

GUIDE FOR ACCOMPANIED CHILDREN IN THE ASYLUM PROCEDURE IN BELGIUM

This brochure
belongs to:



Responsible publisher:
Dirk Van den Bulck, Commissioner General
for Refugees and Stateless Persons

This brochure was published with the support of AMIF,
the European Asylum, Migration and Integration Fund.

It is available in French, Dutch, Albanian,
Arabic, Dari, Pashto and Russian.

These different language versions can be found on:

www.cgrs.be/en/publications

Version : May 2019

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HELLO

You receive this brochure because your parent(s) or legal guardian have applied for international protection in Belgium and you accompany them.

The legal guardian is a person who is not your parent but whom the authorities in your country of origin allow to take care of you.

In this brochure we explain what this application for protection means **to you**. Your parents or guardian also receive a brochure, which explains what their application for international protection means to you.

Want
to know
more ?

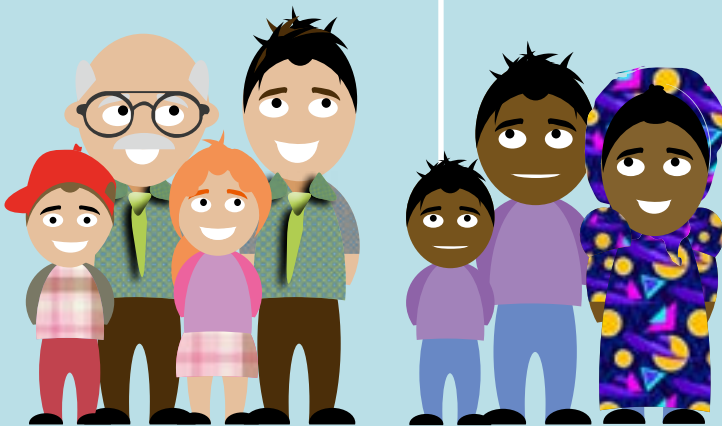
You will find a summary
of this brochure on :

[www.cgra.be/en/asylum/
children-asylum-procedure](http://www.cgra.be/en/asylum/children-asylum-procedure)

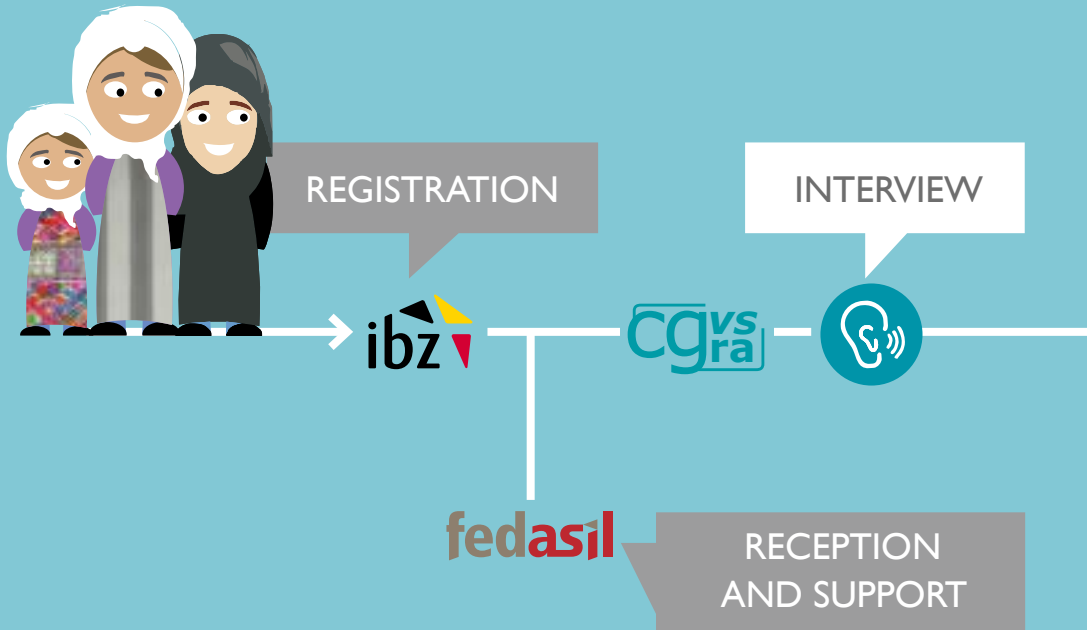
You will also find on the CGRS website
a lot of other information about the
asylum procedure in Belgium.

