

Temporary Protection Belgium

2023 Update

This annex on temporary protection complements and should be read together with [the AIDA Country Report on Belgium](#).

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Relevant documents related to temporary protection

Electronic A-card	The A-card is a residence permit that is, amongst others, granted to beneficiaries of temporary protection. If the applicant receives temporary protected status, they will receive an electronic identity card, type A, that is currently valid until 4 March 2025.
Annex 15	The annex 15 is a temporary residence permit with a validity of 45 days awaiting the issuing of the A-card. Beneficiaries receive the Annex 15 upon registration, after their address is confirmed by the municipality, they are given the A-card.
Temporary protection certificate	Upon registration at the IBZ registration Centre, beneficiaries with a positive decision on their temporary protection application receive a temporary protection certificate which serves as proof of their right to temporary protection but does not in itself function as a residence permit.

Temporary Protection Procedure

A. General

The Temporary Protection Directive (TPD) was implemented based on the provisions of the Belgian Aliens Act (“*de Vreemdelingenwet*”)¹ introduced in 2003.² At the time of implementation, temporary protection was not ‘unknown’ to the Belgian Immigration Office, as in the past similar protection had been offered to nationals of former Yugoslavia, Rwandese nationals, Bosnians, and Kosovars.³ However, a framework that gave legal status to displaced persons was lacking until the implementation of the Directive. Following the Russian invasion, the Belgian senate agreed on 25 February 2022 that the necessary steps should be taken to temporarily accommodate Ukrainian war refugees.⁴ Following the Council Implementing Decision (EU) 2022/382 of 4 March 2022, a registration centre was set up in Brussels for people with a potential right to temporary protection.⁵

Main legislative acts relevant to procedure for and content of temporary protection

Title (EN)	Original Title (XX)	Web Link
Belgian Aliens Act	Vreemdelingenwet 1980	https://bit.ly/4cYAZ20 (NL) https://bit.ly/3xCcM1g (FR)
Reception Law	Wet betreffende de opvang van asielzoekers en van bepaalde andere categorieën van vreemdelingen (2007)	https://bit.ly/49Bcmpg (NL) https://bit.ly/4cYirPb (FR)

The Belgian Aliens Act provides that temporary protection is applied to the same categories of people who are eligible for temporary protection under the implementation decision.⁶ While this is the case overall, there are slight differences in interpretation and application (see further: [Qualification for temporary protection](#)).

Between 10 March 2022 and December 2023, 77,636 persons received a temporary protection certificate in Belgium.⁷ Ukrainians account for 97.8% of temporary protection holders.⁸ There are no statistics available on the specific grounds for granting temporary protection, nor on the number of persons present in the country that were displaced but fall beyond the scope of the TPD. The refusal decisions might however provide some insights in this respect: in the same period, 2,657 applicants were rejected for temporary protection, of which 72.75% had the Ukrainian nationality.⁹ The most common refusal grounds are (in descending order):

- ❖ the person does not fall under the application scope of temporary protection (788 refusals),
- ❖ the person has a residence permit (other than TP) in a different member state (244 refusals),
- ❖ the person is a third country national with a permanent Ukrainian residence permit who is found to be able to return to the country of origin in a safe in durable manner (31),

¹ Law of 15 December 1980 regarding the entry, residence, settlement and removal of aliens (Aliens Act), available in Dutch and French at: <https://bit.ly/3YaTMyC>.

² Law of 18 March 2003 amending the Law of 15 December 1980 regarding the entry, residence, settlement and removal of aliens, available in Dutch and French at: <http://bit.ly/3HkLXzE>.

³ Chamber of representatives, *Wetsontwerp*, 1 October 2002, available in French and Dutch at: <https://bit.ly/3IF11vd>, 4.

⁴ The Senate, *The senate passes a resolution on the Russian invasion in Ukraine*, 25 February 2022, available in Dutch and French at: <http://bit.ly/3KPumms>.

⁵ IBZ, *Registration Centre*, available in English at: <https://rb.gy/jv0hqh>.

⁶ Aliens Act, Article 59/27, available in Dutch and French at: <https://bit.ly/3YaTMyC>.

⁷ Statbel, *Displaced persons from Ukraine*, available in English at: <https://bit.ly/3ZmG5O4>.

