# Temporary protection - Belgium

## Overview

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### Relevant EU legislation

Belgium transposed the Temporary Protection Directive in 2003 by Law of 18 March 2003 amending the Law of 15 December 1980 on the entry, residence, settlement and removal of foreigners, available in Dutch and French. By virtue of this amendment, a series of provisions specifically relating to temporary protection were introduced in the Belgian Aliens Act (see Title II, Section IV, Chapter IIbis, Articles 57/29 – 57/36).

The provisions were automatically activated with the implementing decision of the Council of the EU for displaced people from Ukraine.

### National legislation

Aliens Act (see Title II, Section IV, Chapter IIbis, Articles 57/29 – 57/36).

The Immigration Office announced that temporary protection for eligible beneficiaries would be automatically extended until 4 March 2024. A further extension until 4 March 2025 was declared in November 2023. Another further extension until 4 March 2026 was announced in November 2024.

### Competent authority and stakeholders

| Area | Competent national authority | Assistance to the competent authority (if applicable) |
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| **Screening at the external border (if relevant)** | Federal Police \| Police Fédérale \| Federale Politie (Aeronautical Police, Railway Police or Navigation Police). Screening is not performed systematically at the border. | |
| **Biometric data (if relevant)** | Immigration Office (IBZ) \| Office des étrangers \| Dienst Vreemdelingenzaken | |
| **Granting temporary protection** | Immigration Office (IBZ) \| Office des étrangers \| Dienst Vreemdelingenzaken | |
| **Issuing the residence permit** | Municipalities | |
| **Providing accommodation** | Regions and municipalities | |
| **Medical care** | Health Insurance Funds Public Centres for Social Welfare \| Les centres publics d'action sociale \| Openbare Centra voor Maatschappelijk Welzijn (urgent medical assistance) | |
| **Social welfare** | Public Centres for Social Welfare \| Les centres publics d'action sociale \| Openbare Centra voor Maatschappelijk Welzijn | |

## Eligibility

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According to the Immigration Office's notice, the following categories of persons are eligible for temporary protection:

- Ukrainian nationals and their family members whose primary residence was in Ukraine before 24 February 2022.
- Stateless persons, nationals of third countries other than Ukraine, and their family members who have international protection or an equivalent national protection in Ukraine, whose primary residence was in Ukraine before 24 February 2022. Family members are considered to be:
  - The spouse or the unmarried partner in a stable relationship in accordance with Belgian legislation for foreigners;
  - Minor unmarried children, including those of a spouse, without distinction as to whether they were born in or out wedlock or adopted; and
  - Other close relatives that were living within the family unit at the time that circumstances surrounding the mass influx of displaced persons unfolded and who were wholly or mainly dependent at the time; and
- Nationals of third countries legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent residence permit and who are unable to return to their country or region of origin under safe and sustainable conditions.

## Admission to the territory

Ukrainian citizens with biometric passports can enter and stay for 90 days in Belgium without a visa, according to the Association Agreement concluded between the EU and Ukraine in 2017. This 90-day period may be extended up to a maximum of 180 days if the situation in Ukraine does not allow for a safe return at the end of the 90 days.

Ukrainian citizens who do not hold a biometric passport but who have received a visa for Belgium can also obtain an extension of their authorised stay up to a maximum of 180 days.

The authorities confirmed that Ukrainian citizens who are, or have arrived, legally in Belgium and who, due to the situation in their country, stay longer than the authorised stay, should not worry. They are advised to go immediately to the municipal administration of their place of residence to declare their arrival or request the authorisation to extend their stay in Belgium.

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Ukrainian citizens who wish to come to Belgium for a longer period of time, for example to work or for family reunification, should normally obtain a D visa (national long-stay visa) before traveling. As the Belgian Embassy's counters in Kiev are closed, it is possible to apply for this visa at the Belgian Consulate General in Warsaw (Poland).

