



**2011 Annual Report**

OFFICE OF THE COMMISSIONER GENERAL FOR REFUGEES AND STATELESS PERSONS

# COLOPHON

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Annual Report CGRS 2011

Brussels, June 2012

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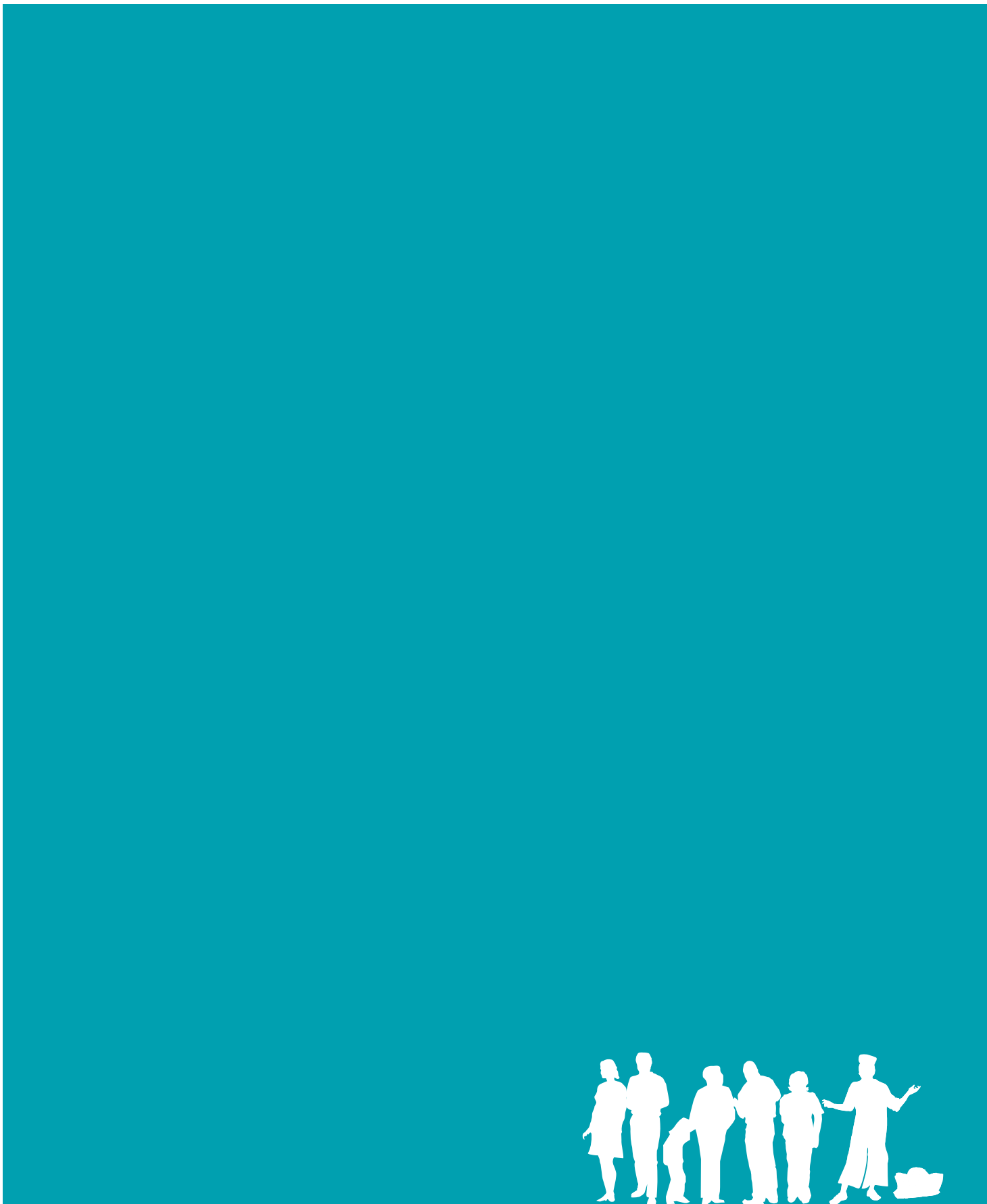
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# 2011 Annual Report

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OFFICE OF THE COMMISSIONER GENERAL FOR REFUGEES AND STATELESS PERSONS





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Inge learnt how to interview an asylum seeker during an intensive training.



# Asylum figures

## 1. ASYLUM APPLICATIONS

For the fourth consecutive year, the number of asylum applications has increased in Belgium. 25,479 applications were registered in 2011. This figure represents 33,312 persons, including 7,833 minors accompanying their parent(s). In the entire European Union, the number of asylum seekers increased by 16.3% compared to 2010. In 2011, there were 2,925 asylum applications in Belgium per million inhabitants. This is almost five times the European average.

### 1.1. BELGIUM

On average, 2,123 asylum applications were registered monthly in Belgium, which is the highest average since 2001. This figure corresponds to a 27.8% increase compared with 2010, when the monthly average was 1,662 applications (for a total of 19,941 applications). The number of asylum applications doubled between 2008 (12,252) and 2011. In 2011, the increase in the number of asylum applications was mainly noticeable from August onwards.

(2,134 applications in 2011 compared to 1,398 in 2010). Mainly Belgium and France receive within the EU, asylum applicants from Guinea.

Since 2008, Belgium is experiencing an increase in the number of asylum applications from Iraq. This trend continued in 2011. The number of asylum applications from Russia has been fluctuating between 1,500 and 1,600 these last few years.

“Asylum applications increased by a quarter in 2011 compared to the year before.”

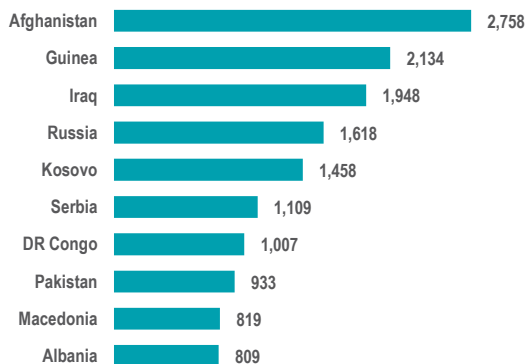
#### 1.1.1. COUNTRIES OF ORIGIN

This increase mainly concerns asylum seekers from Afghanistan, a trend which is also observed in other European member states. In 2011 Afghan nationals accounted for one in ten asylum applications in Belgium, with a total of 2,758 applications, almost twice as high as in 2010 (1,411 applications). Many Afghan asylum seekers are unaccompanied foreign minors.