⁸ IBZ, *Temporary protection monthly statistics*, available in Dutch and French at: <https://rb.gy/7er9ta> (see table 2.7, year 2022) and: <https://rb.gy/pzwwj7v> (see table 2.7, year 2023). The number of the 2022 period of March – December are added up with the 2023 period of January- December.

⁹ IBZ, *Temporary protection monthly statistics*, available in Dutch and French at: <https://rb.gy/7er9ta> (see table 3, year 2022) and: <https://rb.gy/pzwwj7v> (see table 3, year 2023). The number of the 2022 period of March – December are added up with the 2023 period of January- December.

- ❖ fraud (13), and
- ❖ exclusion from temporary protection; threat to public order (3).¹⁰

B. Qualification for temporary protection

Temporal scope

The durational scope of temporary protection in Belgian law is in line with article 4 §1 of the TPD. Initially, temporary protection is granted for a year, renewable with two periods of six months, after which a new Council decision could extend it for another year. The temporary protection status can either be ended in case the maximum period is reached or at any time if a decision of the Council of the EU ends temporary protection.¹¹ Belgium has currently extended the temporary protection up to 4 March 2025 (see [Residence permit](#)).¹²

Material scope

In terms of the material scope, the following groups are considered to fall under the scope of temporary protection in Belgium as implemented by the federal authority responsible for handling and deciding on temporary protection applications, the Immigration Office (IBZ):

- (1) Ukrainian nationals and their family members who had their principal place of residence before 24 February 2022 in Ukraine;
- (2) stateless persons and third country-nationals who enjoyed international protection or an equivalent status in Ukraine before 24 February 2022 and their family members who, before that date, had their main place of residence in Ukraine;
- (3) third country nationals who resided in Ukraine before 24 February 2022 on the basis of a valid permanent residence permit and who cannot return to their country in a safe and durable manner.¹³

Contrary to the wording of the Council Implementing Decision, the Immigration Office does not speak of Ukrainian nationals who were 'residing' in Ukraine before 24 February but of those having their 'primary residence' in Ukraine before this date. In October 2023, the CALL however ruled that the condition of 'primary residence in Ukraine' is not valid as it does not have any legal ground.¹⁴ While it is plausible that many who resided in Ukraine before 24 February also had their primary residence in Ukraine, this still constitutes a restriction of the scope determined by the Council Decision. It equally raises unanswered questions about what can and cannot be considered as a primary place of residence.

For Ukrainian nationals who left Ukraine before 24 February 2022, the Immigration Office evaluates their case on an individual basis, considering all relevant elements.¹⁵ In practice we see that people who had left Ukraine before the 24 February often receive a refusal decision based on the fact that they were not in Ukraine before 24 February or cannot prove they were.¹⁶ Persons having left Ukraine less than three months before the 24 February to come to Belgium were also considered to have left Ukraine 'long before' 24 February.¹⁷ Thus, it is not clear if Belgium follows the recommendations of the European Commission to extend temporary protection to those categories of persons who left Ukraine shortly before 24 February

¹⁰ IB,Z e-mail, 5 April 2024. Numbers applicable for 2023. For the grounds of exclusion for temporary protection, see Aliens Act, article 57/32 §1, available in Dutch and French at: <https://bit.ly/3YaTMyC>.

¹¹ Aliens Act, article 57/30 §1, available in Dutch and French at: <https://bit.ly/3YaTMyC>.

¹² IBZ, *Temporary protection, renewal A-card*, 7 July 2023, available in Dutch at: <https://rb.gy/uufx82>.

¹³ IBZ, *Temporary Protection*, available at: <https://bit.ly/3J9SwHo>.

¹⁴ CALL, nr. 295.240, 10 October 2022, available in French [here](#).

¹⁵ Myria, *Contact meeting*, 18 May 2022, available in French and Dutch at: <https://bit.ly/3XMDJHv>, 14.

¹⁶ See for example: CALL, nr. 296 382, 27 October 2023, available in Dutch at: <https://tinyurl.com/4dde4kse>; and CALL, nr. 295 404, 12 October 2023, available in French at: <https://tinyurl.com/6989n286>.

