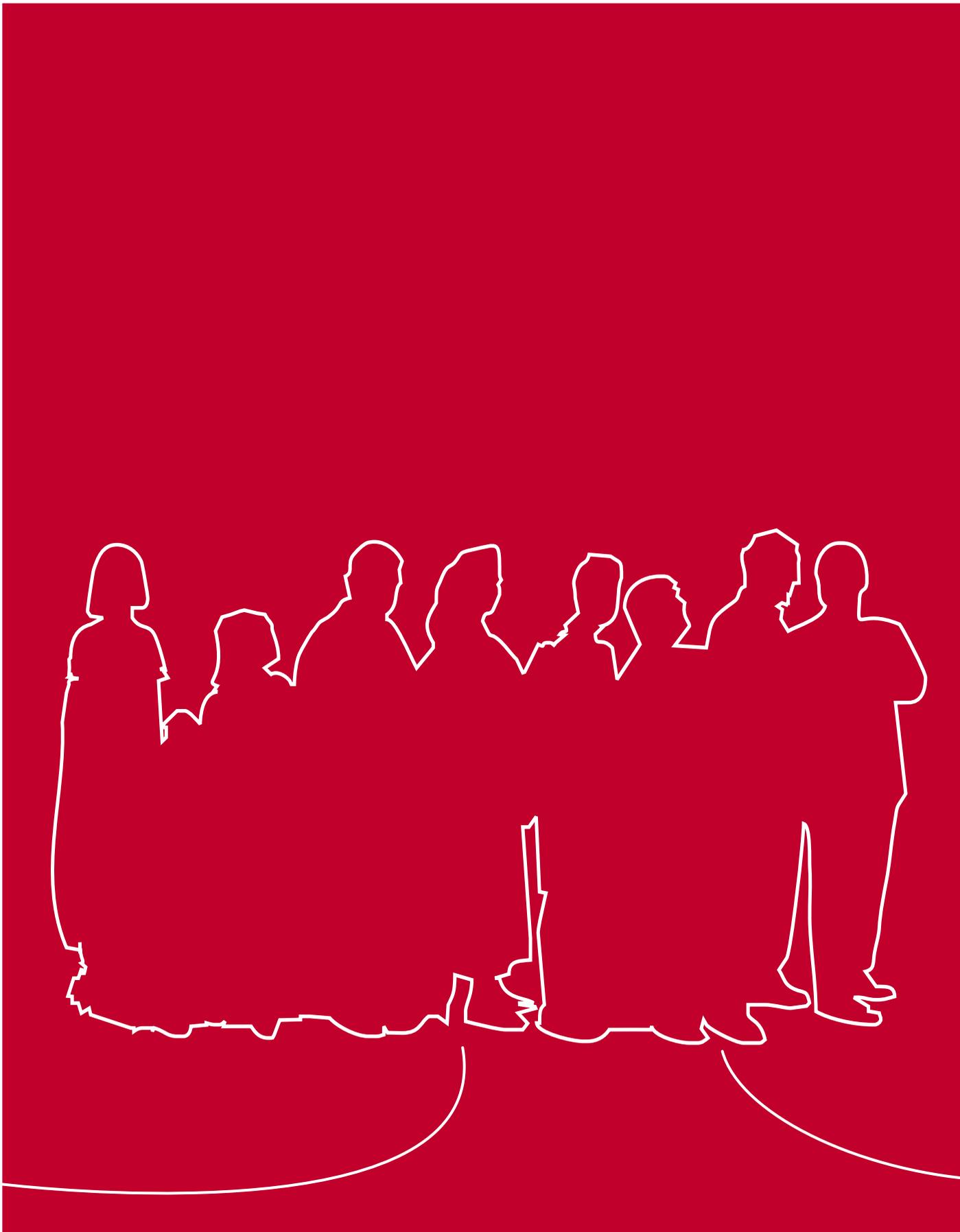
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# 1 Asylum figures

## 1. ASYLUM TRENDS

### 1.1. BELGIUM

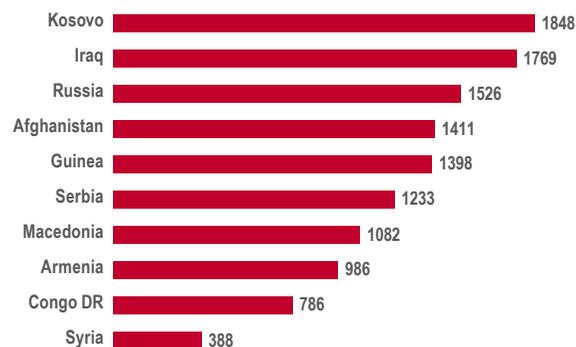
For the third consecutive year, there has been an increase in the number of asylum applications in Belgium: 19,941 applications were registered in 2010, i.e. a monthly average slightly above 1,600 and an increase of 16% compared to 2009 (17,186 applications). This increase was particularly marked in the last four months of the year: between 1 September and 31 December, 8,086 applications were registered (40% of the year's total). The year's total for 2008 was only 12,252, but the number of applications in 2010 was still far below the record high of 42,691 registered in 2000.

A high number of asylum seekers came from countries such as Afghanistan and Iraq, where the security situation is very problematic, but also from countries where the social and economic situation is probably the main push factor, such as Armenia and several Balkan countries. In 2010 there was a particularly large influx of asylum seekers from Kosovo, the Former Yugoslav Republic of Macedonia and Serbia. For nationals of the latter two, the lifting of visa requirements was an important factor.

For some countries such as Armenia, Serbia and the Former Yugoslav Republic of Macedonia, the CGRS set up special actions as part of a comprehensive approach to reduce the influx. Asylum applications from nationals of those countries were processed in a very short time. In addition, the Immigration Department prioritized applications for a residence permit on other grounds (e.g. regularization for medical reasons). The Immigration Department also monitored the return of rejected asylum seekers and organized information campaigns in the country of origin. These special actions have led to a decrease in the number of asylum

#### Top 10 countries of origin for asylum seekers in 2010

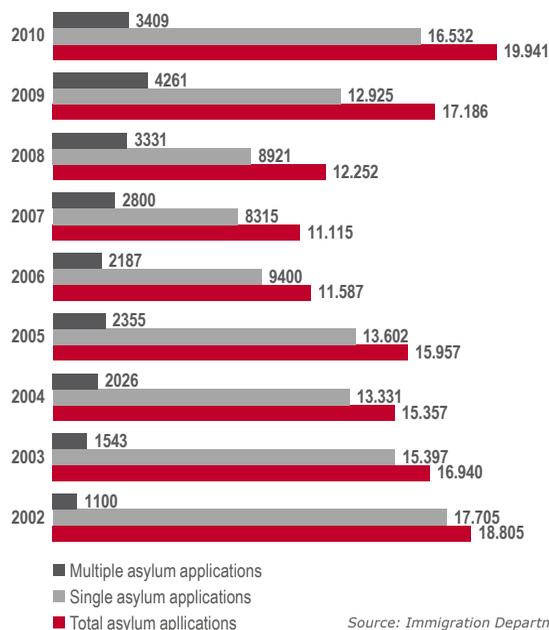
Total: 19.941



Other countries : 7514

Source: Immigration Department

#### Number of first asylum applications and multiple applications per year (2002-2010)



Source: Immigration Department

applications from the countries concerned. But for Serbia and the Former Yugoslav Republic of Macedonia, a new increase has been noted in the second semester of 2010. This comprehensive approach should thus be maintained and reinforced.

