Information provision - Belgium

Overview

Content updated and validated on: 3/10/2025

Relevant EU legislation

Belgium is bound by EU legislation and has transposed relevant provisions through the 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, (15 December 1980) and further amendments.

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, (15 December 1980) and further amendments.

Royal Decree of 11 Jult 2003 laying down certain elements of the procedure to be followed by the service of the Immigration Office responsible for examining asylum applications on the basis of the Law of 15 December 1980 on the entry, residence, establishment and removal of foreigners | Arrêté royal du 11 juillet 20023 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

Law of 12 January 2007 on the reception of asylum applicants and certain other categories of foreigners | Loi du 12 janvier 2007 sur l'accueil des demandeurs d'asile et de certaines autres catégories d'étrangers

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Competent authority and other stakeholders

Area/stage of the asylum procedure	Competent authority
Reception	Federal Agency for the Reception of Asylum Seekers (Fedasil) | L' Agence fédérale pour l'accueil des demandeurs d'asile | Federaal agentschap voor de opvang van asielzoekers
Registration of application	Immigration Office (IBZ) | Office des étrangers | Dienst Vreemdelingenzaken
Lodging of application	Immigration Office (IBZ) | Office des étrangers | Dienst Vreemdelingenzaken Federal Police | Police Fédérale | Federale Politie (Aeronautical Police, Railway Police or Navigation Police) at the border
Dublin procedure	Immigration Office (IBZ) | Office des étrangers | Dienst Vreemdelingenzaken
Assessment of application	Office of the Commissioner General for Refugees and Stateless Persons | Commissariat Général aux Réfugiés et aux Apatrides | Commissariaatgeneraal voor de vluchtelingen en de staatlozen (CGRS | CGRA | CGVS)
Communication of first instance decision	Office of the Commissioner General for Refugees and Stateless Persons | Commissariat Général aux Réfugiés et aux Apatrides | Commissariaatgeneraal voor de vluchtelingen en de staatlozen (CGRS | CGRA | CGVS)

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Area/stage of the asylum procedure	Competent authority
Content of protection	Office of the Commissioner General for Refugees and Stateless Persons | Commissariat Général aux Réfugiés et aux Apatrides | Commissariaatgeneraal voor de vluchtelingen en de staatlozen (CGRS | CGRA | CGVS)
Appeal procedure	Information on the appeal procedure is mainly provided by Office of the Commissioner General for Refugees and Stateless Persons | Commissariat Général aux Réfugiés et aux Apatrides | Commissariaatgeneraal voor de vluchtelingen en de staatlozen (CGRS | CGRA | CGVS)
Communication of second instance decision	Council for Alien Law Litigation (CALL) | Raad voor Vreemdelingenbetwistingen
Resettlement	Federal Agency for the Reception of Asylum Seekers (Fedasil) | L' Agence fédérale pour l'accueil des demandeurs d'asile | Federaal agentschap voor de opvang van asielzoekers UNHCR, IOM

Provision of information in the asylum procedure

Access to procedure

Applicants for international protection receive detailed information at various stages of the process, provided by relevant authorities and supplemented by NGOs.

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 agents of the Immigration Office stationed at the detention centre, often supported by brochures or leaflets that clearly outline the process and associated rights.

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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. Articles 2 and 3 of this decree specify the requirement to provide applicants with a comprehensive brochure during the lodging phase. In practice, applicants receive the brochure already after making an application.

The information brochure explains the authorities responsible, outlines the procedural steps to be followed and addresses special procedural needs for applicants. It provides information about the Dublin III Regulation, the personal interview at the Immigration Office, documents issued, possibility of legal assistance, detention and returns, as well as personal data and useful addresses.

To ensure accessibility, the leaflet is available in English, Arabic, Dari, Spanish, Farsi, French, Armenian, Georgian, Dutch, Pashto, Portuguese, Kirundi, Russian, Kinyarwanda, Serbian-Croatian-Bosnian, Somali, Albanian, Tigrinya and Turkish.

Applicants are informed about their rights and obligations as well when registering their application in oral and written and (often) with the help of an interpreter.

