

Access to procedures and non refoulement - Belgium | DIP EUAA

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Overview

Relevant EU legislation

Belgium is bound by the recast Asylum Procedures Directive/Regulation and has transposed its provisions through the [Law of 21 November 2017 amending the Aliens Law](#) and [Law of 17 December 2017 amending the Aliens Law](#).

National legislation

Law of 15 December 1980 on the Entry, Residence, Establishment and Removal of Foreign Nationals | Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers, [Aliens Law](#)

Royal Decree of 11 July 2003 laying down certain elements of the procedure to be followed by the Immigration Office responsible for examining asylum applications on the basis of the Act of 15 December 1980 on the entry, stay, residence and removal of foreign nationals | [Arrêté royal du 11 juillet 2003 fixant certains éléments de la procédure à suivre par le service de l'Office des étrangers chargé de l'examen des demandes d'asile sur la base de la loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers](#)

Competent authority and stakeholders

Area	Competent national authority	Assistance to competent authority (if applicable)
Screening at the external border	Federal Police Police Fédérale Federale Politie (Aeronautical Police or Navigation Police)	Not applicable
Biometric data	Immigration Office (IBZ) Office des étrangers Dienst Vreemdelingenzaken	Not applicable

Area	Competent national authority	Assistance to competent authority (if applicable)
	Application at the border	
	Federal Police Police Fédérale Federale Politie (Aeronautical Police or Navigation Police)	
	In a closed centre: Immigration Office (IBZ) Office des étrangers Dienst Vreemdelingenzaken	
Making an application	Application on the territory: Immigration Office (IBZ) Office des étrangers Dienst Vreemdelingenzaken	Not applicable
	Application in detention	
	Detention facility for foreigners: Immigration Office (IBZ) Office des étrangers Dienst Vreemdelingenzaken	
	In prison: Director of the prison Immigration Office (IBZ) Office des étrangers Dienst Vreemdelingenzaken	
Registering an application	Immigration Office (IBZ) Office des étrangers Dienst Vreemdelingenzaken	Not applicable

**Assistance to
competent
authority (if
applicable)**

Area **Competent national authority**

At the border

Federal Police | [Police Fédérale](#) | [Federale Politie](#) (Aeronautical Police or Navigation Police)

In a closed centre: [Immigration Office](#) (IBZ) | Office des étrangers | Dienst Vreemdelingenzaken

**Lodging an
application**

Application on the territory:
[Immigration Office](#) (IBZ) | Office des étrangers | Dienst Vreemdelingenzaken

Not applicable

Application in detention

Detention facility for foreigners:
[Immigration Office](#) (IBZ) | Office des étrangers | Dienst Vreemdelingenzaken

In prison: Director of the prison

**Information
provision**

[Immigration Office](#) (IBZ) | Office des étrangers | Dienst Vreemdelingenzaken

Not applicable

Access to territory

Official external border-crossing points

Belgium has [six external air border-crossing points](#):

- (1) Brussels National Airport (Zaventem)
- (2) Oostende
- (3) Deurne
- (4) Bierset
- (5) Gosselies
- (6) Wevelgem (aerodrome)

Belgium has [one land border](#), at the Eurostar terminal at Brussels South station, where only exit controls are done by Belgian authorities.

Belgium has [6 external sea border crossing points](#):

- (1) Antwerpen
- (2) Oostende
- (3) Zeebrugge
- (4) Nieuwpoort
- (5) Gent
- (6) Blankenberge

Emergency measures in cases of mass arrivals

Aliens Act, Article 50 (2) and (3) provide for the application of emergency measures by the authorities in cases of mass arrivals. These provisions allow for the extension of registration deadline in these cases (from 3 days to 10 days), and the extension of the deadline for lodging (as soon as possible after registration, but not later than 30 days). The 30-day period can further be extended when a large number of foreigners simultaneously make an application for international protection, making it very difficult in practice to comply with this period. In this case, the King can extend the period with a decree, after consultation in the Council of Ministers. The decree loses its effect three months after its entry into force.