For the second most important country of origin, Guinea, the number of asylum applications increased by 50%

#### Top 10 countries of origin for asylum seekers in 2011

Total: 25,479



Other countries: 10,886

Source: Immigration Department

The abolition of the visa requirement for Macedonian and Serbian nationals in 2010 led to a significant increase in the number of asylum applications. In 2011, the number of applications from Kosovars and Macedonians decreased by approximately a quarter compared to the year before. For Serbia, there was a 10% decrease, but the Western Balkans are still strongly represented in the top 10 of countries of origin. The number of asylum applications from Albania quadrupled in 2011 (809 asylum applications compared to 204 in 2010) but after a peak in October 2011, their number decreased dramatically. A dissuasion campaign in Albania contributed to this decrease.

For the Democratic Republic of Congo, occupying the 7th place in the top 10, there was an increase of 28% compared with the year before (1,007 applications, compared to 786 in 2010). The number of asylum applications from Pakistani nationals almost tripled (933 applications in 2011 against 340 in 2010).

## Priority processing

Melchior Wathelet, Secretary of State for Migration and Asylum Policy, asked the asylum authorities, under art. 52/2, § 2, 3 of the Aliens Act, to process as a priority applications from nationals from Serbia, Macedonia and Kosovo as from 18 October 2010. On 21 September 2011 and 20 October 2011, he also requested applications from respectively Bosnian and Albanian nationals to be processed as a priority.

In order to give absolute priority to these cases and to clear the backlog for these countries as soon as possible, a project section was created in addition to the five existing geographical sections (Balkans, Eastern Europe, Middle East/Asia, Africa and Congo). The priority processing of cases from Balkan countries was carried out on an individual and thorough basis. Every application was examined to determine whether protection was needed. Later in 2011, the project section added Albania, Iraq, Afghanistan and Guinea to its list of countries.

## 1. 1. 2. COUNTRY-SPECIFIC ACTIONS

In order to curtail and dissuade the influx from the Balkans, the processing of asylum applications from these countries was given priority by the CGRS. In most cases a decision was taken within three months after the application was made. Most asylum applications from these countries were refused. The reasons for these applications are mainly socio-economic. By providing the asylum seeker with an answer to his asylum application within a short period of time, the CGRS gives a clear signal that people who do not have a well-founded reason, cannot claim asylum in Belgium. Dissuasive measures, accelerated processing and an enhanced and integrated voluntary return policy have resulted in a decrease in the number of asylum applications from the Balkans.

*“Dissuasion in the country of origin, fast-track processing and a voluntary return policy had an impact on the influx from the Western Balkans.”*

The CGRS concluded its “Armenia Action” in 2011. This country-specific action started in October 2010 and was intended to reduce the monthly influx of unfounded asylum applications. The action was carried out in collaboration with the Immigration Department and Fedasil (Federal Agency for the reception of asylum seekers) and combined accelerated processing with dissuasive and return measures. In 2011, applications from Armenian nationals decreased by 30% compared to 2010.

## 1. 1. 3. MULTIPLE ASYLUM APPLICATIONS

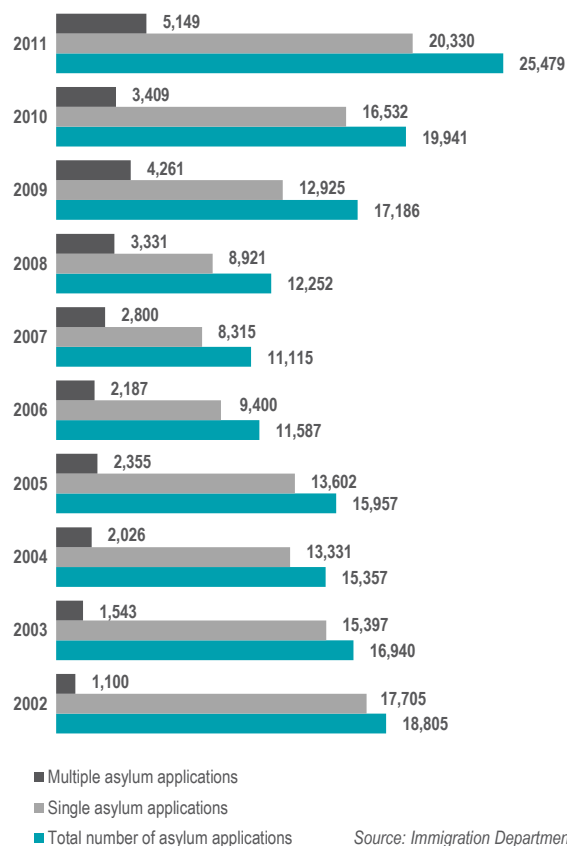
In 2011, multiple asylum applications accounted for 20% (5,149 applications) of the total number of asylum applications. This is 51% more than in 2010 (3,409 multiple applications). The highest number of multiple applications were registered for Russia and Kosovo (10% each), followed by Guinea, Afghanistan, Serbia and Armenia. A multiple application is a new asylum application from an asylum seeker who has already received a final decision in Belgium for a previous asylum application. In Belgium, a foreigner has the possibility to present a second, third,



fourth,... asylum application. If a multiple application contains new elements, the CGRS will examine it. If an asylum seeker makes a new application without submitting new elements, the Immigration Department will decide not to take it into consideration (annex 13quater).

In some cases, a multiple asylum application is justified, for instance when new evidence is presented in support of the existence of a well-founded fear of persecution or a real risk of serious harm. In many cases however, the new asylum application is submitted for the sole purpose of receiving a place in a reception centre or regularizing one's residence.

**Number of first asylum applications and multiple applications per year (2002-2011)**



## 'Asylum in Belgium' a DVD and a brochure



In 2011, Fedasil and the CGRS started distributing an informative DVD and brochure, 'Asylum in Belgium'. The DVD gives the asylum seeker information on the different steps in the asylum procedure, on his/her reception and on his/her rights and obligations in Belgium. The DVD is available in 11 languages. A brochure, which is also available in 11 languages, gives more detailed information on some

topics shown in the DVD. Since the end of March 2011, the DVD has been shown in reception centres and asylum seekers have been receiving a brochure in their own language. By the end of the year, the brochure went into its third printing. This project was completed with the financial support of the European Refugee Fund (ERF).



## 1.2. EUROPE

According to figures released by Eurostat, the total number of persons (to be distinguished from the number of cases) who applied for asylum in 2010 in one of the 27 EU member states has increased by 16.3 %, i.e. 301,375 applicants in 2011 compared to 259,080 in 2010.