Online resources provide further support to applicants for international protection. Asylum Registration website provides detailed information on various steps, including security screening, counter registration and fingerprinting. This information is available in English, Arabic, French, Dutch, Spanish, Farsi, Dari, Pashto, Tigrinya, Somali, Turkish, Russian, Albanian, Portuguese, Georgian and Serbian-Croatian-Bosnian. The website includes text, audio and videos for clarity. The Fedasil website, launched in October 2019, offers a wide range of topics such as asylum procedures, accommodation, health, work and education. It is accessible in 14 languages (Dutch, French, German, English, Arabic, Farsi, Pashto, Russian, Spanish, Portuguese, Albanian, Turkish, Somali and Tigrinya), with audio versions in 10 languages. However, this website is only accessible through a Belgian IP address. Additionally, the CGRS website, launched in March 2021, is tailored to the needs of asylum seekers. It provides information on their rights and obligations, supported by audio for those with limited literacy skills. This platform also features videos, including a narrated journey of a refugee named Zana, which explains the asylum process from the beginning of her asylum application until the moment of the decision, with a focus on the procedure at the CGRS.

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During the intake interview at the Immigration Office, case officers explain the asylum procedure in detail. If necessary, interpreters are available to ensure clear communication. Visual aids, multilingual signage and videos explaining the registration process are also available upon arrival at a reception centre.

Group information sessions are conducted at the Fedasil Arrival Centre, where the competent authority takes the lead in providing detailed guidance. In addition, Caritas International Belgium contributes by offering information at locations like the Bordet Info Point. This facility provides information to asylum seekers outside the Fedasil reception network, as well as migrants in transit and individuals without residence permits.

Special provisions are in place for unaccompanied minors. Upon lodging their application, they receive a guide specifically tailored to their needs, available in languages such as Dutch, French, English, Arabic, Albanian, Tigrinya and Somali.

Individuals in detention are systematically informed about their rights and the procedures for applying for international protection upon arrival at the detention facility.

For more information:

- Brochure | IBZ
- Asylum Registration website (with text, audio and video)
- CGRS information leaflet on unaccompanied foreign minors

Dublin procedure

Upon making an application, asylum seekers are provided with a brochure that contains detailed information about the various procedural steps. This brochure, available in 19 languages, includes specific information on the Dublin III Regulation and its implications for the applicant's asylum procedure. The specific information leaflet on the Dublin Regulation is provided pursuant to Article 4 of Regulation (EU) No 604/2013.

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

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Dublin procedure - What does it mean?" This occurs during the interview at the Immigration Office. 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.

Applicants also have access to oral explanations and assistance from social workers or legal aid workers present in both open and closed centres. When an applicant has previously applied for international protection in another EU Member State, they may be assigned to a specific open centre managed by the Immigration Office. These centres provide targeted guidance tailored to the requirements of the Dublin regulation. The coaches – who are employed full time at the centre - also play a very important role in providing information in the context of the Dublin procedure. Upon arrival, an intake interview will take place during which detailed information will be provided. An intensive coaching is conducted by the ICAM coaches also at later stages. The role of the ICAM-coach is to make the individual aware of the situation they are in, including that Belgium is not responsible (after a transfer decision is issued) and what the consequences may be if they refuse to cooperate (e.g. risk of detention or absconding), by providing information, coaching, identifying obstacles, and clearly explaining the consequences of the choice made.

The Dublin-specific information material covers a range of topics, including the purpose and application of the Dublin procedure, criteria for determining the country responsible, the possibility of a transfer to another EU Member State, and frequently asked questions about the regulation. This is supplemented with explanations of the applicant's rights and responsibilities throughout the process.

Information is provided both in written form (brochures and leaflets) and orally through interactions with Immigration Office staff, social workers or legal aid workers. The written material is available in several languages, including Albanian, English, Arabic, Armenian, Spanish, Farsi, French, Pashto, Portuguese, Russian, Somali and Tigrinya. The common EU leaflet is also complemented with specific national information.

The general brochure includes provisions for applicants with special needs.