¹⁷ CALL, nr. 295.240, 10 October 2023 (the persons left Ukraine on 30.11.2022), available in French at: <https://tinyurl.com/pxkwy5ys>.

because of work, studies, or family visits (...), and in the cases of persons who had a short stay permit in Belgium before 24 February.¹⁸ The issuing of temporary protection to 140 seasonal workers residing in Belgium before 24 February indicates that this category – in the absence of other elements such as a visa for another Member State or reasons of public order – generally receive temporary protection.¹⁹ Other persons whose long term residence permit is or was ending after 24 February 2022, such as students, are subject to an individual evaluation by the Immigration Office.

In cases of Ukrainian nationals living in Belgium before 24 February without having registered their residence in the country, the Immigration Office looks at aspects such as the administrative situation of the person in question, how long they have been in Belgium and other elements in the file.²⁰

Three types of **third country nationals** are eligible for temporary protection in Belgium:

- (1) people who benefitted from international protection or equivalent national protection in Ukraine whose primary residence was in Ukraine before 24 February 2022;
- (2) people residing in Ukraine before 24 February 2022 on the basis of a valid permanent residence permit who are not able to return safely and durably to their country of origin;
- (3) people who provide proof of family links with a person enjoying temporary protection and resided in Ukraine before the 24th of February 2022.

The decision whether a person can return to their country of origin safely and durably, is taken on a case-by-case basis on the ground of a brief interview and evidence provided by the applicant.²¹ There is no defined list of countries that are not considered as places where a safe and durable return is possible. To determine whether a return to the country of origin under these conditions is possible, a short interview is conducted shortly after the time of the application. While the member state must take into account the general situation in the country of origin, the person is expected to present out of their own initiative the evidence in support of an individual impossibility to return in a safe and durable manner.²² With regards to the possibility of a durable return, IBZ takes - among other things but not exclusively – the following into account: whether the person has accommodation in the country of origin, whether the person has lived²³ or travelled there recently,²⁴ the years spent there, whether the person has exercised economic activities there in the past, whether the person has studied there, whether the person was able to provide for their living expenses, whether the person has a social network there and whether the person speaks the local language.²⁵ In regards to a family with a minor child, IBZ particularly looks at the child's link with the country of origin or the possibility of developing this link, the years the child has spent there and the possibility of learning the culture and language (through the parents).²⁶ It is also considered whether the state of health could prevent them from returning to the country of origin.²⁷ Finally, the fact that a person did not request international protection during the residence in Ukraine is also considered as an indication that the person can return to the country of origin.²⁸

¹⁸ See Agii (agency for integration and citizenship), pt. 2.3.1.1 *Scope of application*, available at: <http://bit.ly/3xZz2in>.

¹⁹ See Agii, *Scope of application*, available at: <https://tinyurl.com/43ej4fdn>.

²⁰ Myria, *Contact meeting*, 23 March 2022, available in French and Dutch at: <https://bit.ly/3J3i2wW>, 8.

²¹ IBZ, *Stateless persons and nationals of third countries*, available in English at: <https://bit.ly/3Zkem0y>.

²² Myria, *contact meeting*, 18 May 2022, available in French and Dutch at: <https://bit.ly/3Z8V8es>, 7-8 and CALL, nr. 297.560, 23 November 2023, available in Dutch at: <https://tinyurl.com/4pde8msn>.

²³ IBZ, negative decision [internal document], 25 August 2022.

²⁴ CALL, nr. 297.560, 23 November 2023, available in Dutch at: <https://tinyurl.com/4pde8msn>.

²⁵ See: CALL, nr. 278.203, 30 September 2022, available at: <https://tinyurl.com/3axa7dse>; CALL, nr. 278.204, 30 September 2022, available in Dutch at: <https://tinyurl.com/yc262fef>; CALL, nr. 277.651, 20 September 2022, available in Dutch at: <https://tinyurl.com/4pnh4mr9>.

²⁶ CALL, nr. 278.204, 30 September 2022, available in Dutch at: <https://tinyurl.com/yc262fef>

²⁷ IBZ, negative decision [internal document], 25 August 2022.

²⁸ CALL, nr. 297.560, 23 November 2023, available in Dutch at: <https://tinyurl.com/4pde8msn>, 3.