### Top 10 in the EU

|              |                | Number of asylum applicants |                  |
|--------------|----------------|-----------------------------|------------------|
|              |                | in 2011                     | Per million inh. |
| <b>EU-27</b> |                | <b>301,375</b>              | <b>600</b>       |
| 1            | France         | 56,250                      | 865              |
| 2            | Germany        | 53,260                      | 650              |
| 3            | Italy          | 34,115                      | 565              |
| 4            | Belgium        | 31,915                      | 2,925            |
| 5            | Sweden         | 29,670                      | 3,150            |
| 6            | United Kingdom | 26,430                      | 425              |
| 7            | Netherlands    | 14,600                      | 875              |
| 8            | Austria        | 14,420                      | 1,715            |
| 9            | Greece         | 9,310                       | 820              |
| 10           | Poland         | 6,900                       | 180              |

Source: Eurostat press releases - 23 march 2012 'Asylum in the EU-27'

The following five EU member states registered in absolute figures the largest number of asylum seekers in 2011 (EU nationals not included): France (56,250), Germany (53,260), Italy (34,115), Belgium (31,915) and Sweden (29,670). These five member states received almost 70% of all asylum applications submitted in the EU in 2011. The number of asylum seekers in Belgium was more than twice as high as in other member states such as the Netherlands or Austria.

“ Only France, Germany and Italy registered more asylum seekers in 2011 than Belgium. ”

The Eurostat-database (persons, not cases, figures rounded off to a unit of 5) shows that Belgium was not the only country with a significant increase in the number of asylum applications. In absolute figures, the highest increase

in asylum applications in the EU compared to 2010 was registered in Italy (+24,065), Belgium (+5,710), Germany (+4,755) and France (+3,525). On the other hand, Sweden (-2,230), Denmark (-1,115), Cyprus (-1,105) and Greece (-965) registered the most significant decrease compared to 2010.

The figures in Belgium also increased per head of the population: 2,410 asylum seekers per million inhabitants in 2010 and 2,925 in 2011. This is nearly five times the European average of 600 asylum seekers per million inhabitants.

“ In 2011, Belgium registered close to 3,000 asylum seekers per million inhabitants. This is five times the European average. ”

In absolute figures, the main countries of origin of asylum seekers who applied for asylum in an EU member state in 2011 were Afghanistan (28,005), Russia (18,245) and Pakistan (15,700). The strongest increase was registered for applicants from Pakistan (+6,520), Tunisia (+5,795) and Nigeria (+4,700). There was a decrease in applications from nationals from Kosovo (-4,480), Serbia (-3,805), Somalia (-2,175) and Macedonia (-2,010), but the Western Balkans still remained a relatively important region of origin for asylum seekers in the EU in 2011.

It is noteworthy that asylum seekers from certain countries of origin often exclusively opt for only a few European countries of destination. In 2011, Belgium was the main country of destination in the EU for asylum seekers from Guinea (2,425), Albania (1,290), Cameroon (575), Rwanda (515), Nepal (425), Burundi (195), Tanzania (160) and North Korea (95). Most other European member states hardly received any asylum applicants from those countries in 2011.

Belgium was the second most important country of destination in the EU in 2011 for asylum seekers from Kosovo (2,320), Iraq (2,210), DR Congo (1,155), Macedonia (1,320), Armenia (910), Syria (640), Bosnia and Herzegovina (540), Senegal (380), Togo (240), Kazakhstan (200), Mauretania

(190) and Angola (175), usually after France or Germany.

For asylum seekers from Russia (2,680) and Serbia (1,995), Belgium was the third most important country of destination. For asylum seekers from Afghanistan (3,195), Belgium was the fourth most important country of desti-

nation among EU member states in 2011.

On the other hand, the asylum influx in Belgium from Tunisia (110) and Nigeria (205) was relatively low compared to some other European member states.

## 2. INTERVIEWS

**The CGRS automatically examines every asylum application, first in the light of the Geneva Convention and then in the light of subsidiary protection. Every asylum seeker is invited at least once for an interview with a protection officer at the CGRS. The interview lasts on average two to four hours. During this interview, asylum seekers have the opportunity to explain in detail their asylum story and to present documentary evidence. The protection officer then examines the individual asylum statement in the light of the objective situation in the country of origin.**

### 2.1. MORE INTERVIEWS WITH INTERPRETERS

The CGRS calls upon self-employed interpreters to allow communication between the asylum seeker and the protection officer during the interview. In 2011, the CGRS called upon a pool of about 200 such interpreters for about 100 different source languages and dialects.

The task of the interpreter during the interview is to translate the statements of the asylum seeker in a neutral and faithful way. Interpreters are also called upon to translate documents presented by asylum seekers. Apart from their work as an interpreter and/or translator, interpreters do not intervene in any other way in the processing of asylum applications.

#### Interpretation and translation at the CGRS in 2011

|   |        |
|---|--------|
| Number of interpreters called upon                    | 200    |
| Number of source languages                            | 100    |
| Number of interviews with an interpreter              | 17,155 |
| Number of cases for which a translation was requested | 3,305  |
| Number of translated pages                            | 14,166 |

Due to the increasing number of asylum seekers, the CGRS also had to organize more interviews requiring the presence of an interpreter. In 2011, there were 17,155

interviews with an interpreter, i.e. a 56% increase compared to 2010 (10,999 interviews).

In 2011 the 10 most requested source languages for interpreting were Albanian, Russian, Romani, Arabic, Armenian, Fulani, Dari, Serbian, Kurdish and Swahili.

*“ In 2011, the CGRS organized 17,155 interviews with an interpreter, i.e. a 56% increase compared to 2010. ”*

The number of asylum cases in which a written translation of documents was required increased by 23% in 2011 (3,305 in 2011 against 2,686 in 2010).

In 2011 the 10 most requested source languages for translation were Arabic, Albanian, Russian, Serbian, Pashto, Dari, Armenian, Kinyarwanda, Norwegian and Polish.

### 2.2. PSYCHOLOGICAL EVALUATION OF ASYLUM SEEKERS

The many factors pushing asylum seekers to leave their country can have an important impact on their mental and

psychological health. The Psychological Evaluation Unit advises the protection officers on the psychological and mental state of an asylum seeker when his/her condition is likely to interfere with the examination of his/her application or with the interview. The Unit is also responsible for the evaluation of medical-psychological certificates submitted by asylum seekers.

In practice, the protection officer asks the Psychological Evaluation Unit for advice in a specific case. The expert-psychologist discusses the nature of the psychological problem of the asylum seeker with the protection officer. Based on the information in the file, an analysis is made followed by an oral advice concerning the difficulties, limits and possibilities which have to be taken into account while processing the application. If necessary, this analysis is followed by an individual mental and psychological examination of the asylum seeker. After this examination, the expert-psychologist writes a detailed and motivated psychological evaluation report. The protection officer incorporates the results of this report in the motivation of the decision.

In 2011, the Psychological Evaluation Unit conducted 71 individual mental and psychological examinations.

The most frequent problems which lead to a request for a psychological evaluation of an asylum seeker are:

- memory disorder;
- posttraumatic stress disorder;
- mental or psychiatric disorders;
- (reactive) depressions and adaptation problems;
- gender-related problems.

More than 70% of the medical-psychological certificates which are submitted are of sound deontological and professional standards. Of the remaining 30%, most are only delivered to oblige the patient.