In 2010 17% of the total number of asylum applications in Belgium were multiple applications. A multiple application is an application from an asylum seeker who already received a final decision in Belgium in the framework of a previous asylum application. In Belgium, there is no legal limit to the number of asylum applications a foreign national can successively submit.

If a multiple application contains new elements the CGRS will examine it. If not, the Immigration Department will decide not to take it into consideration (annex 13quater).

In some cases a multiple application is justified, for instance when new evidence is presented in support of the existence of a well-founded fear of persecution or a real risk of serious harm. But in many cases the new application is submitted for the sole purpose of receiving a place in a reception centre or for regularizing one's residence status. Access to reception facilities has therefore been restricted for persons who have already submitted 3 or more asylum applications.

## 1.2. EUROPE

According to figures released by Eurostat, the number of persons (to be distinguished from the number of files) who have applied for asylum in one of the 27 EU member states has decreased by 3% in 2010 (259,080 persons against 266,395 in 2009).

In Belgium however an increase of 16% has been registered: 26,560 asylum seekers against 22,955 in 2009. Other member states experienced an even bigger increase compared to 2009: Luxemburg (+62%), Germany (+47%), Denmark (+35%) and Sweden (+31%). In other member states the number of asylum seekers has decreased considerably: Malta (-93%), Italy (-43%), Greece (-35%) and the United Kingdom (-25%).

In terms of proportionality towards the population Belgium also experienced an increase in 2010, with 2,410 asylum seekers per million inhabitants, nearly 5 times the European average of 515 asylum seekers per million inhabitants.

The EU member states that have registered in absolute figures, the largest number of asylum seekers in 2010 were France (51,595), Germany (48,590), Sweden (31,940), Belgium (26,560) and the United Kingdom (23,745). These 5 countries accounted for 70% of all asylum applications submitted in the EU in 2010.

With regard to the main countries of origin of asylum seekers in Europe some surprising developments need to be mentioned. Compared to 2009 the number of asylum seekers from the Former Yugoslav Republic of Macedonia (+712%) and Serbia (+225%) has increased dramatically. Among the main countries of origin the strongest decrease was noted for Georgia (-35%), Nigeria (-35%), Somalia (-25%), Armenia (-20%) and Iraq (16%). The increase in the number of asylum seekers from the Former Yugoslav Republic of Macedonia and Serbia also affected Belgium, with respectively +523% and +192%. The general trend however towards a decrease was observed for Armenian nationals only (-11%), but not for Iraqi nationals (+22%).

In absolute figures the main countries of origin for persons who applied for asylum in one of the EU member states in 2010 were Afghanistan (20,580), Russia (18,500), Serbia (17,715), Iraq (15,800) and Somalia (14,350). Except for Serbia, this top 5 is the same as in 2009.

Source: Eurostat database

## 2. DECISIONS

The Immigration Department registered 19,941 asylum applications in 2010, out of which 14,268 were transferred to the CGRS, the Immigration Department had decision power for the other kinds of applications: Dublin Regulation (annexes 25/26quater), multiple applications without a new element (annex 13quater), renunciations, ...

In 2010 the CGRS took a decision in some 13,170 asylum applications (submitted in 2010 or earlier). Thanks to extra personnel and improved efficiency the CGRS increased the number of its decisions by 46% during the last 4 months of 2010, compared to the same period in 2009.

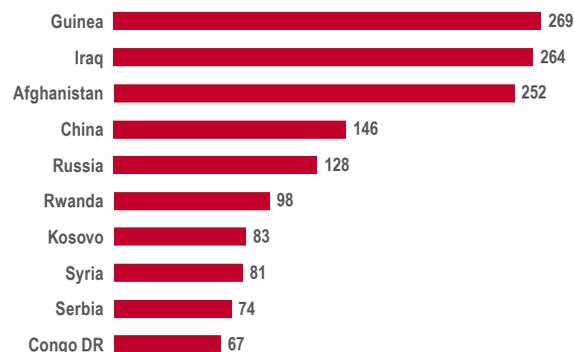
To grant protection to persons who fear persecution or run a real risk of serious harm if they were to return to their country of origin is still the CGRS's core mission. 21.4% of all decisions taken by the CGRS in 2010 were positive decisions, granting international protection in the form of either refugee status (16%) or subsidiary protection status (5.4%). This percentage is lower than in 2009 (25.97%), which is due to the fact that applications from nationals of some countries with a very low recognition rate were processed as a priority in 2010, as part of a series of special actions targeted at these countries.

In 2010 2,107 asylum seekers were recognized as a refugee in Belgium. If you include their children under 18 this amounts to 2,740 persons. Subsidiary protection was granted in 711 files, corresponding to 809 persons, when including children under 18.

In absolute figures more decisions to grant either refugee status (2,107) or subsidiary protection status (711) were taken in 2010 than in 2009 (1,889 and 418 decisions respectively).

### Recognition of refugee status: top 10 countries of origin

Total: 2,107

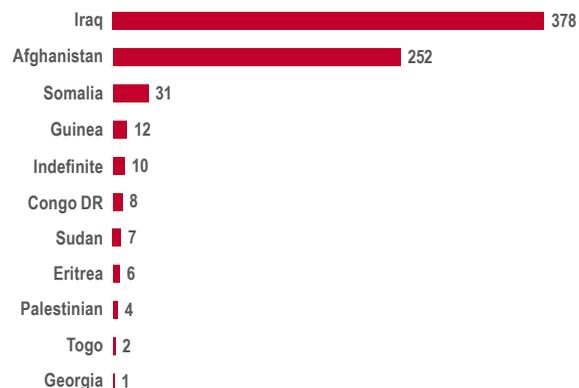


Other countries : 645

Refugees recognized in 2010 mainly came from Guinea, Iraq, Afghanistan, China (mainly Tibet) and the Russian Federation (mainly the North Caucasus).

### Subsidiary protection: top 10 countries of origin

Total: 711



Asylum seekers who were granted subsidiary protection in 2010 mainly came from Iraq, Afghanistan and Somalia.

The CGRS examines every asylum application individually and in detail. If the asylum seeker's statements about his identity or the problems he puts forward are found to be unconvincing, then the application will be rejected by

the CGRS. This will also be the case when the reasons for fleeing one's country do not fall under the Geneva Refugee Convention or under the definition of subsidiary protection. 78.6% of decisions taken in 2010 by the CGRS were negative decisions (including a small number of 'other' decisions). An appeal can still be lodged before the Council for alien law litigation against such a decision.

The Geneva Refugee Convention lists a certain number of cases in which a status is not granted even if the asylum seeker meets the conditions of the refugee definition. These cases are defined in article 1F, which lists the so-called 'exclusion clauses'. These clauses apply for instance when the asylum seeker has committed crimes against humanity in his country of origin. Likewise the Belgian Aliens Act (the Act of 15 December 1980 relating to access to the territory, residence, establishment and removal of foreigners) defines a certain number of grounds based on which an asylum seeker can be excluded from subsidiary protection. These grounds are almost identical to the ones stated in the Geneva Refugee Convention. In 2010 the CGRS took 16 decisions to exclude an asylum seeker from both refugee status and subsidiary protection status. In 9 other cases the asylum seeker was excluded from refugee status and subsidiary protection status was refused to him. Finally in 8 cases the applicant was refused refugee status and excluded from subsidiary protection status.

The Geneva Refugee Convention also defines cases in which refugee status ceases to apply (article 1C), whereas cessation of subsidiary protection status is defined in article 55/5 of the Aliens Act. Cessation of a refugee status may be decided by the CGRS if a recognized refugee has voluntarily returned to his country of origin or if the conditions in his country have changed to such an extent that international protection is no longer necessary. In 2010 there have been 7 cases of cessation of refugee status and 1 case of cessation of subsidiary protection status.