The legislation in place guarantees that when a transfer decision is made under the Dublin procedure, it is always notified to the applicant, either in person or by registered letter. The notification letter includes relevant information on legal remedies, explaining the steps an applicant can take to appeal the decision. This information is also communicated verbally if the decision is delivered in person.

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Legal advisors or counsellors representing the applicant can request a copy of the transfer decision from the Immigration Office, in accordance with the Law of 11 April 1994 on the publicity of administration.

For more information, applicants and interested parties can refer to the following resources:

- Brochure | IBZ
- Specific Dublin Regulation Leaflet

First instance determination

The procedure for making decisions on inadmissibility aligns with the regular asylum procedure, differing primarily in the timeframe for decision-making. The same provisions apply to interviews conducted by the Immigration Office and the Commissioner General for Refugees and Stateless Persons (CGRS).

When an applicant is invited for a personal interview, the CGRS issues a formal invitation through a convocation letter. This letter is sent by registered mail to the address provided by the applicant during the lodging of their application. If the applicant resides in a reception facility or detention centre, the invitation is sent to the facility's director, who delegates an employee to deliver it to the applicant. A signed receipt is returned to the CGRS to confirm delivery. The CGRS may also notify the applicant directly in rare cases. Additionally, a copy of the invitation is sent to the applicant's effective residence, if known, and to their lawyer, either by postal mail or email.

The convocation letter contains essential details such as the date, time and location of the personal interview. It also directs applicants to resources on the CGRS website, including information about the right to be accompanied by a lawyer or a person of trust. The invitation also includes the link to the Asylum in Belgium website containing leaflets, brochures and videos that explain the asylum process, including specifics about the personal interview and aspects for special procedural needs. These materials are available in multiple languages and audio-supported formats.

The CGRS manages the website www.asyluminbelgium.be, which provides tailored information for asylum seekers in nine languages. The platform includes

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videos that outline the asylum journey, such as the story of Zana, a refugee, which visually demonstrates the procedural stages. A dedicated section of the website focuses on the personal interview, and a brochure on the CGRS website details its purpose, the applicant's rights and obligations, procedural details, the role of interpreters, issues of confidentiality and the consequences of non-cooperation.

At the end of the interview, the case officer explains the next steps in the procedure. According to Article 17(3) of the Royal Decree on the functioning of the CGRS, the applicant, their lawyer or a person of trust can submit additional information during the asylum procedure. The case officer is required to consider this information, provided it is received before the decision is taken.

In practice, applicants are asked if they have additional remarks or new documents to submit. If the applicant indicates their intention to provide further information, they are typically granted 5 days.

The decision resulting from the asylum procedure, whether positive or negative, is sent to the applicant by registered mail. Copies are also sent to the applicant's lawyer and effective residence, if applicable. If the applicant is in a reception facility, detention centre or prison, the decision is delivered through designated staff, with acknowledgment of receipt sent back to the CGRS.

For applicants granted refugee status or subsidiary protection, the information brochure for recognised refugees or the information brochure for subsidiary protection are provided outlining their rights and obligations. These brochures are referenced in the decision letter and include details about obtaining refugee certificates, municipal registration, duty to provide national passports, obtaining travel documents, details of CGRS Helpdesk and the potential risk of losing refugee status associated with returning to their country of origin.

For a negative decision, the notification includes detailed information about the right to appeal. This encompasses the name and address of the appeal authority, time limits for lodging an appeal and the consequences of failing to appeal. Information is also provided on access to free legal aid, voluntary return programmes and how to consult or request copies of the administrative file. A leaflet about voluntary returns is included with the decision.

Throughout the lodging of an appeal procedure, applicants typically have access to a “pro-Deo lawyer” who provides legal advice and representation.

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Legal assistance and representation

The information on legal assistance and representation is provided to applicants during the lodging phase (in practice, already when making an application), as outlined in the Information Brochure on International Protection provided by the Immigration Office. During the lodging phase and the initial interview at the Immigration Office, the applicant's lawyer is not physically present.