## Parting of Luc Quintyn, expert-psychologist, head of the Psychological Evaluation Unit

Through his varied previous professional experiences, Luc Quintyn gained a large expertise in the area of posttraumatic stress disorders (PTSD). These last years, he developed a unique project at the CGRS, which was the envy of asylum authorities abroad. Luc Quintyn has always carried out his mission expertly, with much empathy for asylum seekers, a strong sense of justice and outspoken views. As a result, he was greatly appreciated. He had a strong personality, was respected as an expert, loved his job and cared about the asylum seekers.

Luc Quintyn died on 22 October 2011 after a short illness.

Katrien Dockx, a clinical psychologist, has been continuing the work of the Psychological Evaluation Unit since 1 October 2011.

### 3. DECISIONS

On the basis of the Dublin regulation, the Immigration Department examines whether or not Belgium is responsible for processing an asylum application. The Immigration Department also decides whether or not a multiple application contains new elements justifying a new examination. In addition, the Immigration Department takes decisions concerning a number of other categories of asylum applications (renunciations, etc.). All other applications are sent by the Immigration Department to the CGRS for examination.

After the interview of the applicant and the analysis and assessment of his/her asylum application, the protection officer draws up a draft decision, which is then checked by his/her supervisor. The decision is eventually signed by the commissioner general or one of his deputy commissioners. The commissioners also regularly carry out quality tests of decisions.

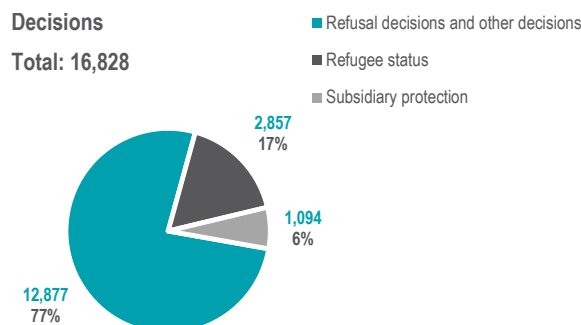
#### 3.1. MORE DECISIONS

In 2011, the Immigration Department sent 19,368 asylum cases to the CGRS for examination.

The CGRS took a total of 16,828 decisions in 2011 (asylum applications introduced in 2011 or before). This is an increase of 45.8% compared to 2010 (decisions taken again after they were withdrawn following a ruling of the Council of State not included) and an increase of 87.7% compared to 2009. This increase in productivity was possible due to the contributions of additional staff members recruited at the end of 2010 and in the first half of 2011. The CGRS has also taken several internal measures to further optimize the organization's efficiency. Both factors, as well as the enormous efforts from the staff members, gave a significant impulse to the annual output of the CGRS. There was a steady increase during the year and a more marked increase in the last quarter of 2011, when an average of 1,600 decisions was sent to asylum seekers every month.

*“ Thanks to the hard work of all the staff members, the CGRS was able to take an average of 1,600 decisions per month in the last quarter of 2011. ”*

| Decisions of the CGRS in 2011   | Total         | %           |
|---|---------------|-------------|
| Recognition of refugee status   | 2,857         | 17.0%       |
| Granting of subsidiary protection status                                  | 1,094         | 6.5%        |
| Refusal of refugee status and of subsidiary protection status             | 11,297        | 67.1%       |
| Refusal to take an asylum application into consideration (EU national)    | 119           | 0.7%        |
| Technical refusal   | 886           | 5.3%        |
| Exclusion from refugee status and from subsidiary protection status       | 25            | 0.1%        |
| Exclusion from refugee status and refusal of subsidiary protection status | 16            | 0.1%        |
| Refusal of refugee status and exclusion from subsidiary protection status | 13            | 0.1%        |
| Cessation of refugee status or subsidiary protection status               | 7             | 0.0%        |
| Withdrawal of refugee status or subsidiary protection status              | 28            | 0.2%        |
| Renunciation (closing – IOM departure)                                    | 377           | 2.2%        |
| Without object (regularization under art. 55)                             | 83            | 0.5%        |
| Without object (naturalization or death)                                  | 26            | 0.2%        |
| <b>Total</b>  | <b>16,828</b> | <b>100%</b> |



To grant protection to persons who are persecuted or who run a real risk if they return to their country of origin is still the core mission of the CGRS. In 23.5% of the asylum applications processed in 2011, the CGRS took a positive decision, granting international protection to the asylum seeker (17% recognizing refugee status and 6.5% granting subsidiary protection status). This is a slight increase compared to 2010 (21.4%), but a lower percentage than in 2009 (26%). This can be explained by the fact that applications from nationals from a number of countries with a very low recognition rate were processed as a priority by the CGRS in 2011, as part of a series of special actions.

*“ In almost one in four asylum applications, the CGRS decided that the asylum seeker was indeed in need of protection. ”*

In 2011, 2,857 asylum seekers were recognized as refugees by the CGRS. Including their children under 18, this amounts to 3,829 persons. Subsidiary protection was granted in 1,094 cases, corresponding to 1,268 persons when children under 18 are included.

In absolute figures, it turns out that the CGRS has taken more decisions in 2011 to grant refugee status (2,857) and to grant subsidiary protection status (1,094) than in 2010. In 2010, 2,107 and 711 such decisions were taken respectively.

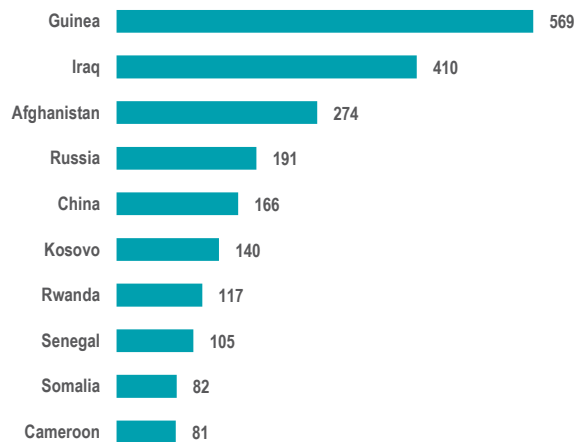
Persons recognized as refugees mainly come from Guinea, Iraq, Afghanistan, Russia (mainly the republics of the North Caucasus) and China (essentially Tibet). This is in keeping with the type of decisions taken in 2010.

Beneficiaries of subsidiary protection status mainly come from Iraq and Afghanistan (89% of all the decisions to grant subsidiary protection).

When both statuses are combined, we see that in 2011 Iraq, Afghanistan and Guinea accounted for more than half of the decisions to grant protection (2,236 decisions out of 3,951). Russia and China completed the top 5.