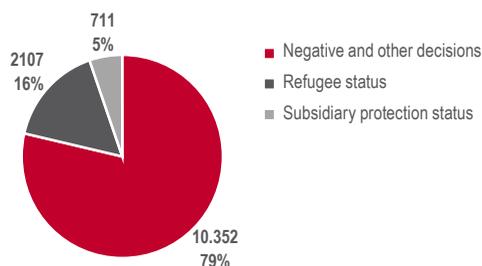
Under the Aliens Act refugee status and subsidiary protection status can be withdrawn (article 57/6) when facts have been deliberately altered or withheld, when false statements have been made or when false or forged documents that were decisive in granting refugee status or subsidiary protection status, have been presented. International pro-

tection status can also be withdrawn when the foreigner shows through his personal behaviour that he no longer fears persecution or risks serious harm in his country of origin. Before deciding to withdraw international protection, the CGRS invites the person concerned to explain his situation. In 2010 refugee status was withdrawn in 21 cases and subsidiary protection status in 1 case.

CGRS decisions in 2010	Total	%
Recognition of refugee status	2107	16,0%
Granting of subsidiary protection status	711	5,3%
Refusal of refugee status and of subsidiary protection status	8996	68,3%
Refusal to take an asylum application into consideration (EU nationals)	156	1,2%
Technical refusal	601	4,5%
Exclusion from refugee status and from subsidiary protection status	16	0,1%
Exclusion from refugee status and refusal to grant subsidiary protection status	9	0,1%
Refusal of refugee status and exclusion from subsidiary protection status	8	0,1%
Cessation of refugee status	7	0,1%
Cessation of subsidiary protection status	1	0,0%
Withdrawal of refugee status	21	0,2%
Withdrawal of subsidiary protection status	1	0,0%
Renunciation (closing - IOM departure)	402	3,1%
Groundless (regularization under art. 55)	116	0,9%
Groundless (naturalization or death)	18	0,1%
<b>Total</b>	<b>13.170</b>	<b>100%</b>

### Decisions

Total: 13,170



### 3. EU NATIONALS

A total of 256 EU nationals applied for asylum in Belgium in 2010. All of them, with a few exceptions, came from Central or Eastern European countries: Bulgaria, Romania, Slovakia, Hungary and Poland. Most were members of the Roma minority.

142 applications by EU nationals were transferred in 2010 by the Immigration Department to the CGRS for examination. The CGRS took 176 decisions regarding EU nationals in 2010: no EU national was recognized as a refugee or received subsidiary protection status.

Asylum applications by nationals of one of the 27 EU member states are processed in an accelerated procedure. On the day the application is submitted the Immigration Department transmits the applicant's details to the CGRS, that then issues him an invitation for an interview in the near future. The CGRS' protection officer has to take a decision within 5 working days after the interview.

In 2010 asylum applications by EU nationals were processed on average in 23 days (from the day the application was submitted at the Immigration Department until the decision taken by the CGRS).

If it is not clear from the EU national's statements that he has a well-founded fear of persecution as defined in the Geneva Refugee Convention or that there are substantial grounds for believing that he runs a real risk of suffering serious harm, then the CGRS takes a decision to refuse to take the application into consideration. The EU national has 30 days to appeal against this decision before the Council for alien law litigation. This appeal is only an appeal for annulment, which does not suspend the contested decision. A request for suspension may be submitted at the same time. In the annulment proceedings the legality of the decision is checked but the asylum application is not examined regarding its merits. The Council has to render its ruling within 3 to 4 months.

### 4. UNACCOMPANIED FOREIGN MINORS

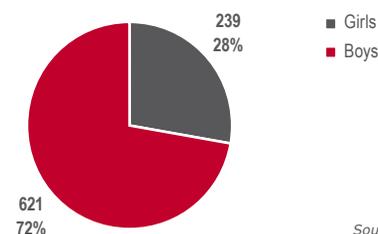
The number of unaccompanied foreign minors that have applied for asylum in Belgium has increased in 2010.

#### Number of asylum applications from unaccompanied foreign minors (2007-2010)



Source: Immigration Department

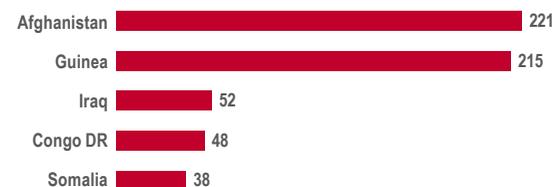
#### Proportion male/female of unaccompanied foreign minors Total: 860



Source: Immigration Department

In 2009 732 young foreigners declared, on submitting their asylum application, that they were unaccompanied foreign minors. In 2010 they were 860. The increase of female unaccompanied foreign minors is particularly marked: from 165 in 2009 to 239 in 2010. This increase is mainly due to the considerable number of unaccompanied young girls from Guinea whose application is based on a risk of female genital mutilation or forced marriage.

#### Top 5 countries of origin for unaccompanied foreign minors Total: 860



Other countries : 286

Source: Immigration Department

In 2010 the CGRS took additional measures to swiftly carry out a detailed examination of the applications filed by unaccompanied Afghan minors, that had increased in number. Ten protection officers received special training in interviewing minors. In consultation with the minor's guardians, the CGRS decided to examine these applications in the shortest possible time.

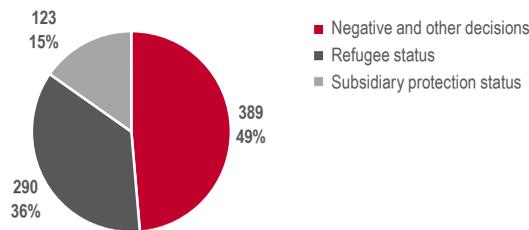
The CGRS took 802 decisions regarding unaccompanied foreign minors in 2010. 17 of them renounced their application. 290 decisions to grant refugee status were taken (133 girls and 157 boys) and 123 decisions to grant subsidiary protection status (2 girls and 121 boys).

To the extent possible, the CGRS examines applications made by unaccompanied foreign minors by way of priority. To ensure the guardian's attendance at the interview, the CGRS always consults the guardian before fixing a date for the interview.

As of March 2011 the CGRS will also give priority to applications submitted by unaccompanied foreign minors who are pregnant or to single mothers.

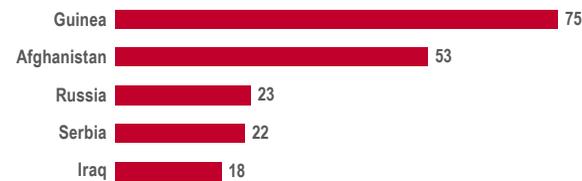
### Decisions concerning unaccompanied foreign minors

Total: 802



### Recognition of refugee status for unaccompanied foreign minors: top 5 countries of origin

Total: 290



Other countries : 99

### Granting of subsidiary protection status to unaccompanied foreign minors: top 5 countries of origin

Total: 123

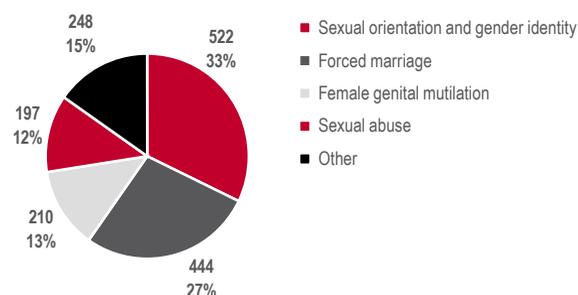


## 5. GENDER

In 2010 most of the gender-related motives put forward in support of asylum applications were related to sexual orientation, gender identity (mainly homosexuality), forced marriage, female genital mutilation or sexual abuse. (figures in this chapter are based on the CGRS' database. A single asylum application may be based on several motives.)<sup>1</sup>

