

# Applicants with special needs - Belgium | DIP EUAA

PDF generated on 2026-03-02 22:05

The information on this page has been [validated](#) by the national administration.

## Overview

### Relevant EU legislation

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

Belgium is bound by the recast Reception Conditions Directive and has transposed its provisions through the [Law of 21 November 2017 amending the Aliens Act](#).

### National legislation

Law of 15 December 1980 on the entry, residence, settlement 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 Act](#)

Royal Decree of 8 October 1981 on the entry, residence, settlement and removal of foreign nationals, Arrêté royal du 8 octobre 1981 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers, [Aliens Decree](#)

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, [Reception Act](#)

16/04/2024: Royal Decree on material reception conditions for employed applicants, Arrêté royal relatif à l'octroi de l'aide matérielle aux demandeurs de protection internationale bénéficiant de revenus professionnels et autres catégories de revenus, [Royal Decree on material reception conditions for employed applicants](#)

09/04/2007: Royal Decree of 9 April 2007 determining manifestly unnecessary medical assistance and care which is not provided to the recipient of the reception and the daily medical assistance and care provided to the recipient of the reception, Arrêté royal du 9 avril 2007 déterminant l'aide et les soins médicaux manifestement non nécessaires qui ne sont pas assurés au bénéficiaire de l'accueil et l'aide et les soins médicaux relevant de la vie quotidienne qui sont assurés au bénéficiaire de ..., [Royal Decree on medical assistance for beneficiaries of reception](#)

25/04/2007: Royal Decree of 25 April 2007 determining the modalities for assessing the individual situation of the beneficiary of reception, Arrêté royal du 25 avril 2007 déterminant les modalités de l'évaluation de la situation individuelle du bénéficiaire de l'accueil, [Royal Decree on the assessment of reception needs](#)

09/04/2007: Royal Decree of 9 April 2007 determining the regime and operating rules applicable to orientation and observation centres for unaccompanied foreign minors, Arrêté royal du 9 Avril 2007 déterminant le régime et les règles de fonctionnement applicables aux centres d'observation et d'orientation pour les mineurs étrangers non accompagnés, [Royal Decree on OOC](#)

02/09/2018: Royal Decree of 2 September 2018 determining the regime and operating rules for reception facilities and the modalities for room supervision, Arrêté royal du 2 septembre 2018 déterminant le régime et les règles de fonctionnement applicables aux structures d'accueil et les modalités de contrôle des chambres, [Royal Decree on reception facilities](#)

## **Competent authority and other stakeholders**

[Office of the Commissioner General for Refugees and Stateless Persons](#) | [Commissariat Général aux Réfugiés et aux Apatrides](#) | [Commissariaat-generaal voor de Vluchtelingen en de Staatlozen](#) (CGRS | CGRA | CGVS) is responsible for the asylum procedure (except for the Dublin procedure) and for arrangements for applicants with special procedural needs.

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 is responsible for the reception of applicants for international protection and other target groups. In addition to the federal reception centres managed by Fedasil, there are reception centres managed by reception partners. The remaining places are in individual houses (Local Reception Initiatives - LIRs), organised by the local Public Centres of Social Welfare of the municipalities (PCSWs).

Together with its partners, Fedasil organise the reception network, with particular attention to specific needs and vulnerable target groups.

The [Immigration Office](#) (IBZ) | Office des étrangers | Dienst Vreemdelingenzaken is responsible for the registration of an international protection and for the Dublin procedure and for identifying and addressing special procedural needs in collaboration with the CGRS and Fedasil.

## **Training initiatives**

Staff responsible for registering UAMs have received specific training for this purpose. They are also in constant contact with the coordinator of the vulnerable persons unit at the Immigration Office.

Other applicants with special needs: The staff of the registration unit is especially trained in how to identify vulnerable persons. The same applies to the staff members who conduct the interviews.

## **Special needs in reception**

### **Identification of special needs**

The identification process during the registration phase is defined under Aliens Law, Article 48/9.

The Immigration Office and the Dispatching Unit of Fedasil (responsible for the allocation of a reception place to the applicants for international protection) are important initial actors in the identification of vulnerabilities among applicants for international protection. The identification of vulnerable persons already starts during the registration of applicants at the Immigration Office. When there is a suspicion of human trafficking or in the case of an unaccompanied minor, the Vulnerability Unit intervenes and carries out the identification process. In general, after registering the application, an attempt is made to analyse any procedural needs as quickly as possible, which will also be taken into account at the level of the Immigration Office.