For Ukrainian citizens who have left Ukraine and are already in the Schengen area, it is possible to apply for a residence permit directly at the municipal administration of their place residence in Belgium. The conditions for granting this residence permit (studies, work, family reunion) are maintained, but if the applicant cannot present the usual official documents, the Immigration Office will look for alternatives with him/her.

Ukrainian citizens who have left Ukraine and are in a country that is not part of the Schengen area can contact the Belgian embassy or consulate responsible for that country.

Ukrainian citizens who are legally residing in Belgium for a limited period and no longer meet the requirements for renewal of their residence card (card A) can obtain an extension of their authorised stay (end date of stay + 90 days), with a possibility of extension up to a maximum of 180 days.

Health screening is not carried out automatically.

## Provision of information

### Information platforms (websites)

- Dedicated state platform, "Info Ukraine", including a page on assistance in Belgium to displaced people from Ukraine
- Dedicated page on the website of the Immigration Office

### Leaflets

- For refugees fleeing from Ukraine (EN/UA/RU/NL/FR)
- Care for pets (UA/FR/EN/NL)

### Hotlines/contact lines

The regions of Flanders and Wallonia have dedicated information numbers, which

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are +32 2 225 44 21 and 1718 respectively.

**Other**

- UNHCR flyer, "Arriving in Belgium" (NL/FR/EN/UA/RU)
- Dedicated page on the Flemish Refugee Council website
- EUAA Booklet on Temporary Protection in Belgium also available in UA and RU

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# Procedural aspects

## Procedure to register and be granted temporary protection

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| **Registration** | Registration of applicants for temporary protection is centralised. Each person must present themselves in person, along with the required documentation, at the registration centre located at 68 Rue Belliard, 1000 Brussels. The registration centre for temporary protection is open Monday through Friday, at 8:30 am. A person must have documents to prove that they belong to an eligible category, including documents which prove that they resided in Ukraine before 24 February 2022.<br><br>The registration centre is a service point in which:<br>• The Immigration Office registers Ukrainian refugees. They are granted temporary protection, if eligible. If not eligible, a refusal decision will be taken.<br>• Fedasil registers the requests of Ukrainian refugees without housing in Belgium and calls upon the regions and municipalities which are responsible for the accommodation to find housing solutions. If necessary and subject to places availability, they are accommodated temporarily in an emergency shelter in Brussels while suitable accommodation is located in one of the municipalities. Establishing long-term accommodation for refugees is the responsibility of local and regional authorities. |

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| **Residence permit** | Upon registration, an Attestation of Temporary Protection is issued by the Immigration Office if the conditions for granting temporary protection are met. With this attestation, the municipal administration of the place of residence issues an A card (residence card). This document was initially valid until 4 March 2023.<br>With the announcement of the extension of temporary protection by the Immigration Office for 1 more year, A cards needed to be renewed at the municipality. A validity of 1 year was issued until 4 March 2024, which was extended until 4 March 2026. Renewals could be initiated from January 2025.<br><br>In case the application for renewal is late, a verification of eligibility by the Immigration Office is required before the card can be renewed (the verification must be carried out before the beneficiary of temporary protection is (re)registered).<br><br>People who are granted temporary protection from January 2025 automatically receive an A card valid until March 2026. |
| **Legal aid** | Legal assistance for aspects related to temporary protection is the same as for the regular procedure for asylum. |

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| **Appeal** | An appeal for annulment may be lodged with the Council for Alien Law Litigation (CALL), in accordance with the Aliens Law, Article 39/2 (2), of the Law of 15 December 1980. This appeal must be lodged by petition within 30 days of notification of the decision.<br>Without prejudice to other specific legal and regulatory provisions, the appeal and the claim must be submitted by means of a petition that must comply with the requirements of Aliens Law, Article 39 and the Rules of Procedure of the Council for Alien Law Litigation, Article 32.<br>The appeal must be submitted to CALL by registered letter to the first president of the council (with the exceptions mentioned in Rules of Procedure of the Council for Alien Law Litigation, Article 3(1), second and fourth paragraphs).<br>The appeal does not automatically have a suspensive effect. However, the applicant may add a request to the appeal for annulment to suspend the decision. |