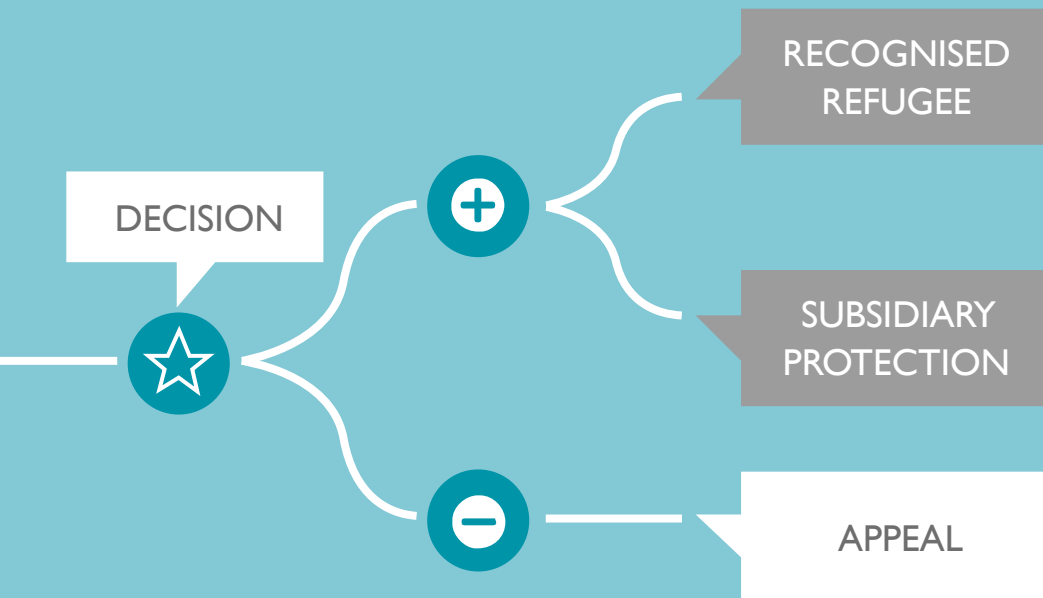


Interesting information is indicated by this blue balloon.



ASYLUM PROCEDURE





1

WHAT IS AN APPLICATION FOR INTERNATIONAL PROTECTION ?





WHAT IS AN APPLICATION FOR INTERNATIONAL PROTECTION?

Your parents or guardian ask for protection from Belgium because they had serious problems in your country of origin, or because they fear serious problems. For this reason, your parents or guardian consider it to be impossible to return to your country.

Your parents or guardian made their application at the Immigration Office.

If they have not applied for protection in another country before, their application will be examined by the Office of the Commissioner General for Refugees and Stateless Persons, the CGRS in short. Your parents or guardian will be asked to explain their problems during a personal interview at the CGRS. This personal interview is part of the “right to be heard”.

2

WHAT ARE THE STEPS OF THE PROCEDURE ?



WHAT ARE THE STEPS OF THE PROCEDURE ?

Firstly, your parents or guardian have to make a statement at the Immigration Office, where you received this brochure.

The CGRS then invites your parents or guardian for a personal interview. During this interview, your parents or guardian will be asked by a case worker of the CGRS to explain why they left their country of origin and why they cannot return. The case worker will then examine their application for international protection.

Your parents or guardian are best placed to defend your interests. This means that during the personal interview at the CGRS, they also have to explain the problems, if any, you had in your country or why you are unable to return there. Based on their statements, the CGRS will take a single decision for you, your parents or guardian.

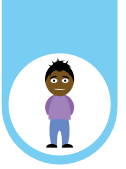
WHAT KIND OF DECISION ?

Belgium offers two forms of protection: **refugee status and subsidiary protection status.**

3

WHAT IS INTERNATIONAL PROTECTION ?