The Dispatching Unit of Fedasil then conducts a social and medical screening. The medical unit of the Dispatching Unit carry out a medical screening and an identification of the primary medical needs (including X-rays and vaccinations). Particular attention is given to any medical issues disclosed by the applicant. If medical problems come to light, the medical staff will assess whether an adapted reception place is required. If this is the case, the staff will use the labels in the electronic database of the reception network (Match-it).

After being assigned to a first-phase centre, a more comprehensive assessment of vulnerabilities is carried out, referred to here as the social, medical, and psychological intake.

The first-phase centre also provides information on procedural requirements to both the applicant and their lawyer. Information flows from registration to dispatch, and from the first phase to the initial interview.

## **Referral of applicants with special needs**

Reception Act, Article 22 foresees that within thirty days from the designation of the compulsory place of reception, the individual situation of the beneficiary of the reception is examined to determine whether his/her specific needs are met. The examination of the individual situation of the beneficiary of the reception relates to the non-detectable a priori signs of a possible vulnerability such as that present in people who have suffered torture or other forms serious psychological, physical or sexual violence.

Following this initial evaluation, regular evaluations should take place, at least every six months, to ascertain whether the reception conditions continue to meet the individual medical, social and psychological needs of the beneficiary.

Such ex-post examination is regulated by Royal Decree 25 April 2007 determining the modalities for assessing the individual situation of the beneficiary of reception. The assessment is carried out by the reference social worker, and it involves at least an interview between him and the beneficiary of the reception. The final evaluation report is validated by the person responsible for the social service within the reception structure, or the head of the reception structure. This mechanism allows for the transfer of the beneficiary to a more suitable reception structure to meet his/her needs after the initial designation of a reception place and at a later stage.

This mechanism is highly challenging in practice. The arrival centre was first established during a crisis and continues to face high influxes, making it difficult to organize thorough assessments of potential vulnerabilities upon arrival in the first phase and before transfer to the second phase of reception. Even when such

assessments do take place in the first phase, we otherwise encounter a lack of (especially suitable) reception structures/places to meet the identified needs

## **Reception and care of applicants with special needs and vulnerabilities**

Similar to the approach of the recast Reception Conditions Directive, Belgian law does not provide for a fixed definition of vulnerable groups, rather it puts forward a non-exhaustive list of different vulnerable categories. Following the amendment of the Reception Act, all groups mentioned in the recast Reception Conditions Directive are now explicitly included in domestic law as well. To the already listed persons - minors, pregnant women, persons with disabilities, victims of trafficking in human beings, victims of violence or abuse and the elderly - the following are also added: persons with serious illnesses, persons with mental disorders, and persons who have undergone rape or other serious forms of mental, physical or sexual violence, for example victims of female genital mutilation (FGM).

Fedasil is running various projects with partners for specific target groups. For instance, projects for LGBTQIA+ applicants (project funded by AMIF 2023-2025) with Kliq and Prisme to develop for instance training sessions and a toolbox for staff working in reception centres. Fedasil also collaborates with the Rainbow Refugee Committee in the form of an expertise agreement. The objectives of the collaboration include individual support for international protection applicants from the LGBTQIA+ community to complement the work of social assistants in centres, raising awareness among reception centre staff about the need for specific support for this group, and reporting on the main issues related to discrimination, harassment, and other difficulties faced by LGBTQIA+ individuals in reception centres.

Regarding FGM, Fedasil signed an expertise agreement with the GAMS association. The objectives include providing training for reception centre staff, conducting collective awareness sessions for residents in the centres, and offering individual support to persons affected by FGM.

## **Reception facilities and other housing arrangements**

Fedasil takes into account special reception needs and vulnerabilities when allocating reception places. There are special structures (typically within collective reception centres) for families with children and persons with physical disabilities.

There are special reception facilities for underage pregnant girls and single mothers (Fedasil centre in Rixensart). Some places are reserved for single women within collective reception centres and LRIs.

Currently, there are 13 LGBTQIA+ designated places in the reception network, and it is planned to increase this number to 20 by the end of 2025.

Outside of the Fedasil-run reception network there are specialised centres for victims of trafficking and for persons with mental health issues (**Pag-Asa** in Brussels, **Sürya** in Liège and **Payoke** in Antwerp).

There are adapted facilities for persons with medical conditions or with physical or mental disabilities within collective reception centres, as well as adapted LRIs ('medical places').

## **Detention of vulnerable persons and applicants with special reception needs**

Except for minors (Aliens Law, Article 74/9), no other vulnerable categories of applicants are excluded from detention by law.