In case the Immigration Office decides that the person can return to their country of origin, this decision may be subjected to a non-suspensive appeal to the Council for Alien Law Litigation (CALL). The applicant can also decide to apply for international protection.

The **'family members'** definition includes the following persons:

- (1) the spouse or unmarried partner with whom a durable relationship is maintained, according to the definition provided in the Belgian Aliens Act (meaning only registered partnerships are considered equivalent to marriage²⁹);
- (2) minor unmarried children, including those of the spouse, regardless of whether they were born within or outside the marriage or are adopted;
- (3) other close relatives who were living with the family at the time of the circumstances surrounding the mass influx of displaced persons, and who were wholly or mainly dependent at that time.³⁰

Article 2(4) of the Council Implementing Decision requires that the family members must have been residing in Ukraine before the 24th of February and that they were already 'present' there 'as a family'. Belgium grants temporary protection under those some conditions. Family members who were not present in Ukraine before the 24th of February, can nevertheless apply for a derived status, even if the 'family bond' was only created after the 24th of February 2022³¹ (see [family reunification](#)).

The scope is however also more limited under the Belgian national law in some aspects. While the 'other close relatives' mentioned in article 2(4)(c) of the Council Implementing Decision are considered to fall under the scope of the TPD, the Belgian Aliens Act states that Belgium 'may' grant a residence permit to this category.³²

Persons with a residence permit (as a student, worker...) in another member state are excluded from temporary protection. The Immigration Office stated that the fact that a person has a visa issued by a European member state could give rise to a refusal decision. While each case is treated individually,³³ the application of this criterion is rather strict in practice. The CALL however annulled a negative decision by the Immigration Office for a person with a short-term visa for study purposes in another member state which was set to expire on short notice. It stated that 'temporary residence based on a short-term visa cannot be compared to temporary protection', referring equally the communication from the Commission, which states that people are free to choose the member state where they want to exercise the rights connected to temporary protection.³⁴

Those who do not fall under the scope of temporary protection and have no possibility of a derived status (see [family reunification](#)), can only seek protection by applying for international protection (apart from other routes such as the combined permit or a student visa). However, the international protection applications of persons with Ukrainian nationality, both those who do not fall under the scope of temporary protection and those who enjoy temporary protection, are frozen for as long as temporary protection is

²⁹ Article 4, *Royal Decree*, 7 May 2008, available in French and Dutch at: <http://bit.ly/41AMIU3>, implementing article 40bis §2 Aliens Act. See also CALL 14 October 2022, nr. 278 741 which states that in case there is no marriage, a partner relationship can only be proven through a legally registered partnership.

³⁰ Website Immigration Office, *Temporary Protection*, available at: <https://bit.ly/3J9SwHo>.

³¹ Article 57/34 Aliens Act does not mention the requirement that the family must have been formed before the date of reference. The draft law (Chamber of representatives, *Wetsontwerp*, 1 October 2002, available in French and Dutch at: <https://bit.ly/3IF1vd>, 27) equally states that Belgium will not limit itself to the hypothesis that the family was already formed in the country of origin and was separated due to the events.

³² Article 57/34 § 1 Aliens Act.

³³ IBZ in response to inquiry Vluchtelingenwerk regarding holders of a visa or residence permit in another member state, 8 June 2022.

³⁴ Communication from the Commission on the Operational Guidelines, available at: <http://bit.ly/41wYkC6> as confirmed by the CALL, nr. 277.962, p. 7, 14 October 2022, available in Dutch at: <https://tinyurl.com/4b93396t>

active on a European level,³⁵ irrespective of whether the request for international protection was lodged during or before the activation of temporary protection (see [Access to asylum](#)).³⁶

