

A photograph of a diverse group of people sitting in a room, facing away from the camera towards a screen. They are seated in rows of grey chairs. The room has large windows in the background and several potted plants. The overall atmosphere is professional and focused.

# 2012 Annual Report

OFFICE OF THE COMMISSIONER GENERAL FOR REFUGEES AND STATELESS PERSONS

# COLOPHON

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Annual Report CGRS 2012  
Brussels, June 2013

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# 2012 **Annual Report**

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OFFICE OF THE COMMISSIONER GENERAL FOR REFUGEES AND STATELESS PERSONS



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# Asylum figures

## 1. ASYLUM APPLICATIONS

For the first time in four years, Belgium registered a decrease in the number of asylum applications. 21,463 applications were made in 2012, a decrease of 15.8% compared to 2011. In the European Union as a whole, the number of asylum seekers increased by 10%. In 2012, Belgium registered 2,535 asylum seekers per million inhabitants, almost four times the European average.

### 1.1. BELGIUM: ASYLUM APPLICATIONS DECREASED BY 16%

An important indicator pointing to a change of trend in the asylum situation is the 16% decrease in the number of asylum applications recorded in 2012 (first and multiple applications taken together). The monthly average amounted to 1,788 applications, against 2,123 in 2011.

A total of 21,463 asylum applications were lodged in Belgium in 2012, corresponding to 27,634 persons (Eurostat gives a figure of 28,105).

#### Asylum applications versus asylum seekers

The **CGRS** releases figures about the number of **asylum applications or asylum dossiers**, not about the number of persons concerned by a single case.

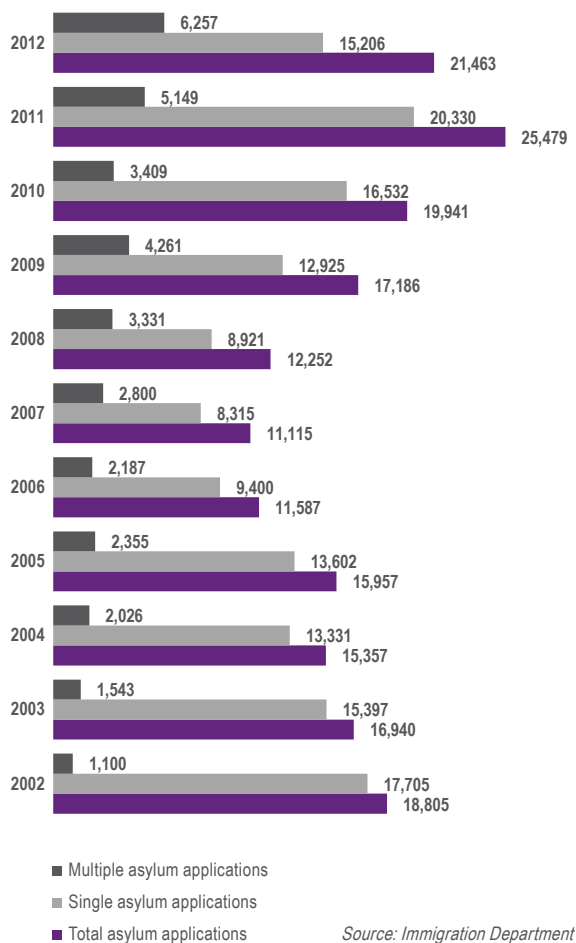
Every adult or unaccompanied minor lodges his/her own application. They are registered as main applicants. The asylum case of a couple is assessed jointly but counts as two applications. Children accompanying (one of) their parents belong to the asylum dossier of the main applicant/parent. Accompanied minors are therefore not taken into account in the asylum figures of the CGRS.

As the CGRS is responsible for the assessment of asylum applications, the number of asylum cases is the most relevant figure. This is also the case for the other asylum authorities in Belgium. The number of asylum cases gives the most reliable picture of the actual caseload.

Since 2008, **Eurostat** has been releasing figures about the **number of persons applying for asylum in each EU member state**. Eurostat figures include accompanied minors and are the most relevant at the European level for the analysis of the asylum influx.



## Number of asylum applications per year (2002-2012)



The number of first applications is the most relevant factor regarding the asylum influx. In 2012 15,204 first applications were registered, i.e. a 25% decrease compared to 2011 (20,330 first applications).

The number of multiple asylum applications (6,257) increased by 21.5% compared to 2011 (5,149) and by 83.5% compared to 2010 (3,409). In absolute figures, the number of multiple applications increased with 1,108 between 2011 and 2012. The reason for this increase is not clear. The law was amended on 19 January 2012 to the effect that

asylum seekers are no longer entitled to material support after a second application but this did not lead to a drop in multiple applications. Within the EU, nationals from the Western Balkan countries still represent a high proportion of asylum seekers lodging multiple applications.

“The number of first asylum applications has decreased by 25% compared to 2011.”

Almost 30% of asylum applications lodged in Belgium in 2012 are multiple applications. Russia, Guinea and Kosovo are the main countries whose nationals lodge multiple applications (10-11% each), followed by Afghanistan, Serbia and Iraq.

A multiple asylum application is a new asylum application from a foreigner who has already received a final decision in Belgium concerning a previous asylum application. If a multiple application contains new elements, the CGRS will examine it. If there are no new elements, the Immigration Department will decide that the application is not to be taken into consideration (annex 13quater).

## Countries of origin

In 2012 the main countries of origin of asylum seekers in Belgium were Afghanistan (12.3% of the total number of applications), Guinea (8.4%), Russia (6.8%), DR Congo (6.2%) and Kosovo (4.6%). Iraq, Syria, Pakistan, Albania and Serbia completed the top 10. The strong presence in the top 10 of three countries from the Western Balkans (Kosovo, Albania and Serbia) is noteworthy, even though the number of applications from these countries decreased compared to 2011.

For the second consecutive year, Afghanistan was the main country of origin of asylum seekers in Belgium, but their number remained stable compared to 2011. Guinea and Russia were still important countries but the number of applications decreased (Guinea: 1,808 in 2012, against 2,134 in 2011, Russia: 1,470 in 2012, against 1,618 in 2011). The



number of applications from nationals of the Democratic Republic of Congo increased by 32.5% (1,334 applications in 2012, against 1,007 in 2011). The number of applications from Iraqi nationals decreased by almost 60% compared to 2011. Most of these applications were multiple applications.

### Top 10 of countries of origin for asylum applications in 2012 (first and multiple applications)

Total: 21,463



Other: 9,639

Source: Immigration Department

### Syria: a newcomer to the top 10 of countries of origin

In 2012 Syria appeared for the first time in the top 10 of countries of origin. Because of the conflict, 600,000 Syrians had already fled their country by the end of 2012. The number of Syrian nationals applying for asylum in the EU tripled compared to 2011. It is as yet relatively limited (23,510) but increasing. Approximately 67% of Syrian refugees in the EU apply for asylum in Germany and Sweden. The other member states register a gradual increase. Belgium registered 793 Syrian asylum applications in 2012, a 43% increase compared to 2011. The CGRS took 513 asylum decisions regarding Syrians, of which 93.5% were decisions to grant protection, mainly in the form of subsidiary protection.