### Recognition of refugee status: top 10 countries of origin

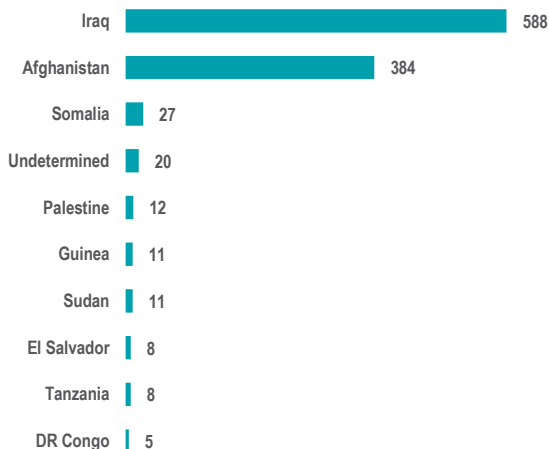
Total: 2,857



Other countries: 722

### Subsidiary protection status: top 10 countries of origin

Total: 1,094



Other countries: 20



“Iraq, Afghanistan and Guinea accounted for more than 50% of decisions to grant protection taken by the CGRS in 2011.”

The CGRS examines every asylum application individually and thoroughly. If the declarations of the asylum seeker about his origin, his identity or his problems are found to be not credible after this examination, the CGRS takes a negative decision. This is also the case when the reasons for fleeing the country do not fall under the Geneva Convention or under the definition of subsidiary protection. 76.5% of the decisions taken in 2011 were negative decisions (including a small number of 'other' decisions). Applicants who receive a negative decision from the CGRS have still the possibility to lodge an appeal with the Council for Alien Law Litigation.

Cedoca, the documentation and research department of the CGRS, supports the protection officers with information needed to assess asylum applications. In 2011, Cedoca answered 1,758 case-related questions. Cedoca structures country of origin information and makes it available to the protection officers. The information is published on a documentary intranet called 'Glo.be', which contained 240,000 documents at the end of 2011.

### *Exclusion, cessation and withdrawal*

In some cases, the Geneva Convention does not apply to certain asylum seekers even though they meet the conditions of the Convention. These cases are described in article 1F, the 'exclusion clause'. Exclusion can be decided for example when an asylum seeker has committed crimes against humanity in his country of origin. An asylum seeker can also be excluded from subsidiary protection status. The Act of 15 December 1980 relating to access to the territory, residence, establishment and removal of aliens (the Aliens Act) defines the grounds for exclusion from subsidiary protection, which are almost identical to the Convention's exclusion grounds. In 2011, the CGRS took 25 decisions to exclude an asylum seeker from both refugee status and subsidiary protection status. In 16 cases, an asylum seeker was excluded from refugee status and was refused subsidiary protection status. In 13 cases, an

asylum seeker was refused refugee status and excluded from subsidiary protection status.

The Geneva Convention also defines cases in which refugee status ceases to apply (article 1C), whereas cessation of subsidiary protection status is defined in article 55/5 of the Belgian Aliens Act. Cessation of refugee status may be decided by the CGRS if a recognized refugee voluntarily returns to his country of origin, or if the conditions in the country of origin have changed to such an extent that protection is no longer necessary. In 2011, there were 4 cases of cessation of refugee status and 3 cases of cessation of subsidiary protection status.

The Aliens Act explicitly mentions the possibility to withdraw refugee status or subsidiary protection status (article 57/6). This is the case when facts have been deliberately altered or withheld by the asylum seeker, when false statements have been made or when false or forged documents have been presented which were decisive in granting refugee status or subsidiary protection status. International protection status can also be withdrawn when the foreigner shows through his/her behaviour that he/she no longer fears persecution. Before deciding to withdraw international protection, the CGRS invites the person concerned to explain his situation. In 2011, refugee status was withdrawn in 24 cases and subsidiary protection status was withdrawn in 4 cases.

## 3.2. EU NATIONALS

A total of 220 EU nationals applied for asylum in Belgium in 2011. All of them, with a few exceptions, came from Central or Eastern European countries: Bulgaria, Romania, Slovakia, and the Czech Republic. Most of them were members of the Roma minority.

In 2011, 139 applications by EU nationals were transferred by the Immigration Department to the CGRS for examination. The CGRS took 138 decisions regarding EU nationals in 2011: no EU national was recognized as a refugee or granted subsidiary protection status. Asylum applications by nationals of one of the 27 EU member states are processed in a fast-track procedure. On the day the application is submitted, the Immigration Department transmits the applicant's details to the CGRS, which then hands him/her

an invitation for an interview at a nearby date. The CGRS' protection officer has to take a decision within 5 working days after the interview.

In 2011, asylum applications by EU nationals were processed on average in 26 calendar days (from the day the application was made at the Immigration Department until the decision is taken by the CGRS).

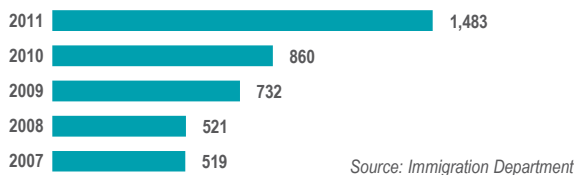
If it is not clear from the EU national's statements that he has a well-founded fear of persecution as defined in the Geneva Refugee Convention or that there are substantial grounds for believing that he runs a real risk of suffering serious harm, then the CGRS takes a decision to refuse to take the application into consideration. The EU national has 30 days to appeal against this decision before the Council for Alien Law Litigation. This appeal is only an appeal for annulment, which means that the appeal does not suspend the contested decision. A request for suspension may be submitted at the same time.

In the annulment proceedings, the legality of the decision is checked but the grounds of the asylum application are not examined again. The Council has to render its ruling within 3 to 4 months.

### 3.3. UNACCOMPANIED FOREIGN MINORS

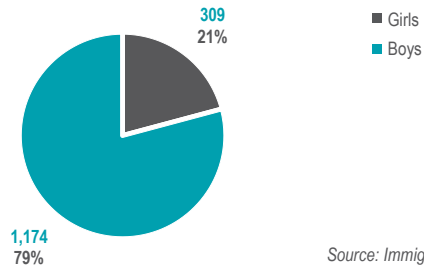
The number of asylum applications from unaccompanied foreign minors almost doubled in 2011 compared with 2010. The total number of asylum applications also increased in 2011, but not to the same extent. There is no conclusive explanation for this. It is possible that a change of policy in other EU countries has influenced the number of asylum applications from unaccompanied foreign minors in Belgium.

**Number of asylum applications from unaccompanied foreign minors 2007-2011**



### Proportion male/female of unaccompanied foreign minors

Total: 1,483



Not all young applicants who claim to be minors at the start of their asylum procedure are considered as such at a later stage. Their age is determined by the Guardianship Service for Minors (which depends on the Federal Public Service for Justice). A young person who declares being an unaccompanied minor at the start of the asylum procedure can therefore be declared afterwards of legal age by the Guardianship Service. The figure for 2011 included in the diagrams above are still liable to change in the course of 2012. This figure represents the situation on 1 March 2012. At the end of 2011, the number of young foreigners who declared on applying for asylum that they were under 18 amounted to 2,040. After verification, this figure dropped to 1,483.