C. Access to temporary protection and registration

1. Admission to territory

There have been almost no reports of problems at the Belgian border for Ukrainian nationals accessing the Belgian territory. People who might be entitled to temporary protection are expected to present themselves at the registration centre in Brussels, the only place where their eligibility for temporary protection is assessed.³⁷ Persons arriving at the airport need to have the necessary documents for travel (passport and visa if necessary). They are redirected to the registration centre; in case of need, the police can request support from interpreters for this purpose.³⁸ The Aliens Act establishes that people who might fall under article 28 of the TPD directive (the exclusion ground) can be detained at the border.³⁹ In 2022, there were 26 denials of entry at the border, however since the war in Ukraine, there have been no expulsions to Ukraine.⁴⁰ In 2023 there was one known case of detention of a person who wished to apply for temporary protection. This was a person with Jordanian nationality but who had been living in Ukraine up until the outbreak of the war and had previously enjoyed temporary protection in another member state (which was however not Schengen). When travelling to Belgium (with his 3rd country-national passport and his Ukrainian residence permit) to be with his family, he was detained at the border (airport) and put in detention. This detention was later ruled to be illegal by the court of appeal.⁴¹

There have been no notified problems for Ukrainian nationals with re-accessing the country after a return to Ukraine, regardless of whether they have previously received the temporary protection status. However, for beneficiaries, other rights may be affected. The problems mainly arise in terms of communication with the local municipality about the duration of the departure, a lack of which can seriously affect their right to social benefits, housing, and residence permit (see [Movement and mobility](#)).

The general rule is that persons with a residency permit (A-card) or those still within their three months visa-free period with a biometrical passport can always return to Belgium on the basis of their A-card and passport.⁴² In case they are away for longer than three months, several conditions should be met to be assured of their right of return: (1) they should notify their municipality, upon which they will receive an annex 18, (2) their A-card should not expire in the period while they are away, (3) within 15 days upon return, they should notify their return to the municipality, (4) they should return within a year.⁴³

Third country nationals who think they might be eligible for temporary protection but have no visa-free entry into the Schengen area and try to reach Belgium from another country than the EU member states or Ukraine might have to acquire a visa.⁴⁴ For third country nationals who derive their residence permit from a family member with temporary protection, who do not enjoy visa-free entry to Belgium and who are not present in Ukraine or the Schengen area from where they can travel to Belgium, the only option is to apply for the necessary visa such as Schengen visa or family reunification. Under the Belgian Aliens Act, conditions for family reunification with a person enjoying temporary protection are regulated

³⁵ Article 51/9 Aliens Act. See also CGRA, *Ukraine - state of affairs regarding applications for protection in Belgium*, 17 March 2022, available at <https://bit.ly/3WWEHA4>. Recently confirmed in Myria, *contact meeting*, 18 October 2023, available in French and Dutch at: <https://bit.ly/3u7EgKI>, 19.

³⁶ Chamber of representatives, *Wetsontwerp*, 1 October 2002, available in French and Dutch at: <https://bit.ly/3IF11vd>, 29-30.

³⁷ IBZ, *Where to submit a request for temporary protection?*, available at: <https://bit.ly/3IDfIMQ>.

³⁸ Myria, *contact meeting*, 15 March 2023, available in Dutch and French at: <https://bit.ly/3S8Jhe5>, 7.

³⁹ Chamber of representatives, *Wetsontwerp*, 1 October 2002, available in French and Dutch at: <https://bit.ly/3IF11vd>; Article 57/32 Aliens Act.

⁴⁰ IBZ, information provided on 4 April 2023. No Information available on 2023.

⁴¹ Brussels Court of Appeal [internal document], 29 December 2023.

⁴² Article 39 §1, §3 (2) *Royal Decree 8 October 1981*, available at: <https://bit.ly/408uhA9>.

⁴³ *Ibid.*

⁴⁴ Article 6 (1) Schengen Borders Code, Available at: <http://bit.ly/3ZrUpVi>.

separately from the family reunification directive and are less strict than the 'regular' family reunification scheme (see [Family reunification](#)).⁴⁵

2. Freedom of movement

Individuals entitled to temporary protection who are not in possession of biometric passport or travel documents have not faced difficulties entering Belgium or attempting to continue to other European countries. For administrative reasons, moving addresses within the country is not recommended as long as the residence permit has not been obtained. The municipality conducts a 'check' to see if the person lives at the address reported to the municipality; if a person moved addresses during this time, the process of obtaining a residence permit (A-card) can be prolonged and more complicated. This is because a new annex 15 (temporary residence permit) has to be issued, meaning that the period of 45 days (the maximum validity period of the annex 15) will start running again.

3. Registration under temporary protection

The Immigration Office is the authority responsible for the registration of potential beneficiaries of temporary protection.