## 1.2. EUROPE: NUMBER OF ASYLUM SEEKERS INCREASED BY 10%

Eurostat figures show that more than 330,000 asylum seekers applied for asylum in 2012 in the European Union. This is an increase of 10% compared to the previous year (302,000 applications in 2011). Eurostat figures refer to asylum applicants and not to the number of asylum cases (see box p. 3).

### Top 10 EU-27

		Number of asylum applicants	
		in 2012	Per million inhabitants
<b>EU-27</b>		<b>331,975</b>	<b>660</b>
1	Germany	77,540	945
2	France	60,560	925
3	Sweden	43,865	4,625
4	UK	28,175	445
5	Belgium	28,105	2,535
6	Austria	17,425	2,065
7	Italy	15,715	260
8	Netherlands*	12,795	765
9	Poland	10,750	280
10	Greece	9,575	850

Source: Eurostat news release – 22 March 2013 "Asylum in the EU-27"  
\*estimated

In 17 member states the number of asylum seekers increased compared to 2011, whereas it decreased in the 10 other member states, among them Italy (-18,400) and Belgium (-3,810). Germany (+24,280) and Sweden (+14,195) registered the strongest increase.

10% of all applications registered in 2012 in the EU were multiple applications. This percentage is considerably lower than the 30% registered in Belgium (35% if the number of applicants is taken as a basis).

In absolute figures, the following five EU member states registered the highest number of applicants in 2012: Germany (77,540), France (60,560), Sweden (43,865), United Kingdom

(28,175) and Belgium (28,105). They totalise more than 70% of asylum applications made in the EU in 2012, contrary to the common misconception that mainly Southern European countries are confronted with a high asylum influx. The number of applications in Spain (2,565) and Portugal (295) was particularly low in 2012. Greece and Italy registered a higher number but are not part of the top 5 of European destination countries. The number of asylum applications in Malta (2,080) and Cyprus (1,635) was relatively high when compared to their respective population figures.

“ *Belgium: the 5th most important destination country in the EU.* ”

Per capita, Belgium also registered a high number of asylum applicants in 2012: 2,535 per million inhabitants. This is almost four times the European average of 660 per million. In 2011, Belgium registered 5 times the European per capita average of asylum applicants.

“ *In 2012, Belgium registered more than 2,500 asylum applicants per million inhabitants. This is four times the EU average.* ”

### *Unequal distribution of asylum applicants from some countries of origin*

It is to be noted that asylum seekers from some countries of origin almost exclusively opt for a few destination countries. In Malta 60% of asylum seekers come from Somalia and in Poland 60% are Russian nationals. Belgium still registers a high number of asylum seekers from Guinea. In 2012, it was the main European destination country for Guinean asylum applicants. With the exception of France, the other EU member states hardly receive any applicants from Guinea. Less surprising is the fact that Belgium is an important destination country for asylum seekers from the Democratic Republic of Congo. For applicants from Kosovo, Russia and Afghanistan, Belgium is also one of the main European destination countries. Asylum seekers from Syria mainly chose Germany and Sweden as a destination country in 2012.

### *Increase from Syria and the Western Balkans*

In absolute figures, the main countries of origin of persons who applied for asylum in the EU in 2012 were: Afghanistan (26,250), Syria (23,510) and Russia (23,360). In view of the deteriorating security situation in Syria, it is hardly surprising that the number of Syrian applicants tripled compared to 2011. The number of applicants from Russia, Pakistan, Serbia, Albania, Macedonia, Bosnia and Georgia also increased significantly in the EU in 2012. On the other hand, there were fewer applicants from Iraq and Nigeria compared to 2011. The number of applicants from the Western Balkans continued to increase in 2012, with Germany being the main destination country.

## 2. MORE INTERVIEWS OF ASYLUM SEEKERS

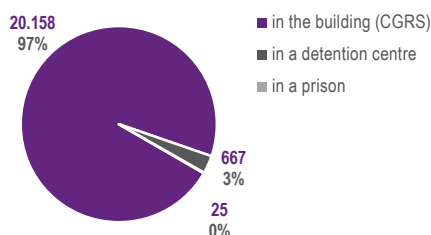
The CGRS automatically examines every asylum application, first in the light of the Geneva Convention and then in the light of subsidiary protection. Every applicant is invited at least once for an interview with a protection officer at the CGRS. Asylum interviews last on average between two and four hours, during which applicants have the opportunity to explain in detail their asylum grounds 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.

The CGRS conducted 20,850 interviews in 2012, i.e. a 13% increase compared to 2011 (18,430 interviews).

“ 20,850 interviews: a record number. ”

### Number of interviews according to location

Total: 20,850



### Interpreters

The CGRS works with self-employed interpreters to enable the asylum seeker and the protection officer to communicate during the interview. In 2012 the CGRS could count on a pool of about 200 interpreters for about 100 source languages and dialects.

The task of interpreters is to translate in a neutral and faithful way the statements of asylum seekers during their interview. Interpreters also translate documents presented by asylum seekers. Apart from interpreting and translating, interpreters do not intervene in any other way in the assessment of asylum applications.

The number of interviews requiring an interpreter also increased in 2012. With 17,872 such interviews, the increase amounts to almost 10% (16,305 interviews in 2011).

### Interpretation and translation at the CGRS in 2012

Number of interpreters used	212
Number of source languages	107
Number of interviews with an interpreter	17,872
Number of dossiers for which a translation was requested	3,532
Number of translated pages	13,484

In 2012 the source languages for which interpreting was most often required were Russian, Albanian, Arabic, Fulani, Pashto, Lingala, Dari, Romani, Kurdish and Serbian.

“ In 2012 the CGRS held 17,872 interviews with an interpreter, a 10% increase compared to 2011. ”

The number of asylum dossiers containing documents for which a written translation is required increased by 6.9% in 2012 (3,532 dossiers compared to 3,305 in 2011).

In 2012 the source languages for which written translations were most often required were Arabic, Pashto, Russian, Albanian, Dari, Farsi, Serbian, Georgian, Chinese and Turkish.

### 3. MORE DECISIONS FOR ASYLUM SEEKERS

**The reversal of the asylum situation in 2012 does not only concern the number of asylum applications. With 19,731 asylum decisions in 2012, the CGRS also increased its output by 17% compared to 2011 (16,828).**

#### Output higher than influx

When an asylum application is lodged in Belgium, the Immigration Department examines whether Belgium is responsible under the Dublin Regulation for processing the application. In case of a multiple application, the Immigration Department also examines whether it contains new elements justifying a new assessment. In addition, the Immigration Department takes decisions about certain other categories of asylum applications (renunciation etc.). All other asylum applications are sent by the Immigration Department to the CGRS for an assessment of their content. 16,252 asylum dossiers were thus transmitted to the CGRS in 2012.

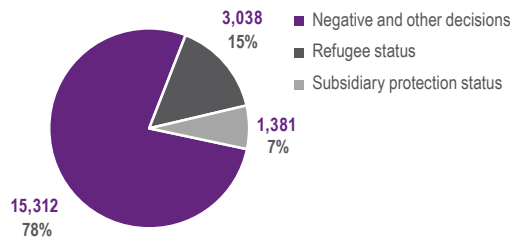
The CGRS took a total of 19,731 decisions in 2012 (for applications lodged in 2012 or before). This is an increase of 17.2% compared to 2011, of 72% compared to 2010 (excluding new identical decisions taken upon withdrawal of a decision following a ruling of the Council of State), and of 122% compared to 2009. This increase is the result of the strong personal commitment of the entire staff as well as of internal measures to improve the efficiency of the asylum procedure. The recruitment of extra staff has also helped to increase the output.