Protection from refoulement

The principle of protection from *refoulement* is enshrined in relevant articles in the Aliens Law which indirectly or directly refer to this principle, and applies in different cases.

An application for international protection at the border is often linked (or the consequence) to a decision to return to the country of departure when the person does not have the necessary entry documents. They are refused entry to Belgium and are notified of a decision of refusal of entry and refoulement by the Immigration Office (so-called “Annex 11ter”). Such persons may decide to submit an asylum application, in which case the decision of refoulement is suspended, according to Aliens Act, article 49/3/1.

The protection clause/*non-refoulement* principle is not expressly included in the legislation when referring to the assessment of a Dublin transfer, this is implied in Aliens Law, Article 49/3/1 and 53bis.

The Aliens Law foresees that in case of exclusion or the withdrawal or refusal of international protection due to public order or danger to national security, the Office of the Commissioner General for the Refugees and the Stateless persons must issue an opinion on the compatibility of a potential removal order with the principle of *non-refoulement*. According to the legal framework, this is no longer part of the asylum procedure as a person has been refused or excluded from an international protection status.

Protection from refoulement at air borders

Asylum seekers arriving at an airport in Belgium can indicate their wish to apply for asylum to the Border Police Section of the Federal Police, who will submit a report to

the Border Control Section and the International Protection Department of the Immigration Office. If an applicant does not have access to the territory, the Immigration Office will register the application at a closed centre near the border. No specific monitoring mechanism is in place at the air border. Civil society organisations are present in the closed centre, which is legal designated as the border. A coalition of civil society organisations called '[Move](#)' conduct weekly visits to applicants detained in closed centres near the borders.

Protection from refoulement at land borders

Belgium does not have external land borders. If an asylum seeker crosses an internal border, they can go directly to the Immigration Office to register and lodge their application.

Protection from refoulement at sea borders

Asylum seekers arriving at sea borders in Belgium can indicate their wish to apply for asylum to the Border Police Section of the Federal Police, who will submit a report to the Border Control Section and the International Protection Department of the Immigration Office. If an applicant does not have access to the territory, the Immigration Office will register the application at a closed centre near the border. No specific monitoring mechanism is in place at the air border. Civil society organisations are present in the closed centre, which is legal designated as the border. A coalition of civil society organisations called '[Move](#)' conduct weekly visits to applicants detained in closed centres near the borders.

Protection from refoulement in case of emergency measures related to mass arrivals

A contingency plan was developed in accordance with the provisions of the Pact on Migration and Asylum.

Border procedure

Aliens Act, Article 50 and the [Royal Decree of 8 October 1981 on the entry, residence, establishment and removal of foreign nationals](#), Articles 71/2 and 72 provide for the border procedure. A third-country national who arrives at the border without meeting required conditions may apply for international protection immediately. The applicant cannot be returned (principle of non-refoulement) until a decision is taken and during the timeframe for appeal procedures.

The application at the border is made in person and legal assistance is provided free of charge. Usually, applicants are detained in a closed centre during the examination period and the time limit for detention is four weeks.

A personal interview is carried out according to the rules of the regular procedure. Applications at the border, and thus, interviews as well, are prioritised.

Procedural aspects

In practice, all three stages (making, registering, lodging) are usually done at the same time.

Making an application

Responsible authority and place

Applications for international protection can be made: i) at border posts, airports or seaports (to the Border Police Section of the federal police or to the Immigration Office when the person is refused access to the territory and is maintained a closed centre); ii) within the territory (at the registration centre in Brussels with the Immigration Office, in the closed centre/family unit with the Immigration Office, to the director of prison, when the person is in prison).

Possibility to apply from outside the territory

Applications cannot be made to a Belgium embassy abroad, and they cannot be submitted in writing by post or email. The law requires the person's personal presence when making and lodging an application.