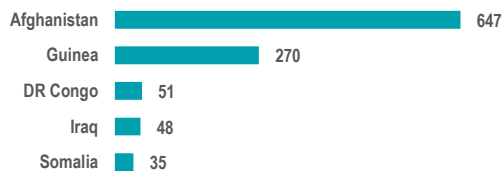
The results of the identification by the Guardianship Service show that the number of asylum applications of young applicants identified as unaccompanied minors is considerably lower than the number of those who claimed to be under 18. In 2011, 538 boys and 19 girls were identified as being older than 18 on the day they applied for asylum.

If a young person waits until the interview at the CGRS to declare that he or she is under 18, the CGRS will inform the Guardianship Service at once and request an age determination. In order to ensure that asylum applications are processed swiftly, the CGRS keeps informed of the date on which a guardian is appointed, if any.

As in 2010, Afghanistan and Guinea lead the top 5. Asylum applications from unaccompanied minors from Afghanistan account for almost 50% of all asylum applications from unaccompanied minors. Compared to 2010, the number of unaccompanied minors from Afghanistan has tripled.

### Top 5 countries of origin for unaccompanied foreign minors

Total : 1,483



Other countries: 432

Source: Immigration Department

“ Almost 50% of all unaccompanied minors who applied for asylum in Belgium in 2011 came from Afghanistan. ”

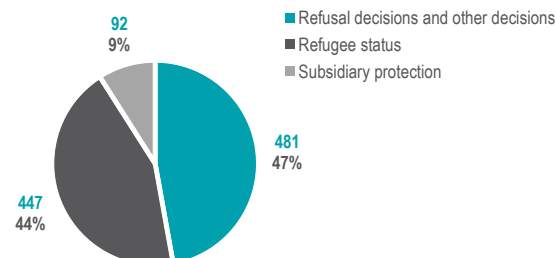
In 2011, the CGRS took 1,020 decisions regarding unaccompanied foreign minors. 1 of them renounced his application. 447 decisions to grant refugee status were taken (245 girls and 202 boys) and 92 decisions to grant subsidiary protection status (3 girls and 89 boys).

To the extent possible, the CGRS examines applications from unaccompanied foreign minors by way of priority.

To ensure that the guardian will be able to attend the interview, the CGRS always consults him/her before fixing a date for the interview.

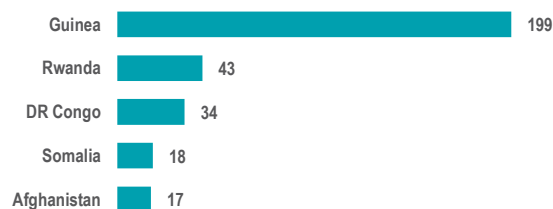
### Decisions concerning unaccompanied foreign minors

Total: 1,020



### Recognition of refugee status for unaccompanied foreign minors: top 5 countries of origin

Total: 447



Other countries: 136

### Granting of subsidiary protection status to unaccompanied foreign minors: top 4 countries of origin

Total: 92



### 3.4. GENDER

As in 2010, sexual orientation and gender identity (especially homosexuality), forced marriage, female genital mutilation and sexual abuse were the main motives put forward in 2011 in gender-related asylum applications<sup>1</sup>.

Since 2007, the CGRS has noticed a marked increase in applications of this nature.

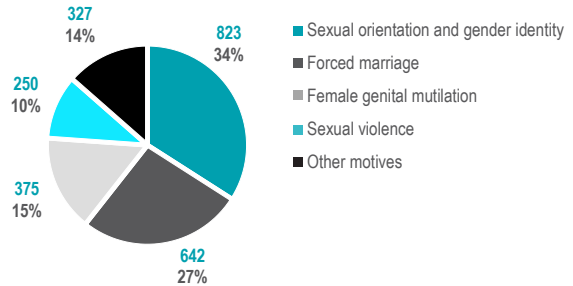
*“ In 2011, 14.4% of decisions taken by the CGRS concerned gender-related asylum applications. ”*

In 2007 and 2008, 5.8% of all decisions from the CGRS concerned applications with gender-related grounds. In 2009, this was 6.4%, in 2010, 12.3% and in 2011, 14.4% (2,417 decisions out of a total number of 16,828). The increase is mainly due to an increase in applications based on sexual orientation and gender identity. Applications based on other gender-related grounds have also increased, but not to the same extent.

<sup>1</sup> The figures in this chapter are based on the decisions registered in the CGRS database. An asylum application can be based on several asylum grounds.

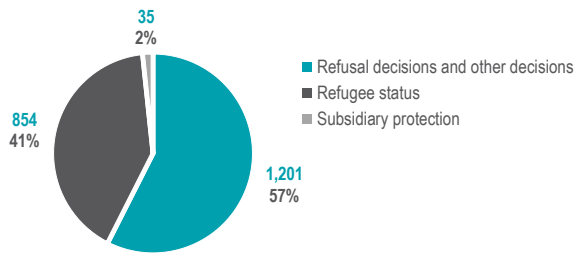
Total number of decisions in which a gender-related motive was cited

Total: 2,417

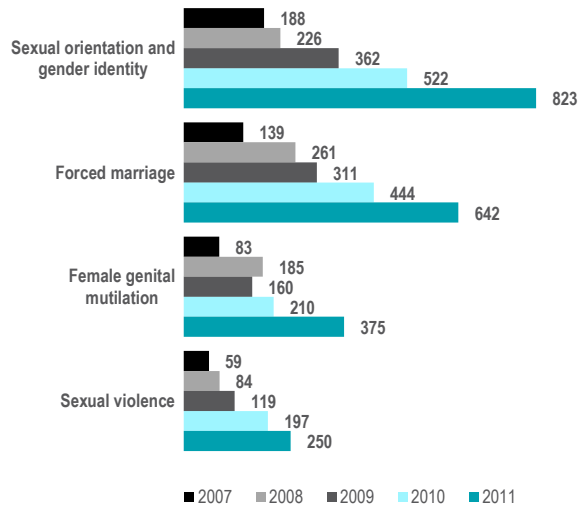


Decisions for the files in which one or more of those four gender-related motives were cited