“Almost 20,000 asylum decisions in 2012, a record number.”

In 2012 the CGRS's output was significantly higher than its input, while care was being taken to maintain the same quality standards for the assessment of asylum applications. With a monthly average of 1,644 decisions, the CGRS's output remained at the level of the last quarter of 2011 (1,600 decisions per month). This has a positive impact on the backlog.

#### Number of decisions

Total: 19,731



Beslissingen	Totaal	%
Recognition of refugee status	3,038	15.4%
Granting of subsidiary protection status	1,381	7.0%
Refusal of refugee status and subsidiary protection status	13,163	66.7%
Refusal to take an asylum application into consideration (EU nationals)	69	0.3%
Refusal to take an asylum application into consideration (Safe country of origin)*	723**	3.7%
Technical refusal	842	4.3%
Exclusion from refugee status and subsidiary protection status	17	0.1%
Exclusion from refugee status and refusal of subsidiary protection	28	0.1%
Refusal of refugee status and exclusion from subsidiary protection	6	0.0%
Cessation of refugee status or subsidiary protection	13	0.1%
Withdrawal of refugee status or subsidiary protection	51	0.3%
Renunciation (closing - IOM departure)	328	1.7%
Without object (regularization under art. 55)	46	0.2%
Without object (naturalization or death)	26	0.1%
<b>Total</b>	<b>19,731</b>	<b>100%</b>

\* Since 1 June 2012

\*\* Including 3 decisions about asylum applications in which the nationality of the applicant couldn't be determined.

In 22.4% of asylum cases processed in 2012 the CGRS decided that the applicant needed protection: 15.4% led to recognition of refugee status and 7% to a decision granting subsidiary protection status. The percentage of positive decisions is slightly lower than in 2011 (23.5%).

“ In absolute figures, the CGRS has never before taken as many decisions granting protection (4,419) as in 2012. ”

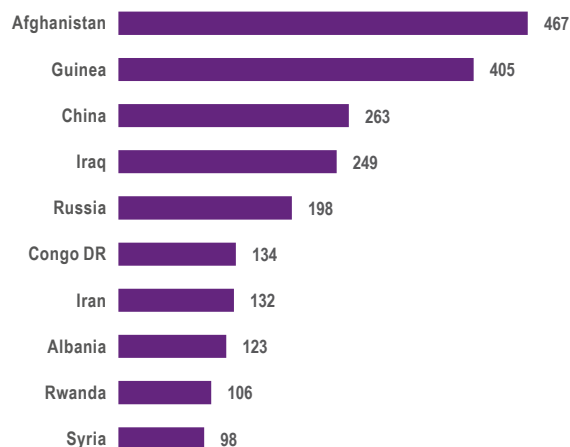
Especially during the first six months of 2012, the CGRS had to process a considerable number of applications from the Western Balkans, which lead rarely to a protection status and for which the recognition rate remains low. In the second half of 2012 the rate of positive decisions increased because of a strong focus on assessing applications from Syrian nationals (with a high rate of protection).

In absolute figures, the CGRS has never before taken as many decisions granting protection as in 2012. A total of 4,419 positive decisions were taken: 3,038 decisions to recognise refugee status and 1,381 decisions to grant subsidiary protection status.

Asylum applicants recognised as refugees in 2012 mainly came from Afghanistan (467 decisions to recognise refugee status out of a total of 2,224 decisions), Guinea (405 out of a total of 2,409), China (263 out of a total of 291), Iraq (249 out of a total of 1,142) and Russia, mainly from the Republics of the North Caucasus (198 out of a total of 1,090). The CGRS also recognised refugee status in a limited number of cases from the DRC (134 out of a total of 1,354), mainly from applicants coming from other regions than Eastern Congo.

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

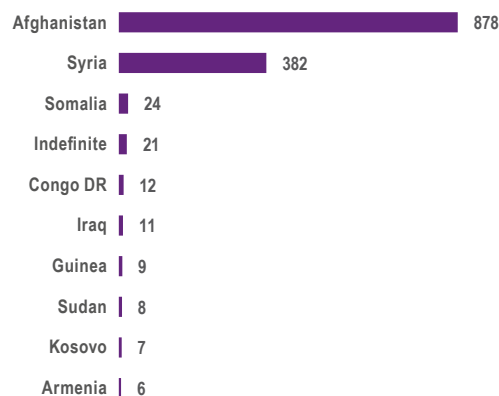
Total: 3,038



Other: 863

## Subsidiary protection status: top 10 countries of origin

Total: 1,381



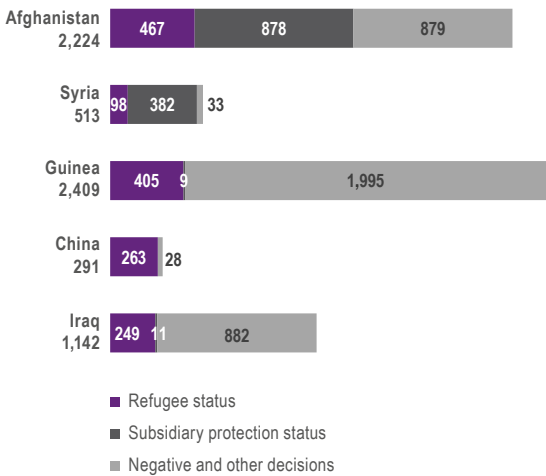
Other: 23

Asylum applicants who were granted subsidiary protection in 2012 mainly came from Afghanistan (878 decisions out of a total of 2,224), Syria (382 out of a total of 513) and Somalia (24 out of a total of 261).



The figures concerning the several types of asylum decisions should be interpreted with due caution. It is important to take into account the influx from the country considered. When the influx is very low, figures are not necessarily representative of the actual (security) situation in the country. The profiles of asylum seekers are also a determining factor in this regard.

Protection statuses: top 5 countries of origin



In 2012 Afghan nationals were the prime beneficiaries of protection granted by the CGRS. For Syria, considering the situation, subsidiary protection was granted in most cases processed in 2012. About a hundred Syrians with a specific profile were recognised as refugees. For Guinea the recognition rate of 16.8% is slightly above the average (15.4%). Among Chinese nationals who were granted asylum in 2012, there is only one profile, namely Tibetan refugees.

Out of a total of 19,731 decisions taken in 2012 by the CGRA, 6,555 (33.22%) concerned women. A protection status was granted to 1,417 women, 1,250 of whom received refugee status and 167 subsidiary protection status.

Nearly one out of four asylum seekers in the EU receives a positive decision

About 73% of all asylum applications examined in 2012 by EU member states were rejected (at first instance, appeals not included). About 14% of applicants were recognised as refugees, 10% received subsidiary protection and 2% received protection on humanitarian grounds. The Belgian figures concerning asylum decisions are of the same order: 16% of asylum seekers who received a decision in 2012 were recognised as refugees (corresponding to 15.4% of asylum dossiers) and 6% were granted subsidiary protection status.