Families with minor children who make an application for international protection at the border can be detained in family units, open structures.

## **Reception of unaccompanied minors**

The reception of unaccompanied minors is regulated by Articles 40-42 of the [Reception Act](#).

## **Reception facilities and other housing arrangements**

Fedasil takes into account special reception needs and vulnerabilities when allocating reception places. There are special structures (typically within collective reception centres) for families with children and persons with physical disabilities.

There is a special reception trajectory for unaccompanied minors who spend 2-4 weeks in an Observation et Orientation Centre (COO, Centre d'Observation et Orientation et d'Observation / Observatie- en Oriëntatiecentrum). They are then transferred to an adapted reception facility: federal reception centre, reception centre operated by a Fedasil partner or – for minors younger than 15 years and the particularly vulnerable – a special accommodation managed by communities in collaboration with and with co-financing of Fedasil.

- The Fedasil reception centre in Rixensart specialises in the support for underage pregnant girls and unaccompanied minor mothers, in a more familial environment, with special attention to caring for children and with daycare available on the spot.
- Unaccompanied minors with behavioural issues or with a risk of behavioural issues are transferred to a special facility implementing the time-out trajectory. In this trajectory, the emphasis is on prevention rather than restoration. Facilities implementing “time out” are Fedasil centre in Saint-Trond and Sugny (target group: young people from 18 to 21), and partners centres in Koekelberg (Samusocial) Brussel (Synergie 14), Liège (SAM absI) and Courtrai (Oranje Huis). Saint Trond and Koekelberg implement an urgent time-out trajectory for unaccompanied minors who need to be immediately managed as they were involved in a serious incident. The maximum length of the urgent time-out is 6 days.

- The Fedasil centres offer programmes where, due to the problematic behaviour of the unaccompanied minors, the child or their assigned support person could benefit from a break of the usual environment. The programmes implemented by Synergie 14 in Brussels and SAM in Liege are open to all unaccompanied minors who are seeking calm. The Oranjehuis in Courtrai implements a 2-week long time-out aiming to repair the links between the unaccompanied minor and their social environment.

Minors who have not made an application for international protection are specifically accommodated in Fedasil centre in Sugny in the first phase, but any COO should be able to accommodate them if needed. After reception in first phase, they move on to second phase when they are ready. Florennes centre (second phase) has started a separate project for so called nomadic unaccompanied minors.

part of the federal reception centre, it is operated by Fedasil or its partner or – for minors younger than 15 years and the particularly vulnerable – special LRIs managed by the communities in collaboration and with co-financing of Fedasil.

Overall, 3001 places are adapted to the specific reception needs of unaccompanied minors including places in OOCs (416 places), reception centres (2116 places + 68 specific places) and LRIs (401 places).]

Fedasil and its partners also developed a roadmap to improve the prevention and responses to disappearances of unaccompanied minors.

## **Age assessments**

If there is any doubt about the UAM's minority, for example related to the minor's physical appearance, behaviour, or way of speaking, or when no identity documents are presented or when the authenticity of these documents cannot be confirmed, an age assessment can be ordered.

If there is no doubt about the minority or the age assessment confirmed the minor age, the Guardianship Service will immediately assign a guardian. Generally, the guardian will then decide - in consultation with the UAM - if the asylum application is the appropriate procedure to follow in the best interest of the child

## **Age assessment methodology**

The age assessment is done by means of a medical test (triple test: clinical impression of a dentist, a radiological examination of the dentition, the hand and wrist of the non-dominant hand, medial ends of both collarbones). The Guardianship Service makes sure that the specific aspects of the test are explained to the minor, with the help of an interpreter. For this purpose, a flyer was developed by the Guardianship Service, available in 23 languages.

When there is a doubt on the outcome of the medical test, the lowest age has to be taken into consideration. Usually, a margin of error of 2 years is taken into account, following critiques around the accuracy of the medical test to establish the age of non-Western children by the Order of Physicians. The consequence of this practice is that, in general, only a self-declared child who is tested to be 20 years of age will be registered as an adult. The person concerned can launch an appeal within 60 days at the Council of State, which can only review if the public authority had the legal right to conduct an age assessment and which will not examine the reliability of the results. The appeal is non-suspensive

## **Access to education**

Minors are enrolled in the education system as soon as possible. A social worker helps parents with the school registration process, in the framework of the social support outlined in the Reception Act.