WHAT IS A REFUGEE ?

Belgium signed the Geneva Refugee Convention. This is an international treaty which puts Belgium under the obligation to offer protection to persons who had, or fear to have, problems with the authorities of their country or other people in their country.

You can have problems due to:

- your political opinions or that of your family;
- your religion;
- your race;
- your nationality;
- your membership of a particular 'social group'. By 'social group' we mean persons who share the same constant characteristic. Because of this characteristic, the majority of the people in your country or the authorities of your country treat you in a hostile way. An example of this are girls who cannot go to school only because they are girls.



WHAT IS INTERNATIONAL PROTECTION ?



WHAT IS SUBSIDIARY PROTECTION?

If you do not receive refugee status because of your situation, the CGRS will examine if you can receive subsidiary protection status.

The CGRS grants subsidiary protection if you run a real risk of suffering serious harm on returning to your country.

Serious harm is for example:

- death penalty or execution;
- torture or inhuman or degrading treatment;
- serious threat to your life in case of an international war or a civil war.



After examining the application for international protection, the CGRS can decide:

- to grant a protection status;
- to refuse a protection status.



WHAT ARE YOUR RIGHTS AS A CHILD IN THIS PROCEDURE ?

All children have special rights, called “Rights of the Child”. To make sure that children will assert these rights if necessary, the Convention on the Rights of the Child was adopted. Most countries in the world, including Belgium, have signed this treaty and thus commit themselves to making sure that children will enjoy their rights.



One of the rights of the child is the right to be heard. This means that you have the right to voice your opinion on any important decision that involves you. You can give your opinion in any way you prefer: by talking, writing or in any other way. **This is a right, not an obligation.** Therefore you do not have to do this.

Your parents or guardian are best placed to defend your interests. You only give your opinion if you want to. If you prefer not to do so, this will not have any consequences for the decision of your parents or guardian.

If you do not want to give your opinion in person, you do not have to accompany your parents or guardian to their interview at the CGRS.

4

YOU WANT TO VOICE YOUR OPINION



YOU WANT TO VOICE YOUR OPINION : HOW DO YOU DO THIS ?

If you want to voice your opinion, you have to inform the CGRS of this. Preferably, you do so by writing a letter or an e-mail, **at least five days before the personal interview with your parents or guardian takes place at the CGRS**. You do not have to do this by yourself. You can ask your parents to help you, or a lawyer, a teacher, a social worker, a trusted person, etc., or you can ask someone to call on your behalf the Minors Service of the CGRS. You will find all the contact information and a sample letter at the end of this brochure.

ARE YOU ALWAYS INVITED TO AN INTERVIEW IF YOU ASK TO VOICE YOUR OPINION ?

No.

If for example the CGRS thinks that you are too young to explain by yourself the reasons why you left your country, you will receive a letter about this. If the CGRS decides to talk to you, you will also receive a letter, which mentions where and on which day you can talk to a CGRS case worker. You can also show this letter at school to explain your absence on that day.



THE TALK WITH THE CGRS CASE WORKER

WHERE WILL YOU TALK TO THE CGRS CASE WORKER ?

Basically, you accompany your parents to the CGRS, where you stay in the waiting room until the case worker has interviewed your parents or guardian. One of your parents stays with you, while your other parent tells his/her story

to the CGRS case worker. If you are in Belgium with only one parent or guardian, you can wait in the waiting room or near the room where the personal interview with your parent or guardian takes place. As the interview with your parent or guardian may take some hours, you better bring something to occupy yourself while you are waiting.





AFTER THE INTERVIEW WITH YOUR PARENTS OR GUARDIAN



After the interview with your parents or guardian, it's your turn. The CGRS case worker will pick you up in the waiting room or corridor and take you to the room where the conversation takes place. During your conversation, you can explain in every possible way why you left your country and why you think you cannot return to your country: you can tell in words, you can draw a picture or you can show your problems by means of puppets. The CGRS case worker will help you in the best possible way to explain your problem(s).