In Belgium, residence permits on humanitarian or medical grounds do not fall within the scope of the asylum procedure.

Figures concerning decisions should be interpreted with due caution on account of the important variations among EU member states regarding the countries of origin of asylum seekers. The rate of positive decisions will for instance be comparatively higher if a member state has many applicants from Syria. On the other hand, a high number of applicants from the Western Balkans or a considerable proportion of multiple applications will keep this rate comparatively lower.

Source: Eurostat

Country of origin information

**Cedoca, the documentation and research centre of the CGRS, assists protection officers in assessing asylum applications. Cedoca structures in an objective and neutral way all country information within the CGRS and makes it available to protection officers. Cedoca is one of the biggest and most specialised asylum research centres in Europe.**

In 2012 protection officers addressed 1,550 requests of information to Cedoca about individual asylum dossiers. Cedoca’s researchers also wrote 163 subject-related briefings on country-specific topics. All this information is made available on a documentary intranet called ‘Glo.be’, which contained more than 200,000 documents by the end of 2012.

Cedoca maintains relations with national and international partners, e.g. for authentication of personal documents, for visa checks and verification of fingerprints. 699 questions relating to these matters were addressed to the competent authority by Cedoca in 2012.

### *Defending the decisions*

**The written and oral defence of refusal decisions is ensured in appeal by the Legal Service. Appeal can be lodged with the Council of Alien Law Litigation and in some cases with the Council of State.**

In 2012 the rise in the number of decisions also produced a rise in the number of appeals. The Legal Service received notification of 12,236 appeals in 2012, a 28.6% increase compared to 2011 (9,588).

The legal defence of a decision of the CGRS mainly takes the form of a written defence note in reply to an appeal lodged by an asylum seeker or his lawyer. The increased caseload led the Legal Service to select more strictly the dossiers for which a defence note was written. In 2012 the Legal Service devoted more time to legal advice such as the preparation of legislative change, advice about safe countries of origin and in support of the assessment of asylum applications. The number of written defence notes consequently decreased in 2012 (5,462 notes against 7,388 in 2011). Every appeal is examined at a public hearing. There were on average 63 such hearings per month (a total of 753 hearings in 2012) at which a total of 9,322 decisions were defended.

### *Exclusion, cessation and withdrawal*

**In some cases the Geneva Convention does not apply to certain asylum seekers even though they fulfil the conditions of the Convention. These cases are described in Article 1F, also known as the 'exclusion clauses'. Exclusion from refugee status can be decided for instance when the applicant 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 foreigners (the Aliens Act) defines the different grounds for exclusion from subsidiary**

**protection status, which are almost identical to the Convention's exclusion grounds.**

In 2012 the CGRS took 51 decisions to exclude an asylum seeker from refugee status and/or subsidiary protection status. In 28 cases, the asylum seeker was excluded from refugee status and was refused subsidiary protection. In 6 cases the asylum seeker was refused refugee status and excluded from subsidiary protection status. In 17 cases exclusion from both statuses was decided. The main countries of origin of those asylum seekers are 'undetermined' (23 cases), Iraq (6) and Albania (4).

The Geneva Convention also defines situations in which refugee status ceases to apply (article 1C), whereas cessation of subsidiary protection status is defined under article 55/5 of the Belgian Aliens Act. Cessation of refugee status can be decided by the CGRS when a recognised refugee has voluntarily returned to his country of origin or when conditions there have changed to such an extent that protection is no longer necessary.

In 2012 there were 4 cases of cessation of refugee status and 9 cases of cessation of subsidiary protection. The main countries of origin are Iraq (7 cases), Kosovo (2) and the DR Congo (2).

The Aliens Act explicitly includes 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 forged or false documents have been presented which were decisive in granting refugee status or subsidiary protection. Refugee or subsidiary protection status can also be withdrawn when the foreigner's behaviour shows that he/she has no fear of persecution. Before deciding to withdraw refugee or subsidiary protection status, the CGRS invites the person concerned to explain his situation.

In 2012 refugee status was withdrawn in 38 cases and subsidiary protection in 13 cases. The main countries of origin are Albania (9 cases), Iraq (7), Guinea (5), Cameroon (4) and Russia (4).

## 4. SHORTER THROUGHPUT TIMES

**In 2012 the CGRS managed to increase the number of decisions taken and to shorten the throughput time for applications lodged in 2012 (which are assessed according to the 'Last in first out' principle). The CGRS needed on average 80 days to process an asylum application, to be counted from the date of transmission of the dossier by the Immigration Department.**

On the other hand, with 275 days, the average throughput time of an asylum application at the CGRS is still quite long when the backlog is taken into account. This will continue to be the case as long as the historical backlog will not be eliminated, i.e. as long as there are still applications lodged one or two years ago among the cases to be processed.

The throughput time of an asylum application is the number of days between the lodging of the application and the asylum decision.

The processing time of an asylum application is the actual time spent by a staff member to analyse the case.

“*For asylum applications registered in 2012, the CGRS took a decision after 80 days on average.*”

## 5. DECREASING BACKLOG

**The CGRS took more decisions in asylum dossiers and more quickly, which helped to reduce its backlog by almost 4,000 cases.**

By the end of 2012, the CGRS had a backlog of 6,995 cases. This figure corresponds to the caseload (11,495 dossiers) minus a normal workflow of 4,500 dossiers.

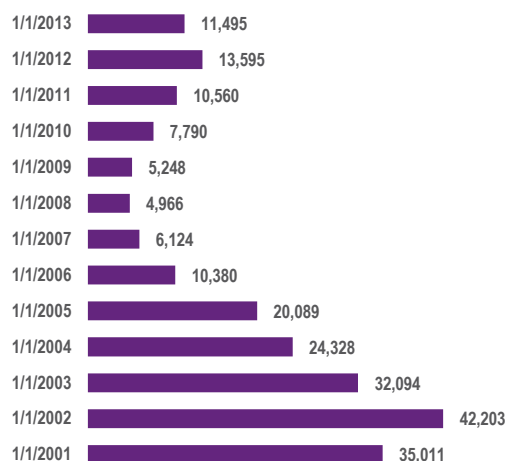
At the end of March 2012, the CGRS still had a caseload of 15,343 dossiers. During the last seven months of 2012, this figure decreased by 3,848 dossiers (a monthly average of 428).

In 2012 the output of the CGRS was higher than its input. The decrease in the caseload results from the combined effect of a higher number of decisions and a lower number of asylum applications (compared to 2011).

“*The backlog was reduced by almost 4,000 asylum dossiers, an important turning point.*”

The backlog can be further reduced in 2013 provided that the asylum influx does not grow compared to 2012. Once the backlog of unexamined cases will have been eliminated, the CGRS intends to process all asylum applications at first instance (Immigration Department and CGRS stages) within an average of three months.

## Evolution of the total caseload at the CGRS



### *Priority processing*

#### **LIFO (Last in first out)**

For recent asylum applications, the CGRS generally calls the applicant for an interview within three months following the receipt of the asylum dossier. A decision is taken shortly after the interview (in 2012, within 80 days on average after the dossier arrives at the CGRS). However, the CGRS is unable to apply the LIFO principle to all recent asylum applications.