Belgium has a scheme for issuing visa for humanitarian reasons. In general, requests for visas for humanitarian reasons can be classified in three main groups: resettlement, enlarged family reunification, and humanitarian/urgent situations. As for the latter, visas for humanitarian or urgent reasons are delivered to very specific persons (e.g. high-profile persons, such as foreign politicians or opposition leaders) or clear-cut cases of protection needs, sometimes after Belgian authorities have been contacted by UNHCR. Visa for humanitarian reasons have been also granted in other cases, for example to Rwandan nationals fleeing the genocide in 1994 and to Palestinian children in need of specialised medical care. A visa for humanitarian reasons must be requested at the Belgian embassy in the country of origin or the country of residence. A request by e-mail is only allowed in the very specific situation of 'hybrid cases', where other family members can apply for a visa for family reunification, but a certain family member does not qualify for family reunification and thus needs to apply for visa for humanitarian reasons instead.

Formal requirements for making an application

A foreign national must make an application at the Immigration Office in Brussels as soon as possible and within 8 working days after arrival in Belgium. According to the law, the Immigration Office provides the applicant with an attestation (*attestation de présentation*) after the application is made. However, according to the current practice, making, registering and lodging the application happens on the same day, and in this case, the Immigration Office does not provide an attestation of presentation. The applicant immediately receives the proof of lodging (annex 26 for a first application on the territory, annex 26quinquies for a subsequent application on the territory, annex 25 for a first application at the border, annex 25quinquies for a subsequent application at the border).

Based on the Aliens Act amendment in 2017, failure to apply for a residence permit after irregularly entering the country or failure to apply for international protection within the 8-day deadline constitutes a criterion for the determination of a “risk of absconding”, and this can be taken into consideration as one of the elements in assessing the credibility of the application. When the application is made to the border police or the director of the prison/detention centre, the application is immediately lodged and a report is sent to the relevant section (Border Control or International Protection Department) of the Immigration Office, for further processing.

Applicants are bound by the duty to cooperate and the obligation to submit all relevant information, documents or other elements as soon as possible.

After making the application, an applicant for international protection is protected against refoulement. This means that, throughout the international protection procedure, the applicant may not be sent back to the country of origin, with the exception of the situations as provided in the Aliens Act. After making the application, the applicant will be referred to Fedasil for the assignment of material reception conditions in the context of reception.

Consequences of making an application when in detention: The procedure for a removal is suspended (with the exception of situations provided for in the Aliens Act), but a foreigner remains in detention during the procedure. The period of detention is 2 months, but it can be extended (only in cases of public order or national security issues) once by a period of 2 months by the minister or his deputy and twice for a period of 1 month thereafter by the minister, up to a maximum of 6 months. The period of detention is suspended for the time provided to appeal the decision on the asylum application. If a final decision has been taken (a negative decision by the CGRS has been confirmed in an appeal or no appeal has been made), a new decision for detention will be taken based on the Return Directive. Applications from detention would be channelled through an accelerated procedure.

Registering an application

Responsible authority and place

When a foreign national makes an asylum application at the Immigration Office, it must be registered within 3 working days, the registration usually happens the same day. This deadline can be prolonged up to 10 working days when high numbers of applicants arrive at the same time.

Practical steps to register the application

In other cases, when the application is made at the border police (if a foreigner was refused entry during Schengen entry controls) or with the director of the prison or detention centre (if a foreigner was intercepted and detained), an application is immediately lodged and a report is sent to the relevant section (Border Control Section and International Protection Department) of the Immigration Office in Brussels.

The reception centre Petit-Château / Klein Kasteeltje was a single arrival centre between December 2018 and August 2022. However, in August 2022, for safety reasons, the registration unit of the Immigration Office moved to its headquarters in the Pacheco building and then in 2024 to rue Belliard in the centre of Brussels. This move is considered to be temporary and a new suitable location is being sought to allow for the re-establishment of an arrival centre.

During registration, the applicant will be informed about his/her rights and obligations, and potential vulnerabilities will be identified.

Data collection

The Immigration Office records the applicant's identity, takes photographs and fingerprints. Fedasil oversees the medical examination of the applicant. When an unaccompanied minor applies for international protection, the Immigration Office can express a doubt on the age declared and can request a medical test. In all cases, the Guardianship Service will be informed, which is responsible for the

identification of unaccompanied minors.

