

Information about the material assistance and the return procedure for families with minors, received in accordance with the Royal Decree of 24 June 2004

What is material assistance for illegally residing families with minor children?

Since 2004, the law offers specific assistance for families with minor children illegally residing in Belgium. The assistance is offered **by Fedasil in open return centres** managed by the Foreigners Office in application of a partnership agreement with Fedasil. It involves a specific type of assistance which is also referred to as "**material assistance**" and which entails reception into a collective reception centre where for the duration of your stay, you receive social and medical guidance, assistance with your voluntary return, meals and pocket money.

Conditions you must meet to qualify for the material assistance

In order to receive material assistance, the following four conditions must be met:

- The child is **less than 18 years of age**;
- The child and its parents (or other persons with parental responsibility) are residing in Belgium illegally;
- Proven **kinship or parental responsibility**;
- The child is **destitute** because the parent(s) or person(s) with parental responsibility are no longer able to meet their maintenance obligations.

How to file the application for material assistance

The application for material assistance must be filed with the OCMW (Public Centre for Social Welfare, PCSW) at **your place of residence**.

The role of the PCSW is mainly that of receiving the application, providing information about the nature and methods of the material assistance and checking whether all the conditions for getting access to the assistance have been met.

Children that meet the conditions for receiving material assistance will be referred to a reception centre together with their family. You are not allowed to approach reception centres directly.

What happens with proposals for reception from Fedasil?

Once you have received a reception decision from Fedasil, as well as the date on which to join the Dispatching Office, the PCSW will ask you to **confirm in writing your agreement** to be admitted to a reception centre.

The PCSW will hand you a **copy of the document** stating your written agreement together with the proposal for reception. The child and its family, bringing with them said document and the invitation from the Dispatching Office, will have to register at the Dispatching Office after the established date.

You are entitled to **refuse** the proposal in writing. Refusal to sign the proposal will be considered a refusal of the proposed reception.

Where to obtain information about the reception centre that will provide the material assistance?

If you accept the proposal for reception from Fedasil, you must register at the Dispatching Office **after the date** indicated on the document handed to you by the PCSW, but no later than the 30th day following that date.

Upon registration at the Dispatching Office you will be told the name and address of the reception centre where you and your child/children must go.

From now on, material assistance will be offered only in open return centres managed by the Foreigners Office in application of a partnership agreement with Fedasil. In such an open reception centre, you will receive guidance on your voluntary return for the period equalling the term of the order to leave the territory.

Although you are always entitled to refuse entry into the proposed centre, such refusal will imply your renunciation of any and all material assistance.

If after such refusal, you reconsider and wish to get a place in a reception centre at a later date, you will have to reapply for material assistance at the PCSW in your place of residence.

Attention: all of the family members – including the minor children – who are involved in the material assistance must go to the Dispatching Office, bringing with them the decision of the PCSW, the invitation of the Dispatching Office and a copy of the document stating the acceptance of the proposal for reception.

How does the actual return procedure work?

Upon your arrival at the return centre, a Fedasil consultant and the coach from the Foreigners Office will inform you about the return procedure as suggested within the scope of the material assistance to illegally residing families with minor children. If necessary, an interpreter will be present to ensure that you understand the information.

The information about the return procedure will be confirmed in writing and signed by all of the adult family members. The document confirms:

- understanding of the procedure and its consequences for the family;
- the commitment of the Foreigners Office not to take any measures involving removal of the family during the procedure;
- Fedasil's commitment to offer reception and guidance.
- An identification form will also be drawn up and signed by all of the adult family members.

The Foreigners Office will give priority to any running procedures involving the application for a grant to stay and you will be informed about your options regarding voluntary return.

If you sign an application for voluntary return, the Foreigners Office will extend the term of the order to leave the territory for the period required to arrange for your return.

The voluntary return must take place within the term of the order to leave the territory. In case of force majeure or circumstances beyond your control, you may apply for an extension of said term by filing a substantiated application with the Foreigners Office.

What if the return procedure fails?

If at the end of the term of the order to leave the territory you have not received a positive decision regarding your application for a grant to stay or have failed to sign any promise of voluntary return, the Foreigners Office will take the necessary measures for your forced return. In that case, an end date will be fixed for your reception in the open return centre.

When does your reception in an open centre end?

- If and when you receive a grant to stay;
- If and when you have returned to your country voluntarily;
- If and when you were transferred to a return house managed by the Foreigners Office in view of your removal;
- If and when you leave the reception centre.