### *Accelerated processing*

#### **EU nationals**

Under article 57/6, par. 1, 2° of the Aliens Act, asylum applications from nationals from EU member states are assessed in an accelerated procedure. This means that the CGRS has to decide in five working days whether or not to take the application into consideration.

#### **Specific categories**

Under article 52/2 §1 of the Aliens Act, the CGRS has two months to decide in cases where a previous application has already been lodged or when the applicant refuses to make a statement or to give his/her identity or nationality.

## **Prison, public order and injunction**

In a number of well-defined situations, the Aliens Act (article 52/2 §2) requires the CGRS to take a decision within 15 days, for instance when the asylum applicant is in prison or represents a threat to the public order or national security. Asylum dossiers regarding which the minister or his delegate makes use of his right of injunction also have to be decided within 15 days. This is the case for some Balkan countries: in 2010 Melchior Wathelet, the then State Secretary for Migration and Asylum Policy, asked the asylum authorities, under article 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 and 20 October 2011, the CGRS was also asked to give priority to applications from respectively Bosnian and Albanian nationals. The current State Secretary for Asylum and Migration, Maggie De Block, maintained the injunction to process as a priority applications from the abovementioned countries.

#### **Safe countries of origin**

Article 57/6/1 of the Aliens Act establishes a specific procedure for applications from nationals from safe countries of origin. The CGRS has to decide within 15 working days whether it will take the application into consideration and in case of an appeal the Council for Alien Law Litigation has to deliver a ruling within two months.

# 6. SAFE COUNTRIES OF ORIGIN

Since 1 June 2012, Belgium has been using a list of safe countries of origin. Countries on this list are currently Albania, Bosnia-Herzegovina, FYROM, Kosovo, Montenegro, Serbia en India. Applications from nationals from these countries are examined according to a specific procedure.

This specific procedure uses shorter processing deadlines: 15 working days for the CGRS and two months for the Council for Alien Law Litigation. Appeal is restricted to an appeal for annulment (which does not automatically suspend the decision). The way in which the CGRS assesses applications from safe country nationals is the same as for other countries: an individual examination of the application is still guaranteed. The only difference is that there is now an a priori presumption that the applicant has no well-founded fear of persecution and runs no real risk of serious harm.

Safe countries Kosovo, Albania and Serbia are still part of the 10 main countries of origin for asylum seekers in Belgium.

## *The CGRS renders advice on safe countries of origin*

The list of safe countries is established by Royal Decree after deliberation in the Council of Ministers, on the joint proposition of the Minister for Asylum and Migration and the Minister for Foreign Affairs. It is evaluated at least once a year and revised if necessary. The law requires the CGRS to render an advice on the countries liable to be on the list.

To render its advice, the CGRS examines the general situation in each of the countries. A country is considered to be safe when it can be shown that there is generally and consistently no persecution as defined by the Geneva Convention and

no real risk of serious harm in case the applicant returns to the country in question.

To determine whether a country is safe the CGRS therefore looks at the legal situation in the country, the application of the law and the general political circumstances, and the extent to which citizens can obtain protection against persecution and ill-treatment.

The list is reviewed at least once a year and countries can be removed from or added to it, depending on the situation.

The number of applications from nationals from the seven safe countries has decreased significantly in 2012: 36% (figures pertain to the period before and after the introduction of the list of safe countries). For the seven countries taken together, 2,998 applications were registered in Belgium in 2012, as against 4,687 in 2011. A decrease could be already noticed before the introduction of the list, owing to a more integrated policy by the competent authorities in 2011-2012. This policy was focussed on a coordinated approach focusing on prevention campaigns in some countries (Western Balkans), an increase of voluntary returns and an acceleration of the assessment of applications. It is difficult to know with certainty whether the announcement that Belgium was to use a list of safe countries had a dissuasive effect.

On the other hand, the percentage of multiple applications

## Safe countries of origin: asylum applications 2011-2012 (first and multiple applications)

	Albania	Bosnia-Herzegovina	Kosovo	FYROM	Montenegro	Serbia	India	Total	First applications	Multiple applications
2011	809	286	1,458	819	30	1,109	176	4,687	3,611	1,076
2012	667	139	983	476	53	571	109	2,998	1,525	1,473
Evolution	-18%	-51%	-33%	-42%	+77%	-48%	-38%	-36%	-58%	+37%



from nationals from the seven safe countries increased with more than a third (36.8%) in 2012 compared to 2011 (1,473 multiple applications as against 1,076).

The CGRS shortened the throughput time for these applications (in part by interviewing more shortly after the introduction of the application), allocated more protection officers to their assessment, increased the number of interviews per half day, put into place a profiling of applications, and developed more detailed country information.

### *Albania and Kosovo*

The figures about safe country decisions should be interpreted with caution. The relative by high recognition rate for Albania and Kosovo (analysis based on decisions taken since 1 June 2012, when the list came into force) cannot be considered as representative of the situation in the country because recognitions concerned very specific cases.

For Albania the CGRS decided to recognise refugee status in 67 cases (16.2% out of a total of 413 decisions), of which 62 decisions concern vendetta problems, and 37 decisions pertain to four families only (of which 19 decisions for one family) each of which with a different situation.

For Kosovo the CGRS decided to recognise refugee status in 16 cases (5.4% of a total of 295 decisions). Nine decisions concern applicants suffering from post-traumatic stress disorder resulting from horrifying events during the war in 1999. They concern therefore past events which are not representative of the current situation in Kosovo. The CGRS does not systematically grant refugee status in case of a PTSD but only in very exceptional and specific circumstances.

### Decisions safe country of origin from 1 June until 31 December 2012

Type of decision	Albania	Bosnia-Herzegovina	Kosovo	FYROM	Montenegro	Serbia	Total Balkans	%	India	Total safe countries	%
Recognition of refugee status	67	2	16	5	0	12	102	8.2%	0	102	7.8%
Granting of subsidiary protection status	2	0	4	0	0	0	6	0.5%	0	6	0.5%
Refusal to take into consideration	126	61	179	144	13	151	674	54.3%	46	720	55.1%
Refusal after examination of the grounds	218	18	96	43	9	76	460	37.0%	18	478	36.6%
<b>Total</b>	<b>413</b>	<b>81</b>	<b>295</b>	<b>192</b>	<b>22</b>	<b>239</b>	<b>1,242</b>	<b>100%</b>	<b>64</b>	<b>1,306</b>	<b>100%</b>
Percentage of safe country decisions	33.3%	6.5%	23.8%	15.5%	1.8%	19.2%			5.2%		

# 7. ATTENTION TO VULNERABLE GROUPS

## 7.1. UNACCOMPANIED MINORS

In 2012 a total of 1,530 young persons who applied for asylum in Belgium declared they were minor and unaccompanied when they registered their application at the Immigration Department. In 2011 there were 2,040 such declarations. They decreased by 25%.

Number of asylum applications from unaccompanied foreign minors in 2011 and 2012\*

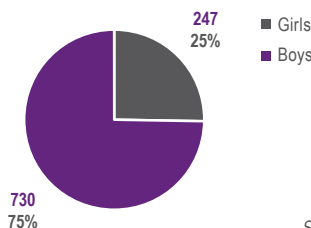


Source: Immigration Department

\* This figure corresponds to the number of applications registered in 2012 where applicants were found to be minors.