Belgium has a system of free legal counselling for applicants who do not have sufficient financial means. Information is also given to applicants about the possibility of requesting a pro bono lawyer or legal aid. Every judicial district has a free legal support office (*bureau d'aide juridique / bureau juridische bijstand*), where applicants can apply for legal aid. This information is provided by staff at the Immigration Office, staff in reception centres and the determining authority (CGRS). The Judicial Code, Article 668 ensure that legal representation by a lawyer is guaranteed to all asylum seekers at every stage of the procedure, including first instance, appeal, cassation and in all types of procedures (such as regular, accelerated, admissibility, annulment, suspension and full jurisdiction procedures).

Applicants also receive information on their right to free legal assistance and representation in the appeal procedure. This information is typically provided by staff of the Immigration Office, the determining authority (CGRS) and staff at the reception centres throughout the procedure, starting from the lodging phase and continuing through the process.

Resettlement and humanitarian admissions

In the resettlement process, information provision occurs at various stages. During the identification phase, information is provided by UNHCR. In the selection phase, a specific information session is provided by the CGRS (the determining authority) on the day of the selection interview.

The pre-departure phase involves a training programme, the Pre-Departure Orientation (PDO) or BELCO, which is provided by Fedasil (the reception agency). The training aims to prepare resettled individuals for their arrival in Belgium, providing practical information on the country's culture, systems, rights and obligations.

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Fedasil staff, including both headquarters trainers and reception centre trainers, deliver these sessions, and interpreters are available to ensure clear communication with the participants. This programme typically lasts 4 days, with groups of 20-25 participants, and it occurs in the first country of asylum. In exceptional circumstances, the training can be conducted online. Additionally, social screenings take place, during which individual needs and concerns are assessed, and a social file is created for each participant. The social files help monitoring information provision activities at different stages.

During the travel phase, information is provided by both Fedasil and the IOM. This includes practical information on travel arrangements, what to expect upon arrival and any necessary preparations for the journey.

In the reception phase, information is provided by Fedasil staff or other reception partners, such as Caritas.

The orientation programme is provided as part of the BELCO training and includes a wide range of topics. These include details about the individual's rights and obligations in Belgium, language courses and information on the social, cultural and political situation in the country. The BELCO training is provided before departure, typically in the first country of asylum, and ensures that participants are well prepared for their new life in Belgium.

More detailed information about the BELCO programme is available in a brochure: BELCO brochure.

Content of protection

Beneficiaries of protection receive information on their rights and obligations when granted refugee status or subsidiary protection. This information is provided through brochures that explain the rights and responsibilities associated with their status. The brochures for recognised refugees and those granted subsidiary protection include information such as residing and working in Belgium, family reunification, the duty to cooperate, the right to travel, the risk of losing refugee status upon returning to the country of origin and procedures for obtaining travel documents. This information is provided by CGRS and is referenced in the notification letter sent to beneficiaries. The brochures are available on the CGRS website, and staff at reception centres and lawyers also provide this information during the asylum procedure and in reception centres.

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Beneficiaries of protection receive information about integration activities during their asylum procedure and in reception centres. The timing and content of integration-related information may vary. For example, in Flanders, integration courses are available only after positive recognition, while in Wallonia, they can begin during the procedure. Basic information about integration, such as employment, education and other services, is provided during the stay at reception centres. This information is also available on the Fedasil website. Information is typically provided by reception centre staff, and integration-related activities may also be organised in reception facilities.

Information about employment is provided during the asylum procedure and in reception centres. While there is no specific set time for when this information is provided, beneficiaries are usually informed early due to the ability to start working after 4 months of their asylum application. The information covers when individuals are allowed to work, the necessary requirements and relevant organisations that can assist with employment. This information is provided by reception centre staff and is also available on the Fedasil website.

Beneficiaries of protection receive information about education during their asylum procedure and in reception centres. For minors, school enrolment is arranged as quickly as possible. For adults, early information about language courses is provided to ensure prompt enrolment. Additional information on other educational opportunities may be provided based on the individual’s needs or requests. This information is provided by reception centre staff and is also available on the Fedasil website.