Total: 2,090

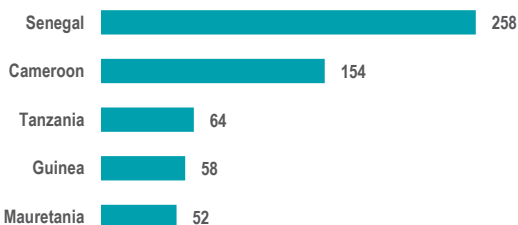


Evolution of the number of gender-related files per motive 2007-2011



### Top 5 countries of origin for the motive 'sexual orientation'

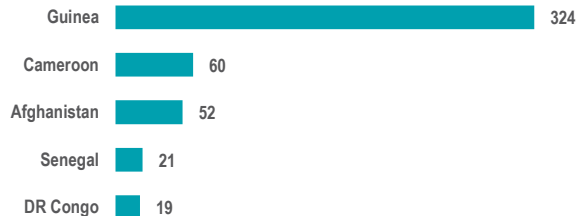
Total: 823



Other countries: 237

### Top 5 countries of origin for the motive 'forced marriage'

Total: 642



Other countries: 166

### Top 5 countries of origin for the motive 'female genital mutilation'

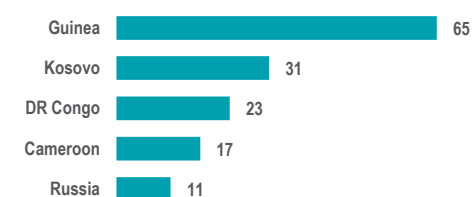
Total: 375



Other countries: 67

### Top 5 countries of origin for the motive 'sexual violence'

Total : 250



Other countries: 103

## Information for asylum seekers



A new brochure was published by the CGRS in September 2011 for female asylum seekers: 'Women, girls and asylum in Belgium. Information for women and girls who apply for asylum'. This brochure, which is available in 9 languages, contains information about aspects of the asylum procedure which might be useful most of all for women and 16-17 year old girls. Other specific subjects such as gender equality, health, places where help and support can be obtained in case of domestic violence, female genital mutilation and human trafficking are also included in this brochure, which replaces the brochure 'Asylum for women. Information for female asylum seekers' published in 2007 by the CGRS. The new brochure is given to female asylum seekers when they apply for asylum at the Immigration Department. The brochure was published with the support of the European Refugee Fund.

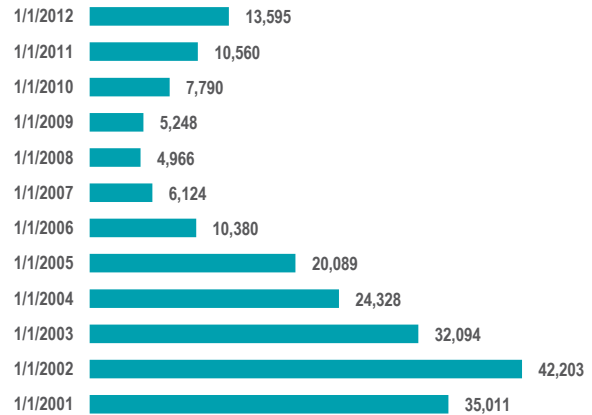
## 4. BACKLOG

**In 2008, the backlog of the CGRS had been cleared almost completely. With the strong rise in the number of asylum applications since 2009, the caseload of the CGRS started to increase again.**

In 2010, the caseload stayed relatively stable at about 10,500 files. There was a sharp increase between February and May 2011. Since May 2011, the caseload was stabilizing at about 13,500 files.

At the end of 2011, the total caseload was 13,595 files. As a caseload of 4,500 files can be considered as a normal workload for the CGRS, the actual backlog amounted to 9,095 files at the end of 2011.

### Evolution of the total caseload of the CGRS



## 5. PROCESSING TIME

**The duration of the asylum procedure is determined by the processing time of asylum applications at the CGRS, the Immigration Department and the Council for Alien Law Litigation. Since 2009, the asylum system has been under enormous pressure, due to a very high influx. Because of the increasing backlog, the average processing time was still high in 2011.**

For a number of specific categories, the Aliens Act (Article 52/2, § 2) requires the CGRS to process asylum applications by way of priority and within a recommended time of 15 days:

- applications from foreigners detained for administrative purposes or on penal charges;
- applications from foreigners representing a threat to the public order or to national security;
- applications from foreigners with regard to whom the Minister or his representative exercises his right of injunction.

For asylum applications by EU nationals, a shorter processing time is also fixed by law. When their statements do not clearly indicate that they have a well-founded fear of persecution as defined in the Geneva Convention or that there are serious grounds to believe that they run a real risk of serious harm, the CGRS has to take a decision within 5 working days.

Even though the Aliens Act does not define a timeframe for most of the decisions of the CGRS, it has always been the ambition of the CGRS to process asylum applications within an average time of 3 months.



### *Average processing time for decisions concerning asylum applications registered in 2011*

An analysis made at the beginning of 2012 shows that a decision was taken by the CGRS within three months (from the date the Immigration Department sent the file to the CGRS) in 56% of all the asylum applications (registered and transferred to the CGRS for examination in 2011). In 29% of the cases, the processing time was between 3 and 6 months. In 15% of the cases, the processing time at the CGRS was more than 6 months.

At the beginning of 2012, the CGRS still had to take a decision in 55% of the asylum applications registered in 2011 and sent to the CGRS.

The average processing time at the CGRS for asylum applications registered in 2011 was 123 days, i.e. four months (from the registration of the application at the Immigration Department until the date of the decision).

### *Average processing time for decisions concerning asylum applications registered between 1 June 2007 and the end of 2011*

An analysis made at the beginning of 2012 shows that a decision was taken by the CGRS in 29% of all the asylum applications (registered between 1 June 2007 and the end of 2011 and transferred to the CGRS) within three months (from the date the Immigration Department sent the file to the CGRS). In 25% of the cases, the processing time was between three and six months. In 46% of the cases, the processing time at the CGRS was more than six months.

At the beginning of 2012, the CGRS still had to take a decision in 22% of asylum applications registered between 1 June 2007 and the end of 2011 and sent for assessment to the CGRS.

The average processing time at the CGRS for asylum applications registered after 1 June 2007 was 227 days (from the registration of the application at the Immigration Department until the date of the decision) or about seven and a half months.

Even though the CGRS has significantly increased its output (from 9,294 decisions in 2009 to 13,170 in 2010 and 16,828 in 2011), the number of applications which take longer than 6 months to process is still high. This has to do with the backlog at the CGRS but the capacity to clear this backlog depends on an external factor, to a large extent, namely the influx of asylum seekers. This is a factor which the CGRS cannot influence. However, an important factor which can contribute to a decrease in the influx is to take more decisions within a shorter time. This will continue to be a challenge for the CGRS.

*“ The average processing time at the CGRS of asylum applications registered after 1 June 2007 was seven and a half months. For asylum applications registered in 2011, the average processing time was four months. ”*

## Internal measures to improve efficiency

The CGRS has increased its capacity to take decisions thanks to the rapid recruitment, training and integration of additional staff members. In order to increase its efficiency, the CGRS has also taken several internal measures aimed at clearing its backlog and at shortening processing times.

In November 2009, an action programme was drawn up to find out how efficiency could be improved without jeopardizing the quality of the asylum examination and without increasing the work pressure on the individual protection officers. The CGRS has strengthened its commitment in regard to its monthly output of asylum decisions, which increases gradually. From the second half of 2009, the focus shifted from individual objectives to the realization of monthly collective objectives.