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| **Exclusion** | According to the Aliens Act, Article 57/32, the circumstances for exclusion from temporary protection include:<br>• If there are serious reasons to believe that the person has committed crimes against peace, war crimes or crimes against humanity;<br>• If there are serious reasons to believe that the person has committed a serious non-political crime outside Belgian territory;<br>• If there are serious reasons to believe that the person has committed acts contrary to the purposes and principles of the United Nations.<br>• If there are reasonable grounds to believe that the foreign national poses a danger to national security or that a final conviction for a particularly serious crime or offence causes him to constitute a threat to public policy. |
| **Termination/Withdrawal** | According to the Aliens Act, Article 57/30: Temporary protection ends when the maximum period is reached (1 year + 6 months + 6 months, after which a new Council decision is required), or on the date mentioned by the Council decision activating the Temporary Protection Directive.<br><br>At the end of this period, the residence permit is withdrawn, and former beneficiaries of temporary protection receive an order to leave the territory. The deadline for this cannot be less than 1 month.<br><br>The residence permit is exceptionally extended when the person cannot be reasonably expected to travel due to health reasons. The residence permit may also be extended to allow families with minor children to complete the school year. |

# Reception and accommodation

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## Overview

Reception is organised outside of the traditional reception system for asylum applicants, through regions and municipalities. Fedasil, which is responsible only for the reception of applicants for international protection, directs beneficiaries to accommodation offered by the municipalities.

If necessary and subject to places available, persons are accommodated temporarily in an emergency shelter managed by the Red Cross in Brussels, while suitable accommodation is located in one of the municipalities. More information is available on the dedicated website 'Info Ukraine - Accommodation'.

## Organisation of reception and accommodation

**Initial reception:** Initially, until long-term accommodation can be found, temporary emergency reception is provided by Fedasil either in collective housing where several families reside together or with a host family of Belgian citizens.

**Accommodation:** The regions and municipalities provide long-term accommodation to persons who are unable to arrange their own private housing. The types of accommodation include buildings which are currently unoccupied, such as office buildings that can be repurposed or individual or collective housing units.

**Provision for means to obtain housing:** Outside of social welfare assistance, there is no separate financial support scheme to assist persons to obtain private accommodation. The Public Centre for Social Welfare support persons without sufficient means to secure housing through different means, such as supporting with the search for housing, advancing the first months rent or the rent guarantee and providing a settling in grant.

**Other types of accommodation:** Alternative solutions for long-term accommodation are sometimes found, such as in hotels, leisure centres, military buildings and prefabricated villages. More information specific to each region is available on the info-Ukraine website.

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# Rights of people granted temporary protection

| Rights | Description |
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| **Access to the labour market** | With the A residence card, persons can access the labour market without restrictions - this fact is noted on the residence card. More information is available on the dedicated website 'Info Ukraine - Rights'.<br><br>For additional information, consult the Overview of national measures regarding employment and social security of displaced persons coming from Ukraine - Country Fiches by the European Labour Authority. |
| **Access to medical care** | Temporary protection beneficiaries can be affiliated to a mutual health insurance fund.<br><br>While waiting for the right to join a mutual health insurance fund, urgent medical assistance is provided to persons who have left Ukraine due to the war and who declare to the Public Centre for Social Welfare (PCSW) that they are claiming temporary protection status.<br><br>More information on medical care is available on the dedicated website 'Info Ukraine - Medical care'.<br><br>Information on psychological support is available on the dedicated website 'Info Ukraine - Psychosocial support'. |

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| Rights | Description |
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| **Social welfare assistance and means of subsistence** | Beneficiaries of temporary protection status can receive aid equivalent to the integration revenue. This right to aid equivalent to the integration revenue is available as soon as the person is listed on the register of foreign nationals following the issuing of the temporary protection certificate.<br><br>An information leaflet on social care for beneficiaries of temporary protected status is available here.<br><br>More information is available on the dedicated website 'Info Ukraine - Rights'. |
| **Education** | Children of compulsory school age have the same rights and obligations in education as their Belgian peers.<br><br>Municipalities provide help in enrolling children in school. They typically join preparatory or bridging classes at first, when they lack sufficient French or Flemish knowledge. |

