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1Introduction

1.1Purpose and target group of this report

The purpose of this report is to share the experience I had when I participated in the exchange programme within the framework of the ENARO project, in April 2004.

This report is intended for the Management to get an idea of how the reception of asylum seekers is organised in Belgium. It may also be a supplement and an input for the Steering Committee Herijken Opvang [Re-evaluation of the Reception] and is also meant for the colleagues of the various organisations I visited together with Katarina Weberocka from the Czech Republic.

This report is a reflection of my two-week stay in Belgium for the ENARO project and an answer to some of the research questions.

I would like to thank all those who made this report possible: their openness and enthusiasm for their work made it possible for me to write my reflections on the way the reception of asylum seekers is organised in Belgium.

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Part 1

Introduction of the asylum procedure in Belgium

The asylum seeker can apply for asylum at the border, at the airport, or at the Aliens Office (DVZ) in Brussels (see attachment A). After registering and identifying the asylum seeker, a file is opened and a Dublin check is carried out.
After the asylum seeker is admitted, the 'Dispatching' Department sends him to a place where he can stay during the next stages of his asylum procedure. If the request of the asylum seeker is rejected at admission, he can lodge an appeal within 3 days. This appeal is handled by the Commissioner General's Office for Refugees and Stateless Persons (CGVS). If the appeal is allowed, the asylum seeker enters the stage [validity stage] where an in-depth enquiry into the merits of the case is carried out.

When the asylum procedure has followed the procedure and the outcome is negative, he can lodge an appeal against the judicial decision. In the Netherlands, asylum seekers are entitled to reception during this stage, but will be illegal.

The asylum seeker gets financial support during the evaluation stage. This means that he can look for a house and he is also entitled to social welfare from the municipality. According to the distribution plan, the asylum seeker gets his money from the municipality, but he can live wherever he wants.

Part 2

Reception facilities

There are 3 types of reception facilities: reception centres run by the federal government and the Red Cross, local reception initiatives (LOI), and accommodation in the municipalities and in NGO partners' houses, usually available in the two big cities.

2.1 Autonomy

Asylum seekers accommodated at the reception centres run by Fedasil and the Red Cross receive an 'all-in' package. Although they have 'no worries', their autonomy is reduced, and resembles the Dutch COA system in former years. There is a restaurant where the asylum seeker receives 3 meals a day. The food is prepared and served at certain times. There are some projects that allow asylum seekers to cook. Some NGOs provide vouchers to asylum seekers to buy food at stores, or they are able to order food, which a social assistant buys for them.

The reception facilities in Belgium are semi-closed. The asylum seekers can always leave the premises, but when leaving they must hand in their card at the reception desk *('onthaal').* They can stay out for 3 days, but if they have not returned after three days they will be deregistered. If they come back after three days, they must go to 'Dispatching' in Brussels where they will get a new place to stay.

2.2 Policy

In general, one could say that the Belgian degree of organising the reception of asylum seekers is less advanced than in the Netherlands. Asylum seekers are taken care of in many ways and in all kinds of places, all with different rules. An example is the ROV policy. This is organised on the local level, and all locations are free to make their own rules and/or adjust them. There is no national policy. This makes Fedasil more an organisation that channels funds to the various reception organisations. Not only does this apply to sanctions, but also to other issues: there is hardly a uniform national system. This is an inheritance from the

past when the Belgium reception system was an amalgamation of almost autonomous reception infrastructures. The creation of Fedasil made the road free to professionalize such matters, and consequently to uniformize them.

2.3 Assistants

Besides social assistants, the Centres also employ 'general assistants'. The latter do not have a specific training. Their main tasks are supervising the daily routine, such as cleaning the rooms, maintaining informal contacts with asylum seekers, signalling tensions under asylum seekers, etc. These assistants have the right to search the asylum seekers' rooms at any time. All items, of which they think that they should not be inside the room, can be confiscated. This is to promote the safety of all. The Centre also employs assistants that promote leisure activities and physical exercises, and centres are usually equipped with an Internet room, a fitness room, a small library and a playroom or a day care accommodation for children. Asylum seekers can watch TV in special rooms where the TV sets are put behind glass. The TV programmes are selected by the assistants and consist of special blocks for children and for adults. The individual rooms do not have TV.

2.4 Asylum seekers and work

Asylum seekers are obliged to work for a compulsory number of hours, about 4 hours. They must keep their surroundings clean. If they comply, they can participate in the so-called job club, a group of asylum seekers working on the premises against payment. When I was at the OC Brochum Reception Centre I realised that this has a positive effect on the liveability of the Centre. Two members of staff supervise the asylum seekers in their activities to make the operations run smoothly.

2.5 The activities of the social assistant

The activities of the social assistant are more or less like those of our '*opvangmedewerker*'. The difference is that the social assistants help asylum seekers lodge appeals and objections. If asylum seekers received notification of the DVZ or the CGVS, they can go to the social assistant to get help with lodging the objection or appeal and maintaining the various time limits. The social assistant also informs them about other possibilities, including voluntary return.

Voluntary return is of course a delicate issue. One co-ordinator of the OCIV told me that the social assistants working there find it very difficult to bring up this subject. This also holds up the work of the IOM because asylum seekers are not referred. One reason for not bringing up the sensitive issue is because the social assistants are very close with the asylum seekers; they may even live in the same street.

One of the social assistants at a reception centre participated in an exchange programme with Sweden. At that location, the return policy received a new impetus, but there is no nation-wide policy on this issue.

2.6 Policy on sanctions

As mentioned above, the ROV policy is made on the local level. If any sanctions are imposed on asylum seekers, they are often financial sanctions, or doing odd jobs on the Centre's premises, or verbal and written warnings, or even transfer to another Centre. The final responsibility lies with the manager of the location. The conduct of the asylum seekers is discussed in the briefing in which all guides and social assistants and some other service staff are present, to determine the severity of the penalty or sanction. The social assistant communicates the message to the asylum seeker and puts the decision into effect. It is remarkable that if an asylum seeker commits an offence outside the premises, e.g. shoplifting, this may result in a sanction. If such offence is reported to the police, and the police investigate this matter and the asylum seeker is apprehended and convicted, it means that the asylum seeker is punished twice.

Part 3

Council of State Centres

Jurisprudence dictates that asylum seekers that have their case admitted to the Council of State (RVS) are entitled to reception, for which special centres are made available in Belgium. However, these Centres soon became overcrowded and this policy failed because of the long procedure of the Council of State, and there were hardly any transfers. Belgium does not have an eviction policy like we have in the Netherlands, with eviction orders and ending the entitlement to accommodation. Asylum seekers that have exhausted all legal remedies are told by the social assistants that they must leave the Centre. Most asylum seekers comply with the instructions, as they would rather not go to the special repatriation centres.
Our Belgian colleagues do wish us luck with the new policy on repatriation centres.

Enclosures:

A Outline of the asylum procedure

B Top 10 of countries of origin in 2003

C REAB; Return and migration of Asylum Seekers from Belgium

D Glossary of asylum-related words

E The main 13 tasks of Fedasil

F Map of OC Broechem

G Social services manual

H Summary of " Research on psycho-social and therapeutic assistance to asylum seekers".