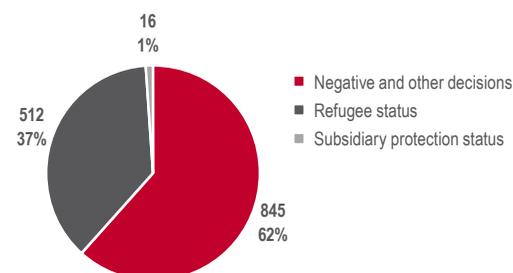
### Gender-related motives most often put forward in asylum files

Total: 1,621



### Decisions taken in files containing at least one gender-related motive

Total: 1,373\*



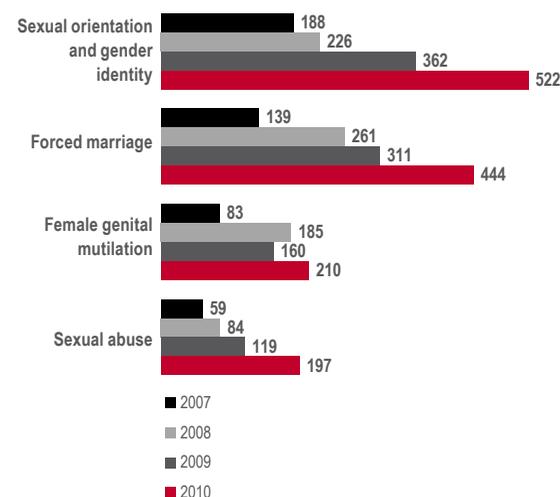
\* Decisions concerning applications putting forward other gender-related motives (honour killing, forced sterilization, domestic violence) are not included.

Since 2007 a sharp increase in gender-related asylum applications has been noticed.

In 2007 and 2008, 5.8% of all CGRS' decisions concerned asylum applications based on gender-related motives. In 2009 this was 6.4% and in 2010 12.3%. Out of 13,170 decisions taken by the CGRS in 2010, 1,621 concerned asylum applications based on at least one gender-related motive.

The increase since 2007 is caused mainly by applications based on sexual orientation. Applications based on grounds such as forced marriage, female genital mutilation and sexual violence have also increased since 2007, but not to the same extent.

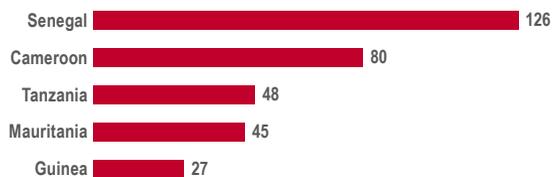
### Evolution in the number of gender-related files per motive (2007-2010)



<sup>1</sup> The figures in this chapter have been obtained on the basis of the registration in the database of the decisions which have been made by the CGRS. In one and the same file, different gender motives can be cited.

### Top 5 countries of origin for the motive 'sexual orientation'

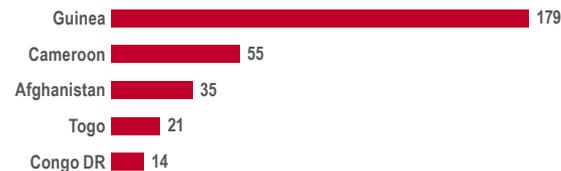
Total: 522



Other countries : 196

### Top 5 countries of origin for the motive 'forced marriage'

Total: 444



Other countries : 140

### Top 5 countries of origin for the motive 'female genital mutilation'

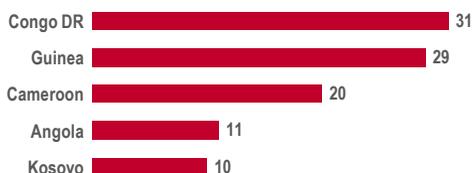
Total: 210



Other countries : 57

### Top 5 countries of origin for the motive 'sexual abuse'

Total: 197



Other countries : 96

## 6. PROCESSING TIME

It is important that asylum decisions are taken in the shortest possible timeframe, without compromising their quality. Asylum seekers are in a situation of uncertainty and expect a final answer about their status as soon as possible.

The CGRS aims to take decisions within three to six months, except for particularly complex files. Due to the rise in the number of asylum applications and an increasing backlog, the average timeframe for dealing with an asylum application increased in 2010. A study carried out in early 2011 shows that for 29% of applications a decision was taken within three months, for 37% within three to six months and for 34% at least six months were needed to take a decision.

With regard to all asylum applications submitted between 1 June 2007 and 31 December 2010, 20% were processed within three months at the CGRS, 27% within three to six months and 53% only after six months. In the same period the average timeframe to process an asylum application was nine months and a half (starting with the registration of the application at the Immigration Department).

In several cases the Aliens Act sets specific deadlines. Article 52/2, § 2 requires the CGRS to process by way of priority and within a recommended time of 15 days applications by:

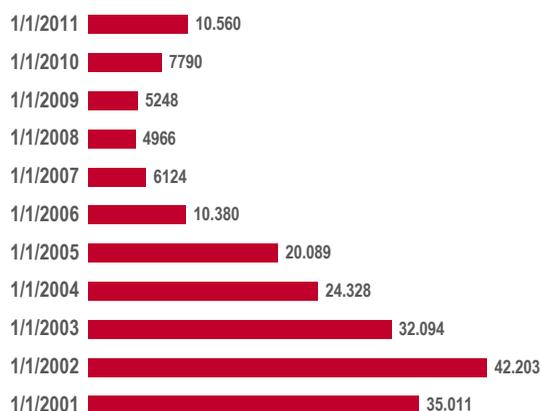
- foreigners being held in detention for administrative purposes or on penal charges;
- foreigners representing a threat to law and order or to national security;
- foreigners with regard to which the Minister or his representative exercises his right of injunction.

For asylum applications by EU nationals a shorter processing time is also fixed by law. When it does not clearly follow from their statements that they have a well-founded fear of persecution or run a real risk of serious harm, the CGRS has to take a decision within 5 working days.

## 7. BACKLOG

The backlog of asylum files at the CGRS decreased steadily until 2009. At the end of 2009 there was a caseload of 7,790 files. Due to a marked increase in asylum applications, especially during the second half of 2010, the backlog started to increase again, up to 10,560 dossiers at the end of 2010. Taking into consideration that 4,000 files represent a normal caseload, the actual backlog amounts to 6,560 dossiers.

### Evolution of the total caseload



The backlog was supposed to be cleared by 2007, when the new asylum procedure came into force. But this clearance was delayed because of the rising number of applications. The CGRS was granted additional staff but not in proportion to the increase in its caseload.

It is of the utmost importance that the backlog be cleared. First of all out of concern for asylum seekers who await a decision. Clearing the backlog will also contribute to ease current pressures on reception facilities. Abuse of the asylum procedure will also be prevented more thoroughly when the procedure's efficiency and credibility will be fully restored.

The CGRS management plan for 2010-2014 includes, as its fourth strategic objective, an action plan aimed at clearing the backlog: "If the current influx stabilizes at an average of 1,500 applications per month, the CGRS can commit itself to clearing its backlog within two years. In case the influx should reach a monthly average of 1,600 applications, two and a half years will be necessary to clear the backlog."