Fedasil treats school enrolment as a priority. Children can typically start to attend school within a few days, although Belgium currently faces persistent challenges in ensuring access to education for minors as a result of capacity shortages.

Children are not enrolled in school while residing in the Observation and Orientation Center (OOC). They do receive lessons from the staff in the reception centre, but these staff members are usually not trained for this and do not follow the official educational objectives. Discussions with the federated entities (Communities) (who

are responsible for education) are currently ongoing to structurally embed education in the OOC.

Education for minors is organised within the state education system, in the framework of the mainstream school infrastructure. Children typically go to an ordinary class in a school near the reception centre – if possible, after having spent a short period in a preparatory class.

The Flemish community provides reception classes (*onthaalklas*) for children between 5-18 years. Children in primary education (*basisonderwijs*, from 5-12 years) have an explicit right to receive support to learn Dutch and to integrate in the class. Individual schools have a wide degree of autonomy on implementing this obligation: within the mainstream class, extra catch-up education on the top of mainstream classes, a combination of the two or separate intensive language classes (*taalbad*). The support may last for 1-2 years and may eventually be followed up with another year. Children in secondary school need to first complete a reception year (OKAN), before they transfer to mainstream classes. They continue to be supported there by a follow-up coach.

The Walloon community organises bridging classes (*classes passarelles*, DASPA). Children between 2.5-18 years may attend these classes, where they usually spend a period ranging from 1 week to 12 months. Children may remain in bridging classes for a maximum of 18 months. The classes are organised within the mainstream school infrastructure.

## **Access to healthcare**

A minor's guardian is responsible for registering them for health insurance. However, unaccompanied minors can now register for the health insurance even before a guardian has been appointed. Proof that the unaccompanied minor is covered by the Guardianship Service and is awaiting the appointment of a guardian is sufficient to establish eligibility for health insurance.

## **Transition to adulthood**

Belgium has no national strategy that supports the transition to adulthood specifically for unaccompanied minors. The regional departments of the Flemish and French Community competent for Youth Care have developed strategies (FR/NL) to enhance a more progressive transition by ensuring continuity of support after unaccompanied minors reach the age of majority.

There is a structured reception pathway for unaccompanied minors consisting of three stages/phases in which they are gradually guided to become more independent. Fedasil is currently working on the implementation of a strategy supporting the transition which aims to extend this 'stages approach' to the 18-21 age group. They offer continuing support, also based on the degree of autonomy, in their transition to adulthood. The project aims to support young people aged 18 to 21 in their search for employment, pursuit of further education or transition to adult care.

All unaccompanied minors staying in Belgium have access to material reception conditions until the age of 18, when this right is no longer guaranteed, depending on the residence procedure:

Unaccompanied minors who applied for asylum but do not have yet a decision will move to a reception facility for adults when turning 18. Their guardian is then no longer responsible for them. Once they obtained a positive decision, they have to leave the reception facility within two months. Social aid can be provided by the Public Centres for Social Welfare (CPAS/OCMW) if needed, e.g. financial support.

Unaccompanied minors whose application was rejected must leave the reception facility when reaching the age of 18. Each unaccompanied minor is informed individually, by the social counsellor and with their respective legal guardian, about their subsequent legal options, such as the appeal procedure against the return decision, a new residence procedure or voluntary return.

If they stay in a reception facility and receive a return decision before the age of majority, and opt for voluntary return, they still have the right to stay in the reception facility during the preparation period for voluntary return. This right is also extended and retained if they turn 18 during this preparation period.

## **Detention of unaccompanied minors**

Unaccompanied minors are no longer placed in detention centres since the entry into force of the Reception Act. The detention of unaccompanied minors is prohibited by law since 2012.

Only at the border in case of doubt about the minority the UAM can be detained until the age assessment is completed. In all other cases: UAMs in Belgium are not detained in closed detention facilities, nor the family units are in use for UAM.

For ambiguous cases, in case of no doubt about the minority, unaccompanied minors are assigned to an Observation and Orientation Centre (OOC). These centres are not closed centres, but they are secured and fall under the authority of Fedasil instead of the Immigration Office. A Royal Decree of 9 April 2007 regulates the functioning of such a centre. Specific measures are taken to protect and accompany the minors during their stay (a maximum of 15 days, which can be prolonged once). The OOC is legally considered to be a specific place at the border where persons are not considered to have formally entered the territory of Belgium. The Immigration Office has to find a durable solution for the minor within 15 calendar days, otherwise the unaccompanied minor is formally granted access to the territory.