All applications are added to the administrative file of the person concerned, in the central database of the Immigration office.

The Eurodac Regulation (604/2013), Article 9 obliges Member States to promptly take fingerprints of all fingers of every applicant for international protection who is at least 14 years of age. The new Eurodac Regulation (2024/1358), Article 15 obliges Member States to take the biometric data of every applicant for international protection who is at least 6 years of age.

Documentation

According to the current practice, making, registering and lodging the application happens on the same day, and in this case, the Immigration Office does not provide a notification of presentation. The applicant immediately receives the proof of lodging (annex 26 for a first application on the territory, annex 26quinquies for a subsequent application on the territory, annex 25 for a first application at the border, annex 25quinquies for a subsequent application at the border).

Lodging an application

Responsible authority and place

The Immigration Office provides the applicant with the opportunity to lodge an application either immediately when making the application (making, registering and lodging procedures overlap, as this is the case in practice currently) or as soon as possible after issuing the "*attestation de présentation*". authorities in cases of mass arrivals. These provisions allow for the extension of registration deadline in these cases (from 3 days to 10 days), and the extension of the deadline for lodging (as soon as possible after registration, but not later than 30 days). The 30-day period

can further be extended when a large number of foreigners simultaneously make an application for international protection, making it very difficult in practice to comply with this period. In this case, the King can extend the period with a decree, after consultation in the Council of Ministers. The decree loses its effect three months after its entry into force.

When the application is made with the border police or with the director of the prison or closed centre/detention facility, the application is immediately lodged and a report is sent to the relevant section (Border Control or International Protection Department) of the Immigration Office in Brussels.

Formal requirements to lodge an application for international protection

As foreseen by law, an application for international protection is made and lodged in person (it is not possible to do so by proxy). However, applicants can apply not only on behalf of themselves but also for those who accompany them and are dependent on them due to age. An application can include the minor (in principle) but not the spouse (all adults make and lodge an individual application). Children must be present when the application is made and lodged. However, accompanied minors have the possibility to make and lodge their own application.

During lodging, the applicant must choose residence in Belgium and the language of the procedure must be determined. If the applicant's French or Dutch is sufficient, they can choose French or Dutch as the procedural language. In all other cases, when the presence of an interpreter is required, the Immigration Office will determine the language of the procedure according to the needs of the services and agencies.

After lodging the application, the applicant will be invited to the Immigration Office for an interview. This can be on the day of lodging the application, but mostly as soon as possible. An interpreter will be present during the interview, if requested by the applicant. Several types of hearings (Dublin, first application, subsequent application) are possible, depending on the personal situation of the applicant. If Belgium is considered to be the Member State responsible under the Dublin III

Regulation, the file will be transferred to the CGRS for further examination. During this stage, the presence of a lawyer is not foreseen.

Documentation

Once the application is lodged, applicants receive a “proof of asylum application” certifying their status either as first-time applicants (Annex 26 for an application within the territory, Annex 25 for applications at the border) or subsequent applicants (Annex 26quinquies for a subsequent application within the territory or Annex 25quinquies for a subsequent application at the border).

Information provision

On the day of registration/lodging of the application at the Immigration Office, applicants receive [a brochure](#) containing information on the responsible authorities, the different procedural steps that will be followed and other relevant information, as foreseen by royal decree (available in 19 languages).

Applicants also have access to a public website, where information is available according to the different steps of the registration process, such as security screening, registration at the counter and fingerprinting. The information is available through text, audio and videos, in 16 languages ([Asylum Registration](#)).

Passport and other documents

Obligation to surrender original documents

Requirement to submit original documents

Identity documents must be presented as soon as possible (already upon the making/registration of the application), otherwise the applicant must explain why

they were not presented earlier. A copy of the identity documents is added to the administrative file. Identity documents can be retained in individual cases, when there is a doubt about the authenticity of the documents. The applicant is also obliged to submit, as soon as possible, any other elements that may help the competent authorities to determine the responsible Member State or to examine the application.