However, the number of applications has passed the 2,000 mark in October, November and December 2010. This increase could annul the effects of the measures already taken. Reducing the number of asylum seekers who use the asylum procedure without due cause, remains an important objective, so as to reach a manageable volume of 1,500 applications per month.

The CGRS will receive additional personnel in 2011. In combination with measures to improve efficiency, this will considerably increase the number of decisions taken, up to 1,400 per month.



# 2 The asylum application

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## 1. ASSESSMENT

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### 1.1 IN PRACTICE

The mission of the CGRS is to grant protection to foreigners with a well-founded fear of persecution as defined in the Geneva Refugee Convention or at risk of suffering serious harm if they return to their country of origin. This is the touchstone for the assessment of asylum applications at the CGRS. Every asylum application is systematically assessed firstly in the light of the Geneva Refugee Convention and only then in the light of subsidiary protection.

Every stage of the assessment is integrated in a computerized database, which contains all the administrative details and some factual elements of the asylum file.

The CGRS is organized around five geographical sections: Africa, Balkans, Democratic Republic of Congo, Eastern Europe and Middle-East/Asia. Each section is headed by a geographical coordinator, who is assisted by a first supervisor. The geographical sections are divided into work units generally consisting of four protection officers and a supervisor.

Each geographical section also includes an administrative unit which plans asylum interviews and assigns asylum applications to protection officers. The administrative unit also delivers internal mail.

#### 1.1.1. PROTECTION OFFICERS

Asylum applications are assessed by protection officers, who are all university graduates and who have specialized themselves in specific countries and geographical areas. Protection officers have a very complex task. In their daily work they have to reach a balance between quality and ef-

iciency. They are not only responsible for a correct analysis of the asylum files but are also confronted, on an almost daily basis, with difficult asylum stories. They are also under pressure to meet the legal deadlines for taking a decision. The stress and work pressure weighing on protection officers should not be underestimated.

Every asylum seeker is invited at least once for an interview with a protection officer at the CGRS. On the day fixed for the interview, asylum seekers present themselves with their lawyer, guardian or trusted person, if any, at the CGRS' Reception Desk, where the staff answer their questions and ask them to take a seat in the waiting room until the protection officer comes to invite them for their interview.

During the interview, which lasts on average 2 to 4 hours, asylum seekers have the opportunity to explain in detail their asylum story and to present documents supporting their application. The protection officer then examines the applicant's statements in the light of the objective situation in the country of origin. For some special categories, such as unaccompanied minors, there are specific instructions, and interviews are always conducted by protection officers with special training. After the interview and the investigation and analysis of the application, the protection officer writes a draft decision which is sent together with the file to the supervisor. Supervisors are responsible for the qualitative and quantitative follow-up of the protection officers of their unit. After revision and approval by the supervisor, the draft decision is sent to the Commissioner General or to one of the Deputy Commissioners for a final signature. The Commissioner General and his deputies regularly carry out quality tests on the basis of random samples.

## 1.1.2. INTERPRETERS

The CGRS can call upon a pool of 180 self-employed interpreters for about 100 languages. Their task is to ensure smooth communication between the asylum applicant and the protection officer during the interview. Practical organization is cared for by the CGRS' Interpreters Service.

Interpreters are required to translate orally in a faithful and neutral way the statements made by asylum seekers during their asylum interview. They may also be called upon to translate certain documents presented by asylum seekers. Only interpreting and translation tasks are given to interpreters, who do not intervene in any other way in the processing of the asylum application.

In 2010 the 10 main source languages for interpretation at the CGRS were: Albanian, Armenian, Russian, Arabic, Romani, Dari, Pashto, Kinyarwanda, Kurdish (Kurmanji) and Peul. For translations of documents the 10 main source languages were: Arabic, Albanian, Armenian, Russian, Dari, Serbian, Pashto, Kinyarwanda, Turkish and Tibetan.

To address the sudden increase of asylum seekers from several Balkan countries, the Interpreters Service recruited additional interpreters for Albanian, Serbian, Romani and Macedonian in 2010. The recruitment of additional protection officers also led to an increase in asylum interviews, requiring more interpreters. In 2010 the CGRS organized 10,999 interviews with an interpreter, i.e. an increase of almost 35% compared to 2009 (8,173 interviews). The number of interpreters who worked for the CGRS in 2010 (180) increased by 10% compared to 2009 (164). This also had a budgetary impact: interpreting and translation expenses increased by almost 20% compared to 2009.

Besides interpreting and translation tasks, interpreters were also called upon for specific projects. Experienced interpreters helped with teaching interview skills to new protection officers. For instance, two interpreters played the part of asylum seeker and interpreter in a roleplay in which the new protection officer had to conduct an interview.

For some languages the script of the DVD 'Asylum in Belgium' as well as the texts of the accompanying brochure were translated by interpreters. Interpreters also provided for the voice-over commentary of the DVD, which will be available in 11 languages in 2011.

These projects were well received by the participating interpreters, who especially appreciated the fact they could help clarify asylum matters for asylum seekers and new protection officers.

## 1.2. SUPPORTING SERVICES

Protection officers are supported in their daily work by Cedoca (the research and documentation centre of the CGRS) and the Legal Service. A number of coordinators with special expertise on specific topics (unaccompanied minors, gender, mental and psychological assessment,...) also provide advice.

### 1.2.1. COUNTRY OF ORIGIN INFORMATION

Cedoca is composed of a team of researchers and a library. Its task is to provide support for the assessment of asylum applications.



Cedoca's researchers are specialized in specific geographical areas. They provide information on the countries of origin of asylum seekers in the form of Subject Related Briefings (SRB), for instance on 'The security situation in Afghanistan'. Every year, they answer about 2,000 requests

for information in individual asylum files. Cedoca also organizes specific training sessions and briefings on a given country, for instance “Homosexuality in Senegal”, and distributes a daily press review on current events in countries of origin and on asylum matters in Belgium and worldwide. Cedoca also shows documentary films and other audiovisual material and conducts a limited number of linguistic analyses. In collaboration with the Federal Police, Cedoca carries out authenticity checks of documents.

Cedoca is responsible for integrating all the COI available at the CGRS in a neutral and objective way. This COI is structured and made available to the final users on a documentary intranet called Glo.be. At the end of 2010 this intranet contained 230,000 documents, available to 400 users.

### 1.2.1.1. Sources

For their research Cedoca researchers consult the national and international press, as well as reports and studies from NGOs and international or other organizations. They also consult, whenever possible, their counterparts of the asylum departments in other European countries.

Researchers also call upon an extended network of contacts in the countries of origin. They also work with Belgian and foreign experts from NGOs, the media and universities. Contact persons share their information with the CGRS on a voluntary basis and are not remunerated. Cedoca takes great care to ensure that its research does not put its contacts or the asylum seekers or their relatives at risk.



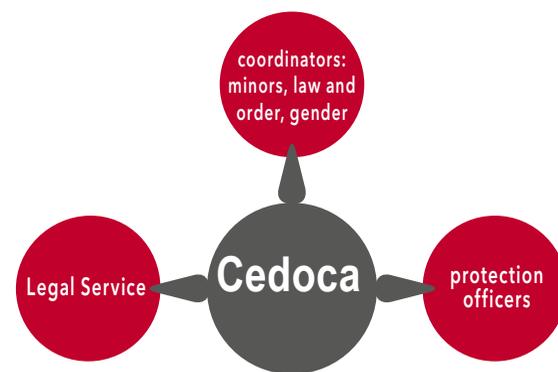
Finally Cedoca has begun to experiment with social media such as Facebook, Twitter and YouTube to collect information. The way these media can be used in asylum research is currently under study. Deontological rules will also be drawn up.