Proportion male/female among unaccompanied minors

Total: 977



Source: Immigration Department

### Age determination

The age of minors is determined by the Guardianship Service (which depends of the Ministry of Justice) with the help of an age test. This test is used for 50% of applicants who declare they are unaccompanied minors.

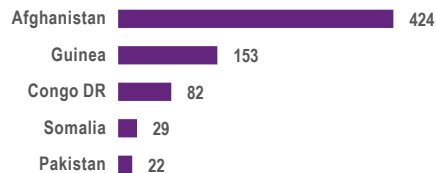
- When the Immigration Department has doubts about the age of a self-declared minor when registering his/her application, the Guardianship Service first of all carries out an age test, even before the interview at the Immigration Department.
- Similarly, in the rare cases when an asylum applicant declares he/she is a minor during the interview at the CGRS, the CGRS asks the Guardianship Service to determine his/her age.
- When a young applicant identified as an adult by the Guardianship Service presents at the interview at the CGRS objective elements and documents which may cast doubt on the decision of the Guardianship Service, the CGRS asks the service to determine his/her age anew.

For almost 50% of asylum applications lodged in 2012 by self-declared unaccompanied minors, minority was not put into doubt (752 out of 1,530). For those applications giving rise to doubts, the Guardianship Service carried out an age test. 778 such tests were carried out in 2012 and 553 of the tested applicants were found to be of age.

As in 2010 and 2011, Afghanistan and Guinea lead the top 5 of countries of origin. Almost one out of two unaccompanied minors who applied for asylum in Belgium in 2012 came from Afghanistan. Even though their proportion remains high, their number is significantly lower than in 2011 (647).

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

Total: 977



Other: 267

Source: Immigration Department

### Decisions concerning unaccompanied minors

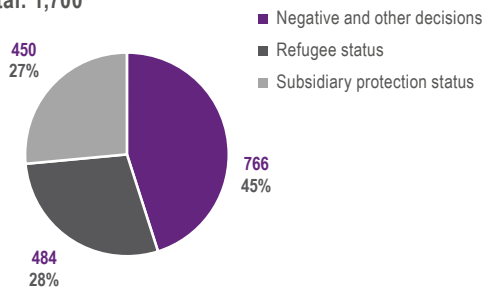
In 2012, the CGRS took 1,700 decisions concerning unaccompanied minors, a 66.6% increase compared to 2011.

“ The CGRS took 1,700 decisions concerning unaccompanied minors in 2012, an increase by two-thirds compared to 2011. The backlog of Afghan asylum cases was almost completely eliminated. ”

In 2012, the CGRS managed to eliminate most of the backlog of Afghan unaccompanied minors (applications made in 2012 or earlier). Specific training was given to an additional 29 protection officers to enable them to examine applications from Afghan unaccompanied minors.

### Decisions concerning unaccompanied foreign minors in 2012

Total: 1,700



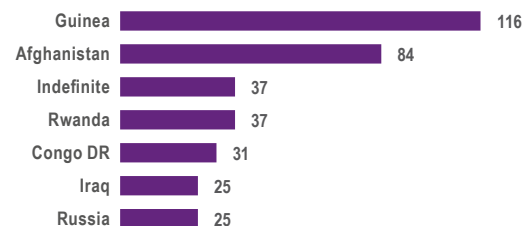
### Decisions concerning unaccompanied foreign minors 2011-2012

	2011	2012
Refugee status	447	484
Subsidiary protection	92	450
Refusal and other decisions	481	766
<b>Total</b>	<b>1,020</b>	<b>1,700</b>

In 2012, the CGRS took 484 decisions to grant refugee status to unaccompanied minors (269 boys and 215 girls) and 450 decisions to grant subsidiary protection status (443 boys and 7 girls). The high number of decisions taken in Afghan dossiers (2,224) in order to eliminate the backlog explains why a high number of subsidiary protection decisions were taken in 2012 (878) compared to 2011 (384).

### Recognition of refugee status for unaccompanied foreign minors as per country of origin

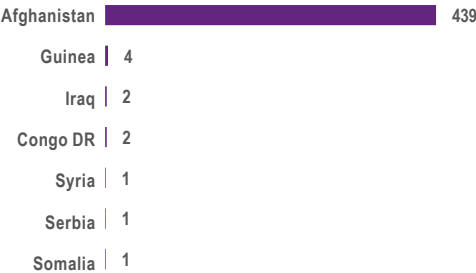
Total: 484



Other: 129

### Granting of subsidiary protection status to unaccompanied foreign minors as per country of origin

Total: 450



## 7.2. GENDER

In the asylum procedure, the concept of 'gender' is used to refer to persecution targeting mainly women: female genital mutilation, forced marriage, some forms of honour crime, domestic violence, rape, forced prostitution, forced sterilisation and forced abortion. The concept also encompasses sexual orientation (homosexuality and bisexuality) and gender identity (transgenderism and transsexualism).

“ In 2012 the CGRS took 17.2% decisions concerning applications based on one or several gender-related motives. ”

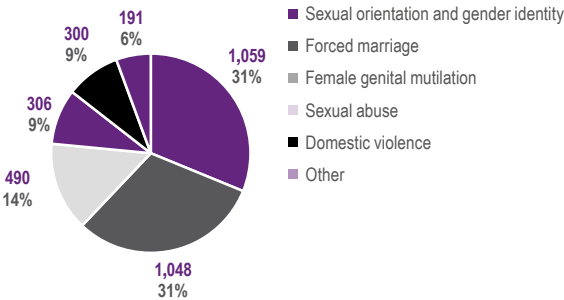
For some years now, the number of asylum applications based on gender-related motives has been increasing. This trend continued in 2012. In 2009, 6.4% of all decisions taken by the CGRS concerned gender-related asylum applications. In 2012, this percentage was 17.2% (3,394 decisions out of a total of 19,731).

As in 2010 and 2011, sexual orientation (mainly homosexuality), gender identity, forced marriage, female genital mutilation, and sexual abuse were the main motives put forward in 2012 in gender-related asylum applications.

For decisions taken in 2012 by the CGRS in gender-related dossiers, the biggest increase concerned forced marriage (+64% compared to 2011), followed by domestic violence (+58% compared to 2011).