Contrary to applications for international protection, there is no specific time limit to apply for temporary protection set by the law.⁴⁶ Late applications for temporary protection do not negatively influence the decision. However, potential beneficiaries of temporary protection should apply for temporary protection within three months since the date of entry into the Schengen area to avoid ending up in 'irregular stay'. If their short stay is ending, they are strongly advised to present themselves at the municipality of their visit to either prolong their short stay or to apply for temporary protection.⁴⁷

Potential beneficiaries are expected to reach the registration centre from Monday to Friday between 8h30 and 13h. However, there have been many signals that persons who came to apply for temporary protection within these opening hours were not always able to register⁴⁸(see further below in this section). Applicants cannot and do not have to make an appointment.

Persons can be refused access to the registration centre when it is evident that the person has no connection to Ukraine or temporary protection.⁴⁹ Applicants are asked to register their fingerprints and to present identification along with other elements proving that they fall under the scope of temporary protection.⁵⁰ On the day of the application, two interviews are conducted during which they are asked how they arrived in Belgium, on which date they left Ukraine, the reasons for their departure, and which region they are from. Their travel documents are verified to check if they have previously lodged a request for international protection or if they have previously been in Belgium.⁵¹ When a temporary protection certificate cannot be issued immediately because an additional examination is considered necessary, the person will be notified of the decision at a later stage. As mentioned, this decision can take up to several weeks to several months.⁵² These applicants receive a "attestation of registration". In 2023, 1520 attestations of registration have been given, as opposed to 15.626 Temporary Protection certificates and 1097 refusal decisions.⁵³ A delay in the decision can occur especially (but not exclusively) in the following situations: (1) the applicant does not present the necessary documents, (2) the applicant is already known to the migration authorities and additional analysis on the file is necessary, (3) there are elements of public

⁴⁵ Aliens Act, Article 57/34, available in Dutch and French at: <https://bit.ly/3YaTMyC>.

⁴⁶ *Ibid.*, Article 12.

⁴⁷ Immigration Office, *Short Stay*, available at: <https://bit.ly/3RjrmjY>.

⁴⁸ The infoline of Vluchtelingenwerk received numerous signals of people who were not able to register in the January- February 2024 period.

⁴⁹ The infoline of Vluchtelingenwerk encountered cases where people were not allowed to enter because there was no link to temporary protection.

⁵⁰ Immigration Office, *Procedure*, available at: <https://bit.ly/3IDfIMQ>.

⁵¹ Fedasil in response to inquiry Vluchtelingenwerk regarding the registration procedure, 27 February 2023.

⁵² Cases signalled to the Infoline.

⁵³ IBZ e-mail, 5 April 2024.

order or public security, (4) the applicant is a third country national with a permanent residence permit in Ukraine, who claims inability to return under safe and durable conditions to their country of origin.⁵⁴ Where there is no decision on the day of application, the applicant is given a registration certificate while the Immigration Office examines the file.⁵⁵

According to the Immigration Office, potential beneficiaries must provide 'documents that prove they fall under the scope of the temporary protection directive'.⁵⁶ Ukrainian nationals should provide proof of identity such as their biometric passport and national ID card. Persons with international protection in Ukraine, recognised stateless persons or other third country nationals should have evidence of their identity and status in Ukraine. As for the family members, in addition to proof of identity, they should provide the proof of a sustainable relationship, which can only be delivered through an original marriage certificate or the proof of having a common child (for which a birth certificate including the name of the third country national-parent or a certified DNA test is needed).⁵⁷ In this context, the Immigration Office verifies if the marriage still exists at the moment of application.⁵⁸ For the category of 'other family members', proof of having lived together and dependency constitute a critical element in the examination.

Persons with a favourable decision will receive a temporary protection certificate. This certificate is either in French or Dutch. They also receive a document which explains their status and rights as holders of 'temporary protection' from IBZ. Persons to whom no decision has been granted yet, receive an attestation of registration and the info that they will receive the decision by post at a later stage.⁵⁹ This attestation of registration does not allow registration at the municipality, nor does it open any rights such as the right to work or the right to financial benefits.