### 1.2.1.2. Dynamics

Cedoca works mainly for the protection officers of the CGRS. Through regular consultations Cedoca tries to address the information needs of the geographical sections in the best possible way. New products are developed in consultation with the geographical sections. In 2010 more briefings were organized on specific countries so as to facilitate interaction between researchers and geographical sections.

The CGRS’ Legal Service is also a major client of Cedoca. The defence of asylum decisions before the Council for alien law litigation often requires detailed and up to date information.

In the framework of the asylum crisis the CGRS organized special actions for some countries of origin. To this end an interdepartmental project approach was necessary. For the Armenia action for instance the Eastern Europe geographical section, Cedoca and the Legal Service closely collaborated from the start, allowing Cedoca to work pro-actively by providing thematic reports on clearly defined profiles.



The researcher concerned organized a detailed briefing to provide protection officers with the necessary information before the start of the action. All the necessary work tools and documents were brought together in a single workspace on Glo.be. This integrated approach contributed to the ac-

tion's efficiency and will be elaborated further in 2011.

Not only CGRS staff call upon the services of Cedoca. The Immigration Department, the Guardianship Service for unaccompanied minors and the Office of the Public Prosecutor are also keen on continuing their collaboration with Cedoca.

### *1.2.1.3. Participation in international projects*

Among the European asylum research centres Cedoca is one of the biggest and most specialized. As such it is regularly invited to participate actively in international workshops, projects and presentations.

Cedoca is a participant in the European Country Sponsorship project, an information and cooperation network of COI experts of EU member states. The ECS tries to promote burden sharing: member states with particular expertise on certain countries are designated as sponsors to answer requests for information from other member states. Cedoca is sponsor for the DRC, Algeria and Georgia. Within the ESC project qualitative research standards are also being developed through exchange of expertise during bilateral meetings and comparison of best practices. With the elaboration of common directives at a European level, the ECS also plays an important part in the harmonization of country of origin information.

Within the ECS project a working group has defined guidelines for organizing common fact-finding missions. The working group was chaired by Belgium and included experts from the United Kingdom, Austria, Norway and Sweden. A reference group composed of representatives of seven member states, the UNHCR, ACCORD (Austrian Centre for Country of Origin and Asylum Research and Documentation) and the European Commission advised and assisted the working group, which ended its proceedings at the Budapest ECS conference in November 2010. The guidelines were presented at the conference and two workshops were held.

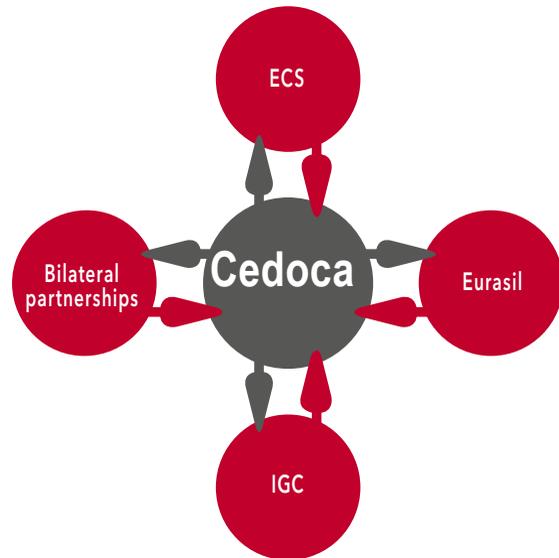
In 2010 six Eurasil workshops were held in Brussels. Eurasil is a European network of experts in asylum matters. The workshop on the DRC was prepared and chaired by Cedoca researchers in collaboration with their colleagues from the French COI unit. Cedoca organized preparatory meetings with a small group of experts from the Netherlands, Sweden, Denmark, Norway and Switzerland. These pre-meet-

ings, which were considered very interesting by all participants, facilitated mutual collaboration and networking.

Twice a year the COI Working Group of the IGC (Intergovernmental Consultations on Migration, Asylum and Refugees) brings together managers of COI units of European countries, the United States, Canada, Australia and New Zealand for an exchange of views on the most efficient ways to provide information and on new technologies and training methods in the field of COI research. The IGC Asylum and Refugees Working Group has devoted attention to interaction between COI information and policy-making as well as to simplification of procedures in the participating countries.

Cedoca is a member of the steering committee of the COI Common Portal. Information presented on this website comes from various sources, notably the COI databases of member states. This common portal is a step towards a future common COI database for EU member states.

Finally, a number of foreign delegations visited Cedoca in 2010, which resulted in a reinforcement of bilateral cooperation.



## 1.2.2. LEGAL SUPPORT

The Legal Service's main task is to defend orally and in writing the decisions of the CGRS against which an appeal has been lodged with the Council for alien law litigation or the Council of State. In practice this means writing defence notes and arguing the case in a hearing before the Council. Another important task is sharing judicial expertise on asylum and migration with the other services of the CGRS, so as to provide the geographical sections and the Commissioners with legal assistance and support. The Legal Service also gives advice on individual files or in support of the CGRS' policy.

Most of the defence notes produced by the Legal Service are written to defend, within the full jurisdiction procedure before the Council for alien law litigation, refusals to grant refugee status and/or refusals to grant subsidiary protection status. Full jurisdiction means that the Council examines the file all over again and decides on the substance of the case acting as administrative judicial body of last resort. The defence by the Legal Service is therefore not of a purely legal nature but has to take into account the actual content of the file.

The further increase of asylum applications in 2010 affected also the functioning of the Legal Service. The measures taken to reinforce the decision capacity of the CGRS have increased the workload of the Legal Service: more decisions mean more appeals and more hearings before the Council of alien law litigation. In 2010, about 6,000 defence notes were written by the staff members of the Legal Service.

The Legal Service was strongly involved in the Serbia-Macedonia and Armenia actions. The service gave advice on how to accelerate the assessment of applications from certain categories of asylum seekers from these countries. Some staff members of the Legal Service were also temporarily seconded to the geographical section for the Balkans.

In 2010 the Legal Service continued to give the same qualitative support to the geographical sections and the Commissioners. One of its permanent tasks is to follow-up and analyse the relevant jurisprudence in asylum dossiers. A selection of significant rulings is distributed every two months within the CGRS. The contact persons for the geographical sections also give feedback on the evolution of the Council for alien law litigation's jurisprudence. It is important to note in this respect that in spite of an increasing

workload, there was no notable increase in the number of rulings annulling or reform CGRS' decisions.

Another permanent task of the Legal Service is to give advice concerning individual files, upon request by the geographical sections. The Legal Service does not only intervene once an appeal has been lodged against a decision, but can also give advice regarding the decision to be taken. For this the service's expertise acquired from writing defence notes, arguing cases at hearings and following up the jurisprudence is very useful. This expertise also proves useful in writing internal guidelines for the assessment of asylum applications.

## 1.2.3. COORDINATION FOR MINORS

The CGRS pays particular attention to asylum applications from unaccompanied foreign minors. For the follow-up of such applications a special coordinator for minors has been appointed, as well as reference persons within each geographical section. The reference persons have received special training for interviewing minors.

The aim of the coordination for minors is to harmonize the CGRS' policy towards minors among the different geographical sections. In order to achieve this protection officers receive the necessary assistance and training. Information on applications is shared and, at a practical level, the evolution and uniformity of the jurisprudence is monitored, and a follow-up of the guardianship system for unaccompanied foreign minors is ensured.

The coordinator for minors also acts as a point of contact for external interlocutors on this issue.