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| Rights | Description |
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| **Family reunification** | People who have lost contact with their families as a result of the situation in Ukraine, because they have fled, because they have taken shelter somewhere or because they no longer have access to a telecommunications network, can contact the Red Cross, Restoring Family Links.<br><br>Asylum Act, Article 57/34 foresees that the spouse and the minor unmarried children should also be granted temporary protection, and other close relatives may also receive this status.<br><br>Family reunification for beneficiaries of international protection is regulated by a new law adopted on 8 February 2024 amending the law of 15 December 1980 on access to the territory, stay, establishment and removal of foreigners with regard to the right to family reunification. |

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| **Other** | **Banks:** The basic banking service is available for beneficiaries.<br><br>**Cars:** People fleeing Ukraine and coming to Belgium by car must meet several conditions to be authorised to drive in Belgium. Information is available on the dedicated website 'Info Ukraine'<br><br>**Family tracing:** through the Red Cross.<br><br>**Legal aid:** is available through the legal assistance bureau of the local bar. Information on rights of beneficiaries of temporary protection is available on the dedicated website, 'Info Ukraine- Legal aid'<br><br>**Pets:** Information on free vet care is available on the dedicated website 'Info Ukraine- My pets need care'. The relevant obligations are presented by the Federal Agency for the Safety of the Food Chain (FASFC). |

## Assistance to unaccompanied minors

Unaccompanied minors from Ukraine who want to apply for temporary protection must report to the registration centre of the Immigration Office in Brussels, just like adults. The Immigration Department then notifies the Guardianship Department about the unaccompanied minor.

Legal guardianship and further support are provided according to the general rules. The Guardianship Service appoints a guardian who is officially recognised as a guardian by the Guardianship Service. To this end, the guardian has first gone through a selection procedure and received specific training on guardianship. The guardian carries out duties under the supervision of the Guardianship Service and the Justice of the Peace.

The guardian is the legal representative of the unaccompanied minor. The guardian ensures the safety and general well-being of the minor, helps to find

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appropriate care and education for the minor, and monitors the psychological and medical condition of the minor. The guardian is not allowed to receive the minor in his/her home.

The Guardianship Service appoints a guardian to each unaccompanied minor to legally represent them. Even if the minor has a relative, a guardian will still be allocated. The Guardianship Service will not appoint a guardian only if there are official documents recognised by Belgium that prove that someone has legal representation for the minor. The Guardianship Service analyses this document after notification.

Currently, there is a waiting list for appointing guardians.

The reception of unaccompanied Ukrainian children is organised outside of Fedasil's reception network. It is arranged through Foster Care Flanders ( Pleegzorg Vlaanderen) or Young Mentors (Mentor Jeunes) in Wallonia.

Information for unaccompanied minors and relevant contacts is available on the ' Info Ukraine' website. A brochure and a video on the role of a guardian are also available.

Children in compulsory education age have the same rights and obligations in education, as their Belgian peers. Municipalities provide help in enrolling children in education. They typically join preparatory or bridging classes at first, when they do not have enough French or Flemish knowledge. Access to education for unaccompanied minors is also arranged through Foster Care Flanders (Pleegzorg Vlaanderen) or Young Mentors (Mentor Jeunes) in Wallonia.

## Assistance to people with special needs

People with special needs are assisted through the general social welfare and healthcare systems. Legal provisions specifically for applicants and beneficiaries of temporary protection do not exist.

## Solidarity (relocation of people who are eligible for temporary protection)

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To date, no specific measures or commitments have been taken for relocation from Moldova or any other country.

## Impact of simultaneous application for international protection

Persons under temporary protection can apply for international protection, but the examination of their application is suspended until the end of the temporary protection regime.

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