In some rare cases, it may happen that the talk with the CGRS case worker cannot take place on the same day as your parents or guardian, for example because you have brothers and sisters who also want to give their opinion or because the interview with your parents or guardian takes a long time. When this is the case, the CGRS case worker will listen to you on another day. You will receive a letter to inform you of the day on which you can talk about your problems.



WHAT HAPPENS DURING YOUR TALK WITH THE CGRS CASE WORKER ?

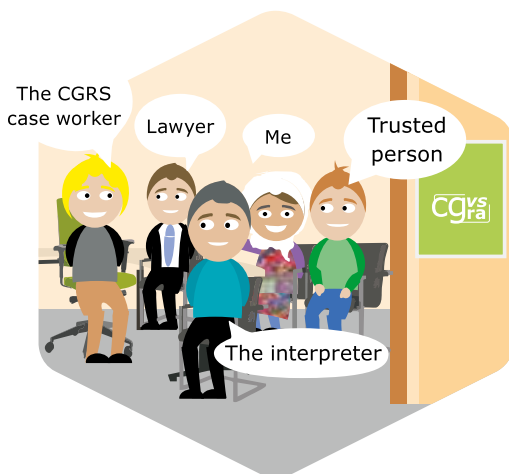
Although you may have to wait some time before you can talk to the CGRS case worker, the conversation will often not take very long. Usually, it takes half an hour. It is normal that you are a bit nervous. The case worker will listen to you. You can tell him everything about the reason(s) that made you leave your country. If you want to keep things to yourself, you can do so. It is possible that the case worker will also ask you some questions in order to make everything clear. Be honest and tell what you know. You do not have to answer every question. It is okay if you cannot answer. The things you tell at the CGRS will not be told to anyone in your country.

WHO WILL BE PRESENT DURING THE TALK ?

During the conversation with the **CGRS case worker**, someone will translate what you say. This is the **interpreter**, who makes sure that the case worker and you understand each other well. The interpreter is neutral. This means that he/she cannot tell anything to your parents or other persons about what you have told during your talk with the case worker. The interpreter does not have any say in the decisions that concern you, your parents or guardian. You can take **one person whom you trust** to your talk. This has to be a person **whom you know due to his work**. This can be your school teacher or a social worker for example. Mind you, this cannot be your mum, dad or guardian. It would be better if you already mention in your letter or e-mail who you wish to take with you to the talk. This person will merely be present to support you and give you something to hold on to. The CGRS case worker may decide that this person is not fit to support you or does not meet the conditions to attend the conversation. In that



case, the CGRS case worker will decide not to allow this person to be present during your talk. You should also note that the person you bring with you cannot make any statements in your name. After all, it is you who want to voice your opinion!



During your talk with the CGRS case worker, you must be accompanied by a **lawyer**. This can be the same lawyer as for your parents. Your lawyer is bound by professional secrecy. What you discuss with him, is confidential and cannot be told to anyone, not even to your parents if you do not want this.

Your trusted person and the lawyer can make comments at the end of the conversation.



WHAT WILL BE DISCUSSED?

Only **your situation** will be discussed. The problems of your parents, guardian or other relatives will not be dealt with during your talk with the case worker. After all, your parents or guardian have already told their problems to the CGRS case worker. The only things that will be discussed are the reason(s) why you left your country and/or why you think you cannot return to your country. The case worker will note everything you say on the computer and add it to your parents' or guardian's file.

DOES THE CGRS ALWAYS DECIDE WHAT YOU WANT?

No.

When granting a protection status, the CGRS has to follow legal rules and conditions. The CGRS case worker listens to you and assesses the problems you told him about. The case worker writes a decision based on all the information he received. The statements of your parents or guardian are the most important elements for assessing your application for international protection. Your parents or guardian are supposed to defend your interests and to mention your problems, if any. It is therefore possible that something else than what you want will be decided.



A SECOND CONVERSATION IS POSSIBLE

It may happen that the reasons that prevent you from returning to your country are not the same as those of your parents or guardian. But this is very exceptional. If the facts you mention seem very serious, you can be invited by letter for a second conversation at the CGRS. On this occasion also, your parents or guardian **cannot** be present. A lawyer will assist you during this second conversation and you can bring along a person you trust. **If your statements do not correspond to those of your parents, these statements will not be communicated to your parents or used against your parents.** You will therefore be able to freely and sincerely tell what you want to tell. Everything you say remains confidential. Only your lawyer can read your statements afterwards.