### 1.2.3.1. Training

The training module 'Interviewing Children', which is part of the European Asylum Curriculum, started in April 2009. This module comprises three days of intensive e-learning plus three days of practical training. In 2010 39 staff members of the CGRS took part in this training, which is based on a new method for interviewing minors: the cognitive method. The aim is to let the minor tell his story in his own words as much as possible without any intervention. It is only at a second stage that the protection officer will ask questions on certain points needing further elucidation. Different techniques are used to stimulate the minor's memory in

order to obtain the most reliable information possible. This training module was evaluated positively by the protection officers.

In 2011 several specialized protection officers will take part in an EAC Train the Trainer module on 'Interviewing vulnerable persons'. Special attention will be given to traumatized persons, victims of human trafficking and other issues that often concern unaccompanied minors.

### *1.2.3.2. Cooperation*

Unaccompanied foreign minors are often in a vulnerable position, it is important that the CGRS contributes nationally and at the European level to looking for ways to improve their situation.

In 2010 the CGRS participated in a task force on 'Minors travelling on their own' set up by Minister of the Interior Annemie Turtelboom and headed by Dr. Ilse Derluyn from the University of Ghent. This task force emitted a series of recommendations to prevent unaccompanied foreign minors from being prey to abuse. Some of the recommendations concerned the detection, identification and reception of minors who are victims of human trafficking.

In 2010 the CGRS signed the 'Cooperation protocol on handling the cases of minors' disappearance from observation and orientation centres (Steenokkerzeel and Neder-Over-Heembeek)'. This protocol aims at achieving optimal cooperation between the signatories (Child Focus, Immigration Department, local police,...) in order to trace as soon as possible minors who go missing.

On the occasion of the Belgian presidency of the European Union, the CGRS took part in the preparation and organization of an EU seminar on 9 and 10 December 2010 on 'Unaccompanied minors: children crossing the external borders of the EU in search of protection'. The conference reached among others, the following conclusions: the necessity of a specific training for border guards and other first line services who come into contact with minors, the necessity of transnational cooperation in order to monitor minors during their journey through Europe, and the setting up of information points in transit countries. These recommendations have been transmitted to Hungary that took over the presidency of the Council of the EU on 1 January 2011.

## 1.2.4 COORDINATION FOR GENDER ISSUES

Under the heading 'gender-related asylum applications' the CGRS regroups all applications from persons who claim that they fear persecution on account of their sex, sexual orientation or gender identity. The concept of gender-based persecution does not only include acts of persecution targeting exclusively or mainly women (female genital mutilation, forced marriage, some forms of honour killing, partner violence, rape) but also persecution with regard to sexual orientation and gender identity (homosexuality, bisexuality, transsexuality). These motives correspond to the notion of 'membership of a particular social group' as defined in the Geneva Refugee Convention.

For the assessment of asylum applications based on gender-related motives the CGRS has set up a 'Gender Unit', composed of a coordinator and reference persons in each geographical section. Their main task is to improve and harmonize the assessment of gender-related asylum applications at the CGRS.

### *1.2.4.1. Improvement and harmonization*

Some achievements in 2010:

- Assessment of the information brochure 'Women in the Asylum Procedure', published in 2007 and reprinted in 2008. A survey was conducted with female asylum seekers and refugees as well as with representatives of associations who work with them. On the basis of this assessment a new and more detailed version of the brochure was written. This will be published in 2011.
- A vademecum was distributed to all protection officers. It contains all the reference texts, notes, documents and information relevant for handling gender-related asylum applications.
- Specific tools were developed to handle asylum applications from persons who put forward their sexual orientation in support of their application.
- Members of the Gender Unit also participated, together with other staff members (geographical coordinators and protection officers), in many discussions and exchange forums (UNHCR, asylum authorities from other EU member countries, representatives of Belgian specialized non profit organizations etc...). The Gender Unit also participated in research projects (in ministerial

cabinets, universities and Belgian and European research institutes). These activities allow the CGRS to develop its expertise in handling gender-related asylum applications and contribute to the harmonization of practices.

#### **1.2.4.2. Female genital mutilation**

Since 2008 the CGRS has been organizing a follow-up monitoring for young girls recognized as refugees on account of a risk of genital mutilation. Parents are asked to submit on a yearly basis a medical certificate proving that their daughter has not been subjected to genital mutilation. This annual control aims at verifying whether the circumstances that had led to the recognition decision are still relevant.

In 2010 almost every family asked to submit a medical certificate, collaborated with the CGRS. The certificates were on the whole sufficiently detailed and reliable. One case turned out to be problematic. As the parents did not react to the request from the CGRS to submit a medical certificate, the Gender Unit applied the regular procedure, which is to invite the person concerned for an interview and to refer the case to the judiciary if necessary.

### **1.2.5. PSYCHOLOGICAL EVALUATION OF ASYLUM SEEKERS**

The many factors pushing asylum seekers to leave their country can have an important impact on their mental and psychological health. The main task of the Psychological Evaluation Unit is to advise protection officers on the mental and psychological condition of asylum seekers when their condition is likely to interfere with the processing of the application. The Unit is also responsible for assessing medico-psychological certificates submitted by asylum seekers.

#### **1.2.5.1. Psychological examination**

In practice the protection officer asks the Psychological Evaluation Unit for an opinion in a given file. The psychologist discusses the possible psychological problems with the protection officer. An analysis of the file is made and an oral opinion is given on the problems, limits and possibilities which have to be taken into account when handling the asylum application. The applicant may be invited to the CGRS for a psychological examination, which would lead to a detailed report. The protection officer then incorporates the

results of the examination in his asylum decision. In 2010 the Psychological Evaluation Unit has conducted 153 individual psychological examinations.

The problems observed during these examinations were mainly the following:

- memory problems
- mental or psychiatric disorders
- gender-related problems
- post-traumatic stress disorder
- (reactive) depression and adaptation problems

In 2010 in 10 cases the psychological condition of the asylum applicant was such that he could not reasonably be expected to defend his application. For each case an appropriate therapeutic and administrative solution was sought in consultation with the authorities concerned (Immigration Department, reception facilities offering psychological support, aid structures, public welfare bureaus,...).

#### **1.2.5.2. Assessment of medico-psychological certificates**

Medico-psychological certificates are produced in approximately 5% of the asylum applications processed by the CGRS.

The deontological and professional quality of more than 70% of these certificates is beyond dispute.

But in 2010 the number of questionable certificates increased significantly. This mainly concerned certificates that are only delivered to oblige the patient. In dozens of files the police concluded that false medical certificates had been submitted. Therefore the rules for assessing certificates have been tightened. Information on certificates is systematically compared and filed (name of the author, diagnosis, number of interventions in different files,...). Whenever there is a presumption or evidence of fraud, the authorities concerned are systematically informed.

As some asylum seekers produce questionable or false medico-psychological certificates, protection officers are especially mindful when a file contains such a document. They should however remain aware of the fact that the presence of a certificate that is obviously false, does not automatically mean that the applicant does not suffer

from any psychological problem which may follow from the events put forward in the asylum statement.

### 1.2.6. COORDINATION FOR LAW AND ORDER ISSUES, HUMAN TRAFFICKING AND PEOPLE SMUGGLING

The Human Trafficking and Law and Order Unit centralizes all information regarding these matters and ensures its smooth transmission. The Unit is a point of contact for external partners of the CGRS.

The Unit's aims are to prevent to the extent possible improper use of the asylum procedure, for instance the presentation of false statements or fake documents at the CGRS. Such forms of abuse do not only occur in the asylum procedure, but also in other procedures that may lead to the issuance of a residence permit in Belgium, such as regularization procedures or visa requests at the Immigration Department.