Recognised refugees are obliged to hand their passports to the CGRS. The CGRS may re-examine the status if the beneficiary does not deposit the passport or reclaims it without a valid reason (Aliens Law, Article 57/8/1).

Consequence of a refusal to surrender documents

Withholding documents or refusing to produce/submit certain documents may indicate a lack of cooperation. A lack of cooperation may lead to detention in a well-defined place during the application or to the application being fast-tracked by the CGRS, when Belgium is responsible to examine the application.

Return of original documents to the applicant

Original identity documents are always returned, while false or forged documents are never returned (Aliens Law, Article 48/6 (1), (2)). Only a copy of the original identity documents are added to the administrative file of the applicant.

Other documents

The applicant is also obliged to submit, as soon as possible, any other elements that may help the competent authorities to determine the responsible Member State or to examine the application.

Requirement to read digital data

The law currently does not allow the search of digital devices.

Guarantees for applicants

Confidentiality principle

The authorities treat the elements provided by the applicant in support of their application with strict confidentiality, in accordance with data protection rules.

Information provision

If an individual applies for international protection at the border or in a transit zone, the federal police are responsible for providing the necessary information. When a person is detained in a closed centre after being refused entry, they are informed about their right to lodge an application for international protection. This information is delivered by Immigration Office staff at the closed centres is often supported by brochures or leaflets that clearly outline the process and associated rights.

When an application is lodged at the Immigration Office in Brussels, applicants are given a [brochure](#) on the same day, as mandated by the Royal Decree laying down certain aspects of the procedure to be followed by the Immigration Office (Act of 15 December 1980 on access to the territory, residence, establishment and removal of foreign nationals). Articles 2 and 3 of this decree specify the requirement to provide applicants with a comprehensive brochure during the registration phase.

All applicants receive the brochure entitled “I have asked for asylum in the EU - Which country will handle my claim?” during the registration or lodging phase of the application. If a decision is made to launch a Dublin investigation for the applicant, they are also provided with an additional brochure entitled “I am in the Dublin procedure - What does it mean?” This occurs during the interview at the Immigration Office. These brochures are part of the common information leaflets developed

based on the Dublin III Regulation, Article 4. For applicants identified as potential Dublin cases, more information is given orally by staff of the Immigration Office, either during the interview or at other stages of the procedure.

Links to information provided in the national context:

Authority/Agency: Immigration Office

Title: Information brochure international protection in Belgium

Type: Leaflet

Hyperlink: <https://dofi.ibz.be/en/themes/international-protection/application-international-protection/lodging-application/brochure>

Authority/Agency: Immigration Office

Title: What will happen during the registration of the application for international protection?

Type: Website

Hyperlink: <https://www.asylumregistration.be/>

Authority/Agency: Office of the Commission General For Refugees and Stateless Persons (CGRS)

Title: Brochures

Type: Website

Hyperlink: <https://www.cgrs.be/en/publications>

Authority/Agency: Office of the Commission General For Refugees and Stateless Persons (CGRS)

Title: Asylum in Belgium

Type: Website

Hyperlink: <https://www.asyluminbelgium.be/>

Interpretation

Interpretation is provided free of charge for the making, registration and lodging of an application for international protection. Applicants also has to indicate during the lodging in writing whether they request assistance from an interpreter throughout

the asylum procedure. If an applicant's French or Dutch knowledge is sufficient, they have the possibility to choose between these two languages, as procedural language. In all other cases, the Immigration Office will determine the language of the procedure according to the needs of the services and agencies. Once the procedural language is established, it is maintained throughout the entirety of the procedure, including at the CGRS and the CALL. The procedural language will also be maintained when making a subsequent application. Interpretation may be provided by phone, but this only happens occasionally, in the case of very rare languages

Legal assistance and representation

Legal assistance for making, registering and lodging an application for international protection are provided to applicants by private lawyers. In case applicants do not have sufficient means, they may request a pro bono lawyer, free of charge. Criteria to apply for free legal assistance are available [here](#).