### Total number of decisions in which a gender-related motive was mentioned \*

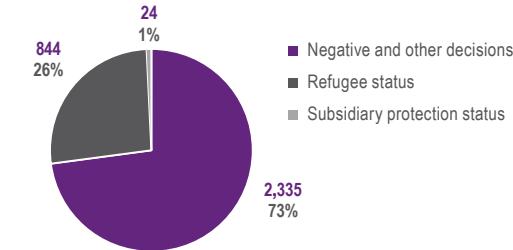
Total: 3,394



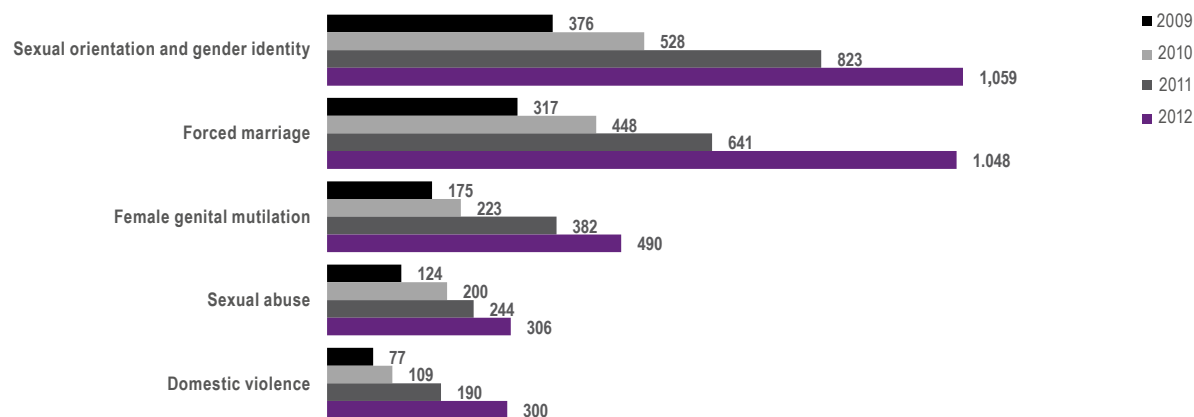
\* Figures calculated on the basis of decisions as registered in the CGRS database. An asylum application may be based on several gender-related asylum grounds.

### Decisions in dossiers where one or several of these five gender-related motives were mentioned

Total: 3,203



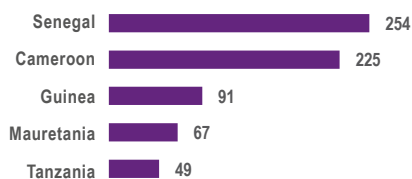
## Evolution of the number of gender-related dossiers per motive in 2009-2012\*



\* As the motives have been registered more accurately in the database since 2012, the figures for the previous years were slightly changed.

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

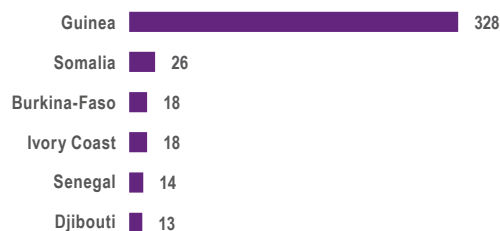
Total: 1,059



Other: 373

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

Total: 490



Other: 73

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

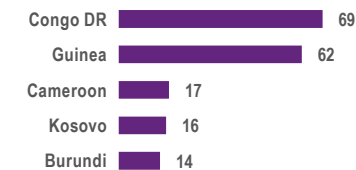
Total: 1,048



Other: 240

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

Total: 306



Other: 128



## 'Gender training' for interpreters

In September and October 2012, the CGRS organised a training session on gender issues for a group of interpreters: 'Interpreters and gender-related asylum interviews: problems, instructions, and techniques.'

The training session aimed at raising awareness among interpreters about the distinctive features of gender-related asylum applications. Interpreters were made to identify problematic situations which may appear during an interview. They received instructions to enable them to better handle these situations. 96 interpreters participated in the one-day training session. Some of them took part in an additional session of half a day about terminology and female genital mutilation.

These training sessions should further improve the quality of interpretation for gender-related asylum interviews.

The project received financial support from the European Refugee Fund (ERF).

### *Testimony of Charly, an interpreter who took part in the training session*

"During the training session, we talked about the problems we face as interpreters when an asylum applicant mentions rape, genital mutilation or other atrocities. Some of these stories leave a lasting impression. Our profession is not easy. Sometimes we face difficult situations but we have no choice. We have to do our work well so that the interview proceeds smoothly. The session was very instructive and taught us some techniques to better understand very delicate situations."

## 7.3. ASYLUM SEEKERS WITH PSYCHOLOGICAL OR COGNITIVE PROBLEMS

Among the many factors pushing asylum seekers to flee their country, some may have a serious impact on their mental or psychological state.

The Psychology Evaluation Unit advises protection officers on the mental and psychological state of an asylum seeker when this is likely to interfere with the interview or the assessment of the application.

In practice, the protection officer asks the Psychological Evaluation Unit for an advice in a specific case, in order to receive specialist information on the mental and psychological condition of the asylum seeker. To this end, the expert psychologist discusses the nature of the problem with the protection officer. On the basis of this discussion and on the information in the dossier, the expert psychologist makes a first analysis. She gives an oral advice on the problems, limitations and possibilities which have to be taken into account.

When additional information is needed, an interview of the applicant takes place with the expert psychologist. The person and particular experience of the applicant are the central focus of interest. The expert psychologist then writes a detailed psychological evaluation report based on the interview and information from the dossier (e.g. medical/psychological certificates). This report is added to the dossier and the protection officer incorporates its conclusions into the reasoning of his/her decision.

The interview with the expert psychologist is not an asylum interview since it is not within her competence to collect and assess factual elements relating to the asylum statement. The psychological evaluation report therefore does not take position on the need of protection. The assessment of the asylum application on the basis of all available elements is a competence of the Commissioner General.

In 2012, the Psychological Evaluation Unit was consulted in 137 individual asylum dossiers. 43 asylum applicants were invited for an individual conversation, each of which led to a detailed report.

The most frequently documented problems leading to a request for a psychological evaluation of the asylum seeker are:

- memory, attention and concentration problems (post-traumatic stress disorder is most often referred to as the etiological basis)
- (reactive) depressions and adaptation problems
- psychiatric disorders
- gender-related motives (e.g. sexual abuse).

## 8. MORE DOCUMENTS DELIVERED TO REFUGEES AND STATELESS PERSONS

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

In 2012, the CGRS delivered 18,915 documents to recognised refugees and stateless persons, an increase of 22.3% compared to 2011 (15,460 documents).

“ In 2012, the CGRS delivered 18,915 documents to recognised refugees and stateless persons, almost a quarter more than in 2011. ”

### Refugees

In 2012, The Documents Service of the CGRS invited 4,638 newly recognised refugees to collect their refugee certificate, which constitutes the proof of their recognition as a refugee. On receiving their certificate, recognised refugees have to hand in their (inter)national passport. A recognised refugee is not allowed to go back to his country of origin and can no longer request administrative assistance from his/her embassy.

### Stateless persons

The Documents Service of the CGRS also delivers documents to recognised stateless persons. When a person has been recognised as such, he/she has to contact the Documents Service in person. In this case, the competence of the CGRS is restricted to delivering statelessness certificates and civil status documents.

Recognition of statelessness is currently a competence of the courts of first instance. Persons requesting this status

have to file, through a 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 nationality. When examining the petition, the court can ask the office of the royal prosecutor for an opinion. The court of first instance then rules on the matter by way of a decision rejecting or granting the petition.

The CGRS answers requests of information from the office of the royal prosecutor with regard to applications for statelessness. In 2012, it received 38 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 informa-

### Total number of documents delivered in 2012

Refugee certificate	4,638
Other certificate relating to refugee status*	3,109
Statelessness certificate	89
Civil status documents**	10,204
Exemption certificate	4
Declaration of renunciation to one's status	9
True copy of a certificate ***	537
Declaration relating to civil status	325
<b>Total</b>	<b>18,915</b>

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

\*\* birth certificate, identity certificate, wedding certificate

\*\*\* document given to Belgian nationals formerly recognized as refugees.

tion about citizenship and nationality law in the country of origin. The CGRS does not issue an opinion on whether or not the petitioner is stateless.