When the CGRS learns, for instance through a denunciation letter, that an asylum seeker has asked for his situation in Belgium to be regularized under another identity or nationality than the one given during the asylum procedure, the Unit checks the reliability of this information. In case this is confirmed the geographical section responsible for handling the application, is informed and this fraud will be taken into account for the credibility assessment of the applicant. The Unit can also recommend withdrawing refugee or subsidiary protection status obtained through fraud.

Some asylum seekers are involved in punishable or criminal acts of various nature. This may even concern serious crimes of a non-political nature or membership of a terrorist organization. Elements indicating participation in serious human rights violations can also be present. This sort of information sometimes comes to light during the asylum interview at the CGRS. The CGRS may also hear about it through external partners such as the Immigration Department or other government services. Article 57/7, paragraph 2 of the Aliens Act authorizes the CGRS to ask any Belgian authority for documents or information which may be of use to carry out its mission. When the CGRS suspects improper use or fraud, it can for instance ask the judiciary to transmit any document that may be relevant for taking a decision. In the most serious cases this kind of information may lead to the person concerned being excluded from refugee or subsidiary protection status.

The CGRS pays particular attention to asylum files concerning potential victims of human trafficking (e.g. victims of prostitution rings). For this the CGRS depends on information given by the asylum seeker or by external partners. If facts of this nature are mentioned during the interview, the protection officer gives a brochure to the applicant with the contact details of organizations that are specialized in this area. The CGRS transmits the relevant information to the Human Trafficking Cell of the Immigration Department, the only authority authorized to deliver a residence permit to victims of human trafficking. Depending on the nature of the information received the CGRS may also transmit it to the office of the public prosecutor and to the police.

### 1.2.7. EUROPEAN ASYLUM CURRICULUM

The EAC project is one of the initiatives taken at the European level to harmonize asylum policies throughout Europe. Within this project, supported by the European Refugee Fund, a set of uniform training modules has been elaborated for the asylum authorities of EU member states. Together with Sweden, Belgium is one of the first European countries who gradually introduced the European curriculum into its training programme for protection officers.

Other partners, European or not, have benefited from the expertise of the CGRS regarding training and knowledge transfer in the field of asylum. CGRS' trainers went to France, Italy and Burundi. Representatives of the United States took part in a training session by Belgian trainers.

Experienced protection officers can also follow the European curriculum. In 2010 99 of them participated in at least one training module and 10 of them attended the EAC training 'Train the Trainer'. At a later stage all protection officers will be able to follow the basic training as part of their continual training. The CGRS thus confirms its leading position in the promotion and application of the EAC training modules.

## 2. ISSUING DOCUMENTS TO RECOGNIZED REFUGEES AND STATELESS PERSONS

The second mission of the CGRS is to issue administrative documents to recognized refugees and stateless persons, because they no longer have the possibility to request administrative documents from their national authorities. The Documents Service is responsible for this. This second mission is entrusted to the CGRS under the Aliens Act (transposition of article 25 of the Geneva Refugee Convention and article 25 of the New York Convention of 28 September 1954 Relating to the status of stateless persons).

As the point of contact for recognized refugees and stateless persons, the Documents Service receives between 25 and 35 visitors a day, not only upon recognition but also afterwards. The CGRS thus keeps in touch with recognized refugees and stateless persons.

In 2010 the Documents Service invited 2,945 persons to collect their refugee certificate, which is proof of their recognition as refugee. When they receive their certificate, recognized refugees have to hand in their international passport and national ID card. A recognized refugee is not allowed to go back to his country of origin and can no longer request any administrative assistance from his embassy. Recognized refugees receive an information brochure in which their rights and obligations are explained to them. The brochure also contains information on the different organizations that can assist them with their social integration in Belgium. This brochure is available on the website of the CGRS [www.cgrs.be](http://www.cgrs.be).

### Total number of documents issued in 2010

Refugee certificates	2945
Other certificates relating to refugee status*	2229
Certificates of statelessness	140
Civil status documents**	7151
Exemption certificates	5
Declarations of renunciation to one's status	18
<b>Total</b>	<b>12.488</b>

Since its creation in 1988 the CGRS has issued 248,195 documents.

The Documents Service also issues documents to recognized stateless persons. Persons recognized as such have to contact the Documents service in person. The CGRS' competence is restricted to issuing statelessness' certificates and civil status documents.

Recognition of statelessness is currently the competence of the court of first instance. Persons requesting this status have to file, through their lawyer, a unilateral petition with the court of first instance of their place of residence. They have to submit all the information proving they have no nationality or have lost their former citizenship. When examining the petition the court may ask an opinion from the royal prosecutor. The court of first instance then decides on the issue by way of a ruling.

The CGRS answers requests for information from the office of the royal prosecutor with regard to applications for statelessness. In 2010 it received 85 such requests. The CGRS can for instance give information on identity documents submitted during the asylum procedure. Based on its expertise in the matter the CGRS can also give information about citizenship laws in the country of origin. The CGRS however does not issue an opinion on whether or not the person is a stateless person.

According to the federal government agreement of 18 March 2008 the CGRS was to become competent to recognize statelessness, as it is considered the most qualified authority in this matter on account of its expertise regarding asylum applications and the countries of origin of asylum seekers. But this point of the agreement has never been realized.

The procedure to be recognized as a stateless person is sometimes used improperly to extend a temporary authorization to stay in Belgium. Sometimes documents submitted within this procedure are different from documents presented before the asylum authority.

\* These certificates are necessary to apply for: the Belgian nationality, travel documents, a scholarship, child allowance, a re-registration at the municipality after having been officially removed from the registry, a change of name and a modification of the nationality at the municipality after renouncing the refugee status

\*\* birth certificate, identity certificate, marriage certificate

# CONTACT

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## **Commissioner General for Refugees and Stateless Persons**

WTC II

Boulevard du Roi Albert II, 26 A

1000 BRUSSELS

Tel +32 2 205 51 11

Fax +32 2 205 51 15

[cgrs.info@ibz.fgov.be](mailto:cgrs.info@ibz.fgov.be)

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

## **Helpdesk**

Open from : Monday to Friday : 08:15 - 12:00 and from 13:15 - 16:00

## **Lawyer's helpdesk**

Tel +32 2 205 53 05

Fax +32 2 205 50 33

[CGRA-CGVS.Advocate@ibz.fgov.be](mailto:CGRA-CGVS.Advocate@ibz.fgov.be)

Open from: Monday to Friday : 09:00 - 12:00 and from 14:00 - 16:00

## **Documents Service**

Tel +32 2 205 50 09

Fax +32 2 205 52 01

[CGRS-CGVS.Documents@ibz.fgov.be](mailto:CGRS-CGVS.Documents@ibz.fgov.be)

Open from: Monday to Friday : 08:30 till 10:00, or by appointment

# COLOPHON

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Annual Report CGRS 2010

Brussels, June 2011

## **Responsible Editor**

Dirk Van den Bulck  
Commissioner General for Refugees and Stateless  
Persons - Belgium

## **Photo cover**

Dieter Telemans

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## OFFICE OF THE COMMISSIONER GENERAL FOR REFUGEES AND STATELESS PERSONS

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WTC II  
Boulevard du Roi Albert II, 26 A  
1000 BRUSSELS

[cgrs.info@ibz.fgov.be](mailto:cgrs.info@ibz.fgov.be)  
[www.cgrs.be](http://www.cgrs.be)

 +32 2 205 51 11  
 +32 2 205 51 15