## **Special procedural guarantees**

### **First instance determination for applicants with special needs**

**Admissibility:** The general rules apply, no special rules related to the decision on admissibility.

**Accelerated-border procedures:** The law foresees that the CGRS will not apply the accelerated or border procedure in case it is of the opinion that the applicant has special procedural needs, in particular in the case of torture, rape or other serious forms of violence, which are incompatible with an accelerated or border procedure.

When there are special procedural needs which would entail a restriction of the applicant's rights or would prevent the applicant from fulfilling the obligations under the asylum procedure, the border or accelerated procedures will not be applied. These applicants go through the regular procedure then. The CGRS assesses this on an individual basis. The assessment of the special procedural needs remains valid for any subsequent application, unless new significant information emerges that requires an update to the previous assessment.

## **Access to information**

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 lodging phase. In practice, it is given after making the application at the Immigration Office in Brussels. This brochure contains information related to special procedural guarantees for applicants with special needs.

## **Personal interview**

The protection officer needs to have the required expertise to conduct personal interviews with applicants for international protection with specific profiles, including applicants belonging to a vulnerable group, such as unaccompanied minors, traumatized applicants and applicants putting forward gender related asylum grounds (rape, sexual abuse, sexual orientation and gender identity). To guarantee this, protection officers are well trained. Since 2023, all protection officers receive a specific training in their first month on how to detect special procedural needs and which guarantees can be provided during the procedure. Furthermore, the training course 'Interviewing vulnerable persons' (EUAA) was given to a large number of POs

in 2024, with the objective of training them all by mid-2025. The training course 'Interviewing Children' (EUAA) was also launched with the aim of training everyone by the end of 2025.

At the CGRS level, specific measures exist for identifying, processing, and evaluating the vulnerabilities of asylum seekers. Authorities are required to take into account each applicant's individual circumstances, including any past experiences of persecution or serious harm that may point to particular vulnerabilities. In gender-related cases, applicants have the right to ask for an interview with a protection officer or interpreter of the same sex.

To strengthen support in vulnerability-related cases, the CGRS has created two specialized units:

The Gender Unit, which follows the EUAA training module on Gender, Gender Identity & Sexual Orientation, ensures that gender-related claims are handled appropriately. These include applications linked to sexual orientation, gender identity, or sexual characteristics (LGBTI), as well as risks of Female Genital Mutilation (FGM), honour-based violence, forced marriage, domestic abuse, or sexual violence.

The Minors Unit, led by a designated coordinator, promotes consistent practices, information sharing, and the exchange of expertise. Unaccompanied minors are interviewed only by specially trained officers who have completed the EUAA module on Interviewing Children.

In 2023, the CGRS launched a project focusing on aspects related to the physical and/or mental health of applicants for international protection, which runs until the end of 2025.

The project focuses on the participation of applicants with physical and/or mental vulnerabilities in the asylum procedure in general and in the personal interview in particular. It also addresses aspects related to the substantive assessment of the need for international protection for this target group. The project examines how the CGRS can strengthen and improve its approach to this.

As a result of the project, the CGRS has drawn up a series of recommendations and tips on the form and content of medical documents submitted to the CGRS. These recommendations aim to better address the specific procedural needs of applicants for international protection and to assist the CGRS in processing and assessing each application equally. Within the scope of this project, specific events are organized for protection officers, called 'Understanding Vulnerability'. For example: a session on 'Panic attacks and flashbacks' was given by a psychiatrist and medical director; and a specific session on reading medical documentations has taken place as well.

## **Legal assistance**

In the case of vulnerable applicants, the general rules apply for legal assistance.

## **Guarantees for unaccompanied minors**

The Aliens Law and the Royal Decree on CGRS Procedure foresees some specific arrangements for interviewing unaccompanied minors. A CALL judgement clarified that indeed, all unaccompanied minors should be invited for an interview. No special procedural rules apply to the interviewing process of children, but guarantees are in place according to the child's age, maturity and individual circumstances (Aliens Act, Article 57/1). Unaccompanied children are assigned a guardian, and all minors are interviewed by a protection officer specially trained for interviewing this group.