A negative decision is accompanied by information on the procedure to appeal as well as a brief explanation of the procedure for international protection. However, this information is usually in French or Dutch and is not very accessible to Ukrainians or third country nationals (see [Information provision and access to NGOs](#)).

Persons who receive a refusal decision can file an appeal for annulment within 30 days.⁶⁰ They can again present themselves at the registration centre to ask for a review if new evidence could bring them under the scope of temporary protection.⁶¹ NGOs or lawyers can also request a review/further clarification of an unfavourable decision via e-mail to the Immigration Office. The immigration office recently communicated however that it is not possible to request an update on a specific file through mail;⁶² whether this also means that lawyers cannot request a review, remains unclear.

Practical obstacles and delays in registering applications arose especially in the first period after the activation of temporary protection, as some persons who could not provide proof that they fall under the scope of the temporary protection were denied entry to the registration centre without obtaining the chance to have their case examined. Denial of entry – other than a refusal – did not result in a refusal decision or any proof of application, which is problematic in terms of the right to an effective remedy.⁶³ There have been some signals starting around December 2023 that persons who came to apply for temporary protection within the opening hours (from 8:30 to 13:00) where not able to register.⁶⁴ There has been no official confirmation of this practice by IBZ, but it has been observed in January that there is a

⁵⁴ Myria, *Contact meeting 18 May 2022*, available in French and Dutch at: <https://bit.ly/3Z8V8es>, 10.

⁵⁵ *Ibid.*

⁵⁶ IBZ, *Procedure*, available at: <https://bit.ly/3IDfIMQ>.

⁵⁷ IBZ in response to inquiry Vluchtelingenwerk on the interpretation of 'family members', 1 December 2022.

⁵⁸ Myria, *Contact meeting 18 May 2022*, available in French and Dutch at: <https://bit.ly/3Z8V8es>, 8-9.

⁵⁹ Before 16 May 2022, the procedure was slightly different: people who did not immediately receive temporary protection received an invitation by e-mail. This method however resulted in people not knowing when and if they would be contacted.

⁶⁰ Aliens Act, Article 39/2 §2, available in Dutch and French at: <https://bit.ly/3YaTMyC>.

⁶¹ Myria, *Contact meeting*, 15 June 2021, available in French and Dutch at: <https://bit.ly/3XMDJHv>.

⁶² IBZ e-mail concerning the waiting time for a specific case, 11 March 2024.

⁶³ Myria, *Migration in numbers and rights*, September 2022, available in Dutch at: <https://bit.ly/3Y6mxfT>, 18.

⁶⁴ The infoline of Vluchtelingenwerk received numerous calls of people who were not able to register in the January-February 2024 period.

quota of 75 persons that can register a day.⁶⁵ On March 4th 2024, 50 persons were not able to enter the registration centre on the same day.⁶⁶ IBZ has communicated that this is due to the increasing complexity of the cases and that people are in principle invited to apply the next day.⁶⁷ There is however an exception for non-accompanied minors. Persons preferably register 'in the morning' to make sure their application can be processed the same day.⁶⁸

Another issue already briefly mentioned is the increased waiting times for a decision. There has been an increase in cases where the waiting period was weeks or even months. There was a case of a person having applied for temporary protection at the beginning of July who had not received a decision yet in September 2023.⁶⁹ Due to a relatively higher inflow over the summer in 2023, and less staff during those summer months, there have been some temporary delays in the examination of the application.⁷⁰ This problem returned intermittently and also the period December 2023 – February 2024 has been characterised by long waiting times that amounted from several days to several weeks.⁷¹

4. Legal assistance

Potential beneficiaries of Temporary protection might seek legal assistance for a variety of reasons; for example, if they received a refusal decision for temporary protection and they want to understand the decision or appeal against it. Even after recognition, situations may arise that lead individuals to seek legal help, especially with regards to their right to social welfare or rights connected to housing. They might equally seek the help of an NGO, such as Caritas or Vluchtelingenwerk, to help explain them the reasons behind certain decisions.