This action programme was followed by a series of crisis action plans (in October-November 2009, on 1 October 2010, on 29 August 2011 and on 8 December 2011). These plans contained the following measures to increase efficiency and effectiveness:

- special actions regarding the processing of asylum applications and the motivation of decisions, for example:
  - special instructions concerning certain profiles (e.g. taking a decision shortly after the interview);
  - priority and fast-track processing of certain categories of cases (multiple asylum applications, ...);
  - restriction of the motivation of a decision to the arguments that are strictly necessary.
- the creation of an electronic platform for the exchange of good practices;
- more support for the geographical sections from the support services (content-related support, temporary appointments; ...), by limiting the other assignments of the support services to the strict minimum and by postponing projects for a shorter or longer period of time;
- start of a project aimed at refining productivity-monitoring tools;
- extended communication about the objectives on organizational and team level;
- special actions aimed at decreasing the number of unfounded asylum applications (for example the 'Armenia action') through a coordinated approach (with the Immigration Department and Fedasil).

In the last two years, the CGRS was able to increase significantly its efficiency and effectiveness. This was achieved by committing new staff members to the core process and by carrying out special country-specific actions and projects to increase efficiency. The effects of these measures have been partially offset by the further increase in the number of asylum applications, but the action programs clearly prevented an even higher increase of the caseload.

## 6. DEFENDING THE DECISIONS

**The staff members of the Legal Service are responsible for the written and oral defence of the decisions of the CGRS against which an appeal has been lodged with the Council for Alien Law Litigation or the Council of State. In practice, this means writing defence notes and arguing the case in a hearing.**

The reinforcement of the capacity of the CGRS to take decisions in 2011 resulted in an increased workload for the Legal Service.

In 2011, the Legal Service handled 9,588 appeals.

The legal defence of a decision mainly takes the form of a note in reply to an appeal lodged by an asylum seeker or his/her lawyer. The Legal Service does not write a defence note for every case, but only when it is necessary. In 2011, the staff members from the Legal Service wrote 7,384 defence notes, which is an increase of 23% compared to 2010, when almost 6,000 defence notes were drawn up.

The case is then examined during a public hearing. There are usually about 15 hearings per month with an average of 20 cases per hearing. The Legal Service has defended 10,381 decisions in 2011.

*“ In 2011, the Legal Service has produced 23% more written defence notes than in 2010. ”*

## 7. DOCUMENTS ISSUED TO RECOGNIZED REFUGEES AND STATELESS PERSONS

**The second mission of the CGRS is to issue administrative documents to recognized refugees and stateless persons because after their recognition, they can no longer request administrative documents from their national authorities. This mission of the CGRS is defined in the Aliens Act (transposition of article 25 of the Geneva Refugee Convention and article 25 of the New York Convention of 28 September 1954 relating to the status of stateless persons).**

In 2011, 15,460 documents were issued to recognized refugees and recognized stateless persons. This is an increase of almost 24% compared to 2010 (12,488 documents).

*“ In 2011, 15,460 documents were issued to recognized refugees and stateless persons. This is an increase of almost 24% compared to 2010. ”*

In 2011, the Documents Service invited 4,048 persons to collect their refugee certificate, which is proof of their recognition as a refugee. When they receive their certificate, recognized refugees have to hand in their (inter)national passport. A recognized refugee is not allowed to go back to his country of origin and can no longer request any administrative assistance from his embassy.

### Total number of documents issued in 2011

|  |               |
|--|---------------|
| Refugee certificates                           | 4,048         |
| Other certificates relating to refugee status* | 2,357         |
| Certificates of statelessness                  | 77            |
| Civil status documents**                       | 8,805         |
| Exemption certificates                         | 0             |
| Declarations of renunciation to one's status   | 19            |
| True copy of a certificate***                  | 154           |
| <b>Total</b>                                   | <b>15,460</b> |

\* these certificates are necessary to apply for: Belgian nationality, travel documents, a scholarship, child allowance, a re-registration at the municipality after having been officially removed from the registry, a change of name and a modification of nationality at the municipality after renouncing refugee status

\*\* birth certificate, identity certificate, marriage certificate

\*\*\* document given to Belgian nationals who were formerly recognized refugees

The Documents Service of the CGRS also issues documents to recognized stateless persons. Persons recognized as such have to contact the Documents Service in person for this. In this case, the competence of CGRS is restricted to issuing statelessness certificates and other civil status documents.


Recognition of statelessness is currently the competence of the courts of first instance. Persons requesting this status have to file, through their lawyer, a unilateral petition with the court of first instance of their place of residence. They have to submit all the evidence proving they have no nationality or have lost their former citizenship. When examining the petition, the court of first instance may ask the royal prosecutor for advice. The court of first instance then decides on the issue by way of a decision rejecting or granting the petition.

The CGRS does answer requests for information from the office of the royal prosecutor with regard to applications for statelessness. In 2011 it received 73 such requests. The CGRS can for instance give information on identity documents submitted during the asylum procedure. On account of its expertise in the matter, the CGRS can also give information about laws regarding citizenship and loss of citizenship in the country of origin. The CGRS however does not issue an opinion on whether or not the petitioner is stateless.

In the federal government agreements of 18 March 2008

and 1 December 2011 it is stated that the CGRS should become competent to recognize statelessness, as it is considered the most qualified authority to examine and assess recognition of statelessness on account of its expertise regarding asylum applications and the countries of origin of asylum seekers.

The procedure to be recognized as a stateless person is sometimes used improperly to extend a temporary authorization to stay in Belgium. Sometimes documents submitted within this procedure before the court of first instance are different from documents presented at the asylum authorities.



When recognized as such, refugees receive an information brochure which explains their rights and obligations and which gives more information about the different services he/she can turn to, to ensure that his/her integration in Belgium proceeds smoothly. The brochure is also available in an electronic version on the website [www.cgrs.be](http://www.cgrs.be).

# CONTACT

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## **Helpdesk**

Open : Monday to Friday : 08:15 - 12:00 and 13:15 - 16:00

## **Lawyer's helpdesk**

Tel +32 2 205 53 05

Fax +32 2 205 50 33

[CGRA-CGVS.Advocate@ibz.fgov.be](mailto:CGRA-CGVS.Advocate@ibz.fgov.be)

Open : Monday to Friday : 09:00 - 12:00 and 14:00 - 16:00

## **Documents Service**

Tel +32 2 205 50 09

Fax +32 2 205 52 01

[CGRS-CGVS.Documents@ibz.fgov.be](mailto:CGRS-CGVS.Documents@ibz.fgov.be)

Open: Monday to Friday : 08:30 - 10:00, or by appointment








## OFFICE OF THE COMMISSIONER GENERAL FOR REFUGEES AND STATELESS PERSONS


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