The federal government agreement of 18 March 2008 and 1 December 2011 states that the CGRS should become

competent to recognise 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.

## 9. INVESTIGATION OF THE ASYLUM PROCEDURE

**To address the asylum crisis, the federal government decided at the end of 2010 to organize an audit of the asylum procedure in order to have a better view of the functioning of the entire asylum chain (Immigration Department, CGRS and Council for Alien Law Litigation) and to see how the three chain partners could contribute more efficiently to more rapid asylum decisions of good quality for every asylum applicant.**

### *An improvement project on asylum*

The Immigration Department, the CGRS and the Council for Alien Law Litigation were strongly involved in the 'Improvement Project on Asylum'. The consultancy agency Deloitte accompanied this 'audit'. In 2012 an internal project team mapped the work processes in each of the three organizations as well as along the whole chain.

#### The 'Improvement Project on Asylum' aimed at:

- assessing the caseload
- improving the productivity of the organisations concerned
- enhancing efficiency in processing asylum applications.

### *The Belgian asylum procedure bears comparison on the European level*

The audit confirmed that the work of the three asylum authorities was efficient and of good quality even before the start of the improvement project. The Belgian asylum procedure withstood a comparison on the European level with Germany, France, the Netherlands and Sweden. The average processing time in Belgium, on first hearing and in appeal, is comparable to or even shorter than in those countries. Asylum decisions of the CGRS are also of a higher quality than in the other EU member states: only a tiny fraction of decisions are annulled or reversed in appeal by the Council for Alien Law Litigation.

### *No need to redesign work processes thoroughly*

The 'Improvement Project on Asylum' produced additional proposals to shorten the average throughput time of asylum applications at the CGRS. The throughput time is the total number of days between the lodging of the application and the asylum decision. In 2012, the average throughput time, including dossiers belonging to the historical backlog, corresponded to 275 days. The audit revealed that more 'gains' could be obtained on the throughput time than on the processing time of an asylum dossier (the actual working

time spent to assess the dossier). There is no need for a thorough redesigning of the work processes at the CGRS.

### *Still room for improvement*

As part of the improvement project, the consultancy agency Deloitte and the project team defined 47 improvement opportunities for the CGRS. These were clustered in six sub-projects: quality management, knowledge management, throughput times, monitoring, amendment of the law, and chain opportunities. These sub-projects aim at:

- ▣ improving efficiency, mainly by further reducing the throughput time of asylum dossiers,
- ▣ reinforcing quality management in order to maintain and harmonise the quality of the assessment of applications,
- ▣ reinforcing monitoring at the CGRS (to measure objectives, trends and results) in order to ensure the efficiency and quality of the caseload management.

Improvement projects have also been developed at the Immigration Department and the Council for Alien Law Litigation.

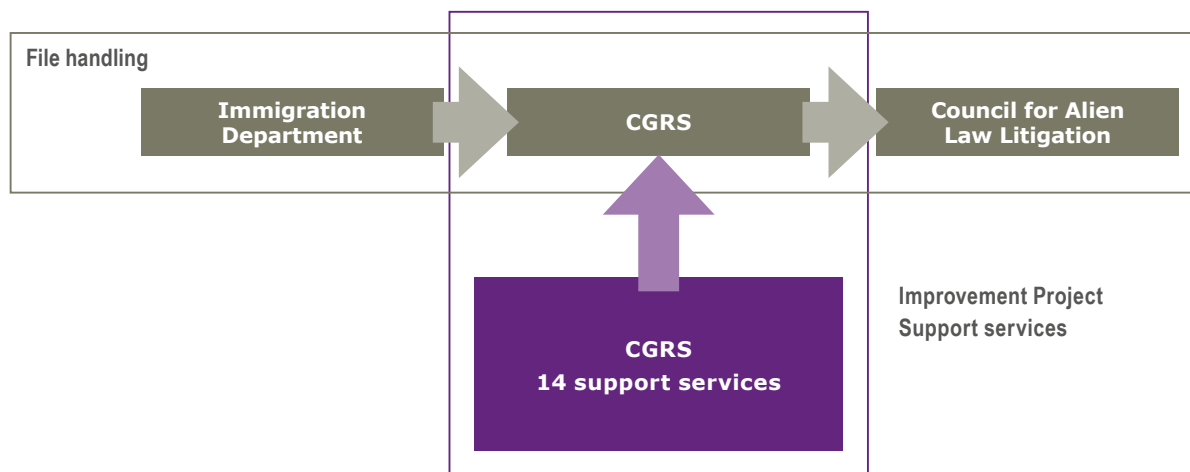
The consultants from Deloitte and the collaborators on the project also identified a series of improvement opportunities at the chain level, such as reinforcing the monitoring of the chain as a whole. A specific project on this subject is the reinforcement of the ICT framework. Deloitte worked out an improvement proposition concerning ICT support. This proposition will be examined in 2013. After careful assessment of the advantages and risks of the project, a decision will be taken as to the feasibility of the project.

### *Putting quality at the forefront*

The CGRS grants protection to persons who are persecuted or who risk serious harm if they were to return to their country of origin. It is of the utmost importance that measures meant to improve efficiency do not jeopardise the quality and independence of the asylum assessment. In absolute figures the CGRS never granted protection to more people than in 2012, whereas the rate of asylum decisions reversed in appeal was still very low in 2012.

The CGRS will put into practice the improvement proposals in 2013-2014, on the basis of an implementation plan.

## Improvement Project on Asylum



## The 'Improvement Project on Asylum': a particular dynamic

The CGRS is proud to have contributed with the two other Belgian asylum authorities to shaping the 'Improvement Project on Asylum' in a period of acute crisis in the field of asylum. Critical examination of its own work processes led to interesting discussions. The improvement project had a strong participative character: analyses were mainly carried out by staff of the three asylum authorities, which generated a particular dynamic within the organisation. A high readiness to change has also been noted.

The project also allowed the CGRS to build up knowledge in the matter of process analysis. As a result of the project, project management will also be developed as a cornerstone of the CGRS.

It is important that the improvement project ultimately has a positive impact on the CGRS's main clients, i.e. the asylum applicants. From an ethical and social point of view, the asylum seeker is entitled to a rapid decision based on high quality standards.

## 10. A EUROPEAN IMPRINT ON ASYLUM

**2012 was a crucial year for the realisation of a Common European Asylum System, which supposes more uniform asylum policies in the EU.**

The second stage of legislative harmonisation was to be achieved by the end of 2012. This stage comprises common standards for the reception of asylum seekers, for the asylum procedure and for the assessment of asylum applications. Even though the deadline could not be met, some important steps were taken in 2012 and the second stage is likely to be completed in the first months of 2013.

2012 was also an important year for the practical cooperation among member states. The European Asylum Support Office (EASO) became fully operational in 2012 and has already produced some concrete results. Asylum support teams were sent to Greece and the first reports on countries of origin of asylum seekers were published. The EASO also defined a training strategy for asylum officers on the basis of the European Asylum Curriculum. Participants at expert meetings, including the CGRS, examined how existing good practices could be brought into line with one another.





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



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

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