YOU RECEIVE AN INVITATION FOR A TALK AT THE CGRS EVEN THOUGH YOU DID NOT ASK FOR ONE

It is possible that after the interview with your parents or guardian, the CGRS **exceptionally** decides that it is useful to give you the opportunity to explain what happened in your country or why you cannot return to your country. In this case, you will receive a letter inviting you for a conversation at the CGRS. During this conversation, you must be assisted by a lawyer and if necessary by a trusted person. Your parents or guardian can come with you to the CGRS **but they cannot be present**. You do not have to accept this invitation. If you rather wish not to have an talk, this will not have any consequences for the decision concerning your parents or guardian.



YOU WANT TO VOICE YOUR OPINION

Want to know more?

ALL INFORMATION CONCERNING THE INTERVIEW

You can find them on the website:

www.cgrs.be/en/international-protection/interview



THE DECISION

When the CGRS case worker has gathered all the information, among which your statements and those of your parents or guardian, he will write the decision. This can be a single decision for you, your parents or your guardian, but you may exceptionally receive a separate decision if this is in your best interest. If you, your parents or guardian do not agree with the decision, you can appeal against it. You better discuss this with your lawyer.



Want to know more?

ALL INFORMATION CONCERNING THE DECISION

You can find them on the website :

www.cgrs.be/en/international-protection/the-decision

YOU WANT TO VOICE YOUR OPINION



THE TALK AT THE CGRS

1

YOU WOULD LIKE TO HAVE YOUR OWN SAY



NO OBLIGATION !



PARENTS' OR GUARDIAN **NOT** PRESENT

ASSISTED BY:

SHORT CONVERSATION

NO USE OF CONTRADICTIONS WITH PARENTS STATEMENTS

A LAWYER

IF POSSIBLE A TRUSTED PERSON



ONE DECISION
FOR FAMILY

2

THE CGRS INVITES YOU FOR AN INTERVIEW



NO OBLIGATION !



PARENTS' OR GUARDIAN **NOT** PRESENT

ASSISTED BY:

LONGER CONVERSATION, WITH TARGETED QUESTIONS

NO USE OF CONTRADICTIONS WITH PARENTS STATEMENTS

A LAWYER

IF POSSIBLE A TRUSTED PERSON



ONE DECISION FOR FAMILY*

* separate decision will be exceptionally possible



SAMPLE LETTER REQUEST TO BE HEARD

Request to be heard from an accompanied child

Dear Madam, Sir,

My name is (name of the child:) and I am (age:) years old.

My parent(s) or guardian is/are (name of parent/s or guardian):

I came to Belgium with my parent(s) or guardian.

We lived in (country of origin):

I would like to tell you in person what I find important and why I cannot go back to my country. I know I have to go to the CGRS for this.

SP/OV number of parent(s) or guardian:

.....



Contacts

OFFICE OF THE COMMISSIONER GENERAL FOR REFUGEES AND STATELESS PERSONS (CGRS)

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1070 BRUSSELS

Tel +32 (0)2 205 51 11

Fax +32 (0)2 205 51 15

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

Website : www.cgrs.be

CELL MINORS

The CGRS has a coordinator for minor asylum seekers.

The Coordinator shall be aware of all matters relating to the processing of applications for asylum from unaccompanied minor children. The Coordinator shall also closely monitor their applications for asylum.

For any questions or comments, tutors can contact the juvenile coordinator.

E-mail : CGRA-CGVS.Mineurs@ibz.fgov.be

Tel +32 (0)2 205 53 06

Fax +32 (0)2 205 50 05

As a central and independent asylum body, the CGRA is in contact with many Belgian, European and international partners.

Read more about it : www.cgrs.be/en/partners



Want to know
more about the
CGRS?

You will find
more information
on www.cgrs.be





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Towards a more integrated migration
policy, made possible by the AMIF