Information about healthcare is provided to beneficiaries during their stay in the reception centre. Upon arrival at the Fedasil Arrival Centre, beneficiaries receive an information leaflet about medical services. This information is then further elaborated during their stay in the reception centre. The medical service and other healthcare-related details are explained by the reception centre staff and are also available on the Fedasil website.

Information on how to obtain a residence permit is provided by reception centre staff upon arrival at the centre. This includes an explanation of the asylum procedure, necessary steps, required documents and available legal support. More detailed information can be obtained through a lawyer. This information is also available on the Fedasil website.

Provision of information in reception

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Reception conditions

Applicants receive information about their rights, obligations and reception conditions upon arrival at the arrival reception centre. The information is provided during individual face-to-face sessions with staff and group sessions organised in the Fedasil arrival centre and the Reach Out Team. The information is provided by Fedasil staff and staff from partner NGOs.

The information covers rights to reception, conditions of stay and obligations during the asylum process. It also explains the procedure to follow if the applicant chooses not to stay in a reception centre, including their rights to urgent medical assistance.

Applicants are provided with information about organisations that offer legal assistance and representation. This information is available through reception centre staff and can also be accessed on the website. Additionally, applicants are informed about organisations that can help with reception conditions and healthcare, such as medical services available within reception centres and through the Belgian Red Cross. Applicants are informed about access to healthcare by medical staff in the reception centre, by Fedasil staff at the Fedasil Info Point in Brussels, and through the Fedasil Reach Out team. Information about healthcare can be found on this page for applicants in reception, and here for those outside.

Applicants are informed about their rights regarding employment by reception centre staff and Fedasil staff at the Fedasil Info Point in Brussels. Information on when applicants are eligible to work and the steps involved can be accessed through the Fedasil website and employment theme page.

Applicants are informed about education-related opportunities, including language courses and other educational options by reception centre staff and Fedasil staff. Information is available on the Fedasil website.

Information material is produced by Fedasil. Information is provided through group sessions (with PowerPoint presentations), individual sessions with interpreters, written leaflets and thorugh the website.

The material is available in multiple formats: written and oral. The information is available in 14 languages, including Dutch, French, German, English, Arabic, Farsi, Pashto, Russian, Spanish, Portuguese, Albanian, Turkish, Somali and

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Tigrinya.

There is specific information available for unaccompanied minors on the website and in a specific brochure. For more information:

For Unaccompanied minors:

- Accommodation Information
- Legal Assistance Information
- Healthcare Information for Applicants in Reception
- Healthcare Information for Applicants Outside Reception
- Employment Information
- Education Information
- For Unaccompanied minors: Reception Information

In detention

The Royal Decree of 2 August 2002 contains provisions on the right to be informed of the reasons for detention, the rules of the detention centre and the right to legal assistance. The decree outlines the standards for informing detainees about their rights and obligations, in accordance with Article 74/8 of the Law of 15 December 1980 on access to territory, residence and removal of foreigners.

Third-country nationals in detention are informed about the reasons for their detention and the procedures for challenging the detention order upon their arrival at the detention facility. During the administrative intake process, the detention staff explain the legal grounds for the applicant's detention. This is done through face-to-face sessions, with the assistance of interpreters when necessary. Additionally, written material is provided, such as brochures or leaflets, which further explain the reasons for detention and the process for challenging the decision. Interpretation by telephone may be needed if the third-country national does not speak a language covered by the material available.

The information covers the legal and factual reasons behind the detention, the possibility of challenging the detention order, and the procedure to follow to appeal the decision. Third-country nationals are also made aware of their right to legal aid. If they cannot afford a lawyer, they are instructed on how to request pro bono legal assistance from a legal aid office or they can choose a lawyer at

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their own expense. They are also informed about their rights to apply for asylum or international protection if they have a fear of returning to their country of origin.

The information is provided through a combination of oral briefings, written materials (such as leaflets, DVDs and audio), and interpreters if necessary. The materials are developed by the detention authorities in collaboration with legal aid organisations. The information is available in multiple languages.

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