## **Making, registering and lodging an asylum application**

Unaccompanied minors may lodge an application for international protection on their own (have legal capacity to do so) or together with their guardian. When an unaccompanied minor arrives to Belgium, the Immigration Office (or another actor,

for example, the police, but a private individual or a solicitor can also report a minor) fills out an identification form (including claimed date and place of birth) Every minor is immediately reported to the Guardianship Service via a reporting sheet. A reporting sheet is drawn up for each unaccompanied minor, if necessary and possible, with the assistance of an interpreter. Various essential details about the young person are included (family members in the country of origin and/or in Europe, travel route, reasons for fleeing, etc.). In addition, doubts about his or her minority status may be established at that point. The Immigration Office (or another actor, for example, the police) can establish whether additional indicators of vulnerability can be applied to the unaccompanied minor (e.g. victim of trafficking, pregnant, disabled, etc.) After identification, the Guardianship Service can appoint a suitable guardian for the young person.

If there is any doubt about the unaccompanied child's minority, a medical age assessment can be ordered (see hereunder the section "Age Assessment" for more details). If there is no doubt about the minority or the age assessment confirmed the minor age, the Guardianship Service will immediately take responsibility for the minor and assign a guardian, after the identification. Generally, the guardian will then decide - in consultation with the child - if the asylum application is the appropriate procedure to follow in the best interest of the child.

The Immigration Office invites the unaccompanied child together with the guardian to fill out a questionnaire after lodging the application. During registration, unaccompanied children separated from the other asylum seekers (there is a specific area for unaccompanied children in the registration centre) and is assisted by staff from the Immigration Office trained to deal with unaccompanied children. Information on the identity of the child, fingerprints and photographs are then collected as for other asylum seekers

## **Information provision**

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.

## **Best interests of the child in the Dublin procedure**

The assessment of the best interests of the child is always individualised, based on Article 6(1), (3) of the Dublin III Regulation. Thus, there is no specific procedure for this assessment in the Dublin context

### **Personal interview**

The unaccompanied minor is invited to a personal interview by the CGRS, assuming that the child has sufficient power of discernment. The invitation to the personal interview is sent to the guardian's chosen place of residence (with a copy being sent to the child's place of residence and to the Guardianship Service). The personal interview is conducted between the specialised protection officer and the child. If desired, the child is assisted by a lawyer and a trusted person. This trusted person cannot be family. It has to be a person who, because of his profession, is specialised in assisting persons or in aliens' law. The child is also assisted by a guardian. The personal interview takes place according to an adapted interview method. For instance, the personal interview takes place in a separate interview room. The protection officer adapts his language to the child and encourages it to tell as much as possible of its story spontaneously, from the perspective of its own perception. In doing so, he avoids asking closed questions as much as possible to avoid influencing the child. During the personal interview the child can draw or use other tools to clarify its story. The child can request a break whenever it needs one. The interpreters who assist the children during the interview have also received specific training.

The Aliens Act and the Royal Decree on CGRS Procedure foresees some specific arrangements for interviewing (unaccompanied) minors. Accompanied minors have the right to lodge a separate asylum application in their own name and/or to request to be separately interviewed from their parents. Otherwise, the CGRS may interview an accompanied minor without his/her request for particular reasons in the child's

best interest. The child has however always the possibility to refuse this interview. Overall, the [CGRS Interview Charter](#) underlines that the interview has to be adapted to the specificities of the case, including the profile and eventual vulnerability of the applicant. There is no legal or indicative minimum age for interviewing accompanied or unaccompanied children (in practice, this is only possible, when the child has reached a certain level of maturity). A CALL judgement clarified that indeed, all unaccompanied minors should be invited for an interview. No special procedural rules apply to the interviewing process of children, but guarantees are in place according to the child's age, maturity and individual circumstances (Aliens Act, Article 57/1). Unaccompanied children are assigned a guardian, and all minors are interviewed by a protection officer specially trained for interviewing this group. If an accompanied minor lodges an application in his/her own name, the law provides that the child must be heard in principle, unless the CGRS determines that he/she does not have sufficient discernment. In that case, the CGRS takes a decision based on other elements (statements of parents, documents, COI, etc)

## **Legal representation during the asylum procedure**

The Immigration Office (or another actor, for example, the police) notifies the Guardianship Service, which will take charge of the child and appoint a guardian. The guardian is legally entrusted to represent the child in all legal acts and legal and administrative proceedings. Specifically with regards to the asylum procedure, the guardian is mandated to assist the child in each step of the asylum procedure as well as to be present at each of the hearings. Furthermore, the guardian has to explain the child the scope of the decisions taken by the authorities regarding the asylum procedure.

The guardian has the duty to explore the possibility of family tracing and support the UAM in finding the parents or legal guardians.

## **Legal assistance and counselling**

A guardian, who is appointed by the Guardian Service, has the legal obligation to appoint a lawyer as soon as possible.