



Metropolis Conference
Workshop unaccompanied minors in Europe
16 September 2009

Unaccompanied Minors in Belgium

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Some statistics

- 1.800 registered UMs per year
 - but numerous remain undetected
 - 60-70% non-asylum/ illegal residence situation
 - Morocco, Algeria, India and UMs belonging to Roma community (Romania, Serbia, Bosnia)
 - 30-40% asylum
 - Afghanistan, Guinea, Iraq, DR Congo, Russia

Motivations for seeking entry

- No in depth research in BE
- Some observations:
 - Majority is male, 15-18y old
 - BE is transit country to UK and Scandinavia
 - Maghreb countries: often street children
 - Roma well represented, also from EU
 - International protection
 - war situation: Afghanistan, Iraq, DR Congo;
 - genital mutilation: Guinea

Guardianship Act

- Since 2004
- *Any authority that comes to know about the presence of an UM on the territory or at the border has the obligation to inform the Guardianship Service*
- Specific identification form for UMs

Guardianship Service

- Every UM, regardless of its administrative status, is assigned a guardian
- Guardianship Service (Ministry of Justice)
- Tasks:
 - Identification / age assessment (medical test)
 - Assignment guardians
 - Coordination/supervision guardians
- Ends i.a. at the age of 18

The guardian

- Over 400 guardians
- Voluntary system vs Professional system
- Ensure that all decisions are taken in the best interests of the child:
 - Accomodation
 - Legal representation
 - Contribute to a durable solution, together with Immigration Department,

Reception in three phases

- First phase: Observation and Orientation
 - Max 30 days
 - All UMs regardless of their status
 - Two OO Centres
 - Not a closed centre
 - Also those with extraterritorial status
 - Lot of dissappearances

Reception in three phases

- Second phase: Transitional phase
- Distinction Asylum / Non-asylum
 - Asylum (federal competence)
 - Asylum reception centres with separated area for UMs
 - Max 1 year
 - Non-asylum (regional competence)
 - Youth Welfare Service of different Communities
 - But: limited number of places

Reception in three phases

- Third phase: stable housing or reception in autonomy
 - As much as possible adapted to specific needs of UM
 - Realize 'life project'
 - E.g. individual facilities, settle alone, live in autonomy
- Other possibilities
 - Host families, emergency relief, etc

Residence possibilities

- Asylum application
- Victims of human trafficking
 - Specific procedure which can lead to a residence permit
 - High threshold (eg cooperation with Justice Department), but legal changes
- Circular Letter of 15 September 2005
- Illegal Stay



Procedure Circular Letter

- Specific procedure for UMs that are not/no longer in any other procedure
- Request to the Immigration Department an autorisation to reside in Belgium
- Can only be initiated by the guardian
- Aim to find a « durable solution » for all UMs who initiate the procedure

Procedure Circular Letter

« durable solution »

- Durable solution in best interests of the child:
 - family reunification in BE or abroad
 - return
 - unlimited stay in BE

- All options should be considered on an equal basis

Procedure Circular Letter

« durable solution »

- Decision based on a maximum of information
 - Guardian important task to provide information (family tracing; documents; reception possibilities in country of origin,etc)
 - Procedure can take long time, options change over time
 - Temporary residence permit, but ID sets conditions. If not met: no residence permit, thus illegal stay
 - After 3 years without durable solution: unlimited stay in Belgium



Integration of UMs

- Social workers in reception centres
- Important task for guardian
- School of prime importance
 - Communities developed system of « reception classes for newcomers »

Return

- No forced return in Belgium
- Voluntary return with help of IOM (REAB)
 - Only when it is in the best interests of the child
 - Parents/family agree to welcome the child back
 - Verify reception possibilities and guarantees in the country of origin
 - Numbers are very low
 - Removal orders seldom implemented

Two hot topics

■ Disappearances of UMs

- 2007: 902 disappearances out of OOCs

- First days

- Mostly minors who do not want to be taken care of

- E.g. in transit to UK, or to join family members in BE

- Also worrying disappearances

- Police and Child Focus informed

- Growing awareness; taks force in place

Two hot topics

■ EU Minors

- Important number (200 per year)
- Do not fall within scope of Guardianship Act
 - No guardian assigned
 - Specific service for vulnerable minors
- Solution?
 - Include them in Guardianship Act
 - More cooperation on EU level to trace family, etc

Concluding remarks

- Guardianship Act major step forward
 - Time for evaluation after 5 years
 - Guardian is key player
 - More uniformisation (professional vs voluntary)
 - More specialisation and exchange of information between guardians
 - Need for a code of conduct for guardians

Concluding remarks

■ Reception in three phases

- All UMs are taken care of
- However:
 - Lack of places/funding for non-asylum UMs within Communities. Fedasil as back-up
 - Differences in quality of reception centres
- =>Not all UMs can receive reception facilities best adapted to their specific needs

- UMs are best accomodated in small reception centres of maximum 40p or families

Concluding remarks

■ Asylum

- no specific procedure for UMs
- but in practice a lot of attention to their specific situation
- larger application benefit of the doubt

■ Victims of human trafficking

- specific procedure, but treshold too high
- Modifications under way



Concluding remarks

- Age assessment
 - Criticism over medical triple-test
- Statistics
 - No uniform and centralised registration system for UMs
 - Task force under way



Thank you for your attention

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