Article 23 of the Belgian Constitution determines that the right to live with dignity implies for every person, *inter alia*, the right to legal assistance. The Aliens Act guarantees free legal assistance by a lawyer to all foreign nationals in procedures included in the Aliens Act under the conditions that apply to Belgian nationals.⁷²

There are two types of free legal assistance: first line assistance and second line assistance.⁷³

❖ First line legal assistance

The so-called "first line assistance" is a competence at the regional level and is organised in each judicial district by local Commissions for Legal Assistance, composed of lawyers representing the local bar association and the public centres for social welfare (CPAS / PCSW). There, first legal advice is given by a lawyer, or a person is referred to a more specialised instance, organisation or to "second line assistance", completely free of charge, regardless of income or financial resources. Besides these lawyers' initiatives, there are also other public social organisations and NGOs providing this kind of first line legal assistance such as Caritas and Vluchtelingenwerk. Vluchtelingenwerk Vlaanderen, which has an Infoline accessible by phone every weekday, through which people can ask any kind of question related to temporary protection or any kind of other question related to their rights in Belgium. Information can be provided in Ukrainian language if needed. If the refusal decision is not sufficiently or correctly motivated, Vluchtelingenwerk may ask for a review or for clarifications by writing an e-mail to IBZ. This happened more often in the immediate aftermath of the outbreak of war in Ukraine, as national authorities still had to provide comprehensive guidelines on scope of temporary protection and necessary documents to prove entitlement to the status. More recently, poorly or incorrectly motivated refusal decisions are rare to non-existent. An NGO can advice on whether it could be beneficial to appeal or not. Appeal is possible before the Council for Alien Litigation (CALL) with the aid of a (pro deo) lawyer in the case of a refusal

⁶⁵ Observation of a partner organisation, 22 January 2024.

⁶⁶ Observation of Vluchtelingenwerk at the registration centre, 4 March 2024.

⁶⁷ Response from the Cabinet following an enquiry by Vluchtelingenwerk, 2 February 2024.

⁶⁸ IBZ e-mail, 12 January 2024.

⁶⁹ Case communicated to the Infoline.

⁷⁰ IBZ in response to an inquiry by Vluchtelingenwerk regarding a specific case, 7 September 2023.

⁷¹ Confirmation by IBZ, 11 March 2024.

⁷² Aliens Act, Article 90, available in Dutch and French at: <https://bit.ly/3YaTMyc>.

⁷³ Article 508/1-508/25 Judicial Code.

decision. After being granted temporary protection, individuals might need legal advice, which is mainly the case for decision on the allocation of social revenue; these cases are also supported through the Infoline of Vluchtelingenwerk.

❖ Second line legal assistance

“Second line assistance” is organised by the local bar association that exists in every judicial district. Each bar association has a bureau for legal assistance that can appoint a lawyer for (entirely or partially) free second line assistance, the so-called “pro-Deo lawyer”. In practice, this might limit the free choice of a lawyer to a certain extent, but in theory every lawyer can accept to assist someone “Pro-Deo” and ask the bureau to be appointed as such, upon the direct request of an asylum seeker. Within this “second line assistance”, a lawyer is appointed to provide substantial legal advice and to assist and represent the person in the asylum procedure. More information about the system of second line legal assistance can be found in the [AIDA report Belgium](#).

5. Information provision and access to NGOs

With regards to the provision of information, the Aliens Act merely states that, when applying for a residence permit, the person enjoying temporary protection shall be given a document, drafted in a language they understand, which sets out the applicable provisions on temporary protection. To that end, they receive a document which provides information on their status and rights as holders of ‘temporary protection’ from IBZ. As mentioned, a negative decision is accompanied by information on the procedure to appeal, as well as the contact details of the legal desk they can address for legal help. They also receive a document briefly explaining the procedure to follow for those who wish to apply for international protection.

With the ending of the activities of the Red Cross at the registration centre, many additional information is no longer provided and the provision of info is limited to the above.

The NGO Vluchtelingenwerk Vlaanderen has an Infoline⁷⁴ along with the organisations Orbit and the CAW, where (potential) beneficiaries of temporary protection, volunteers, host families, municipalities, lawyers, and other organisations providing aid to displaced persons may call with any questions they have in relation to temporary protection. This may range from questions on the scope of temporary protection, to the registration procedure, social benefits, school, etc.. In the context of this infoline, Orbit specialises in information about housing, while there is a direct line with regional CAW’s for psychological aid.

In Wallonia and Brussels, a similar Infoline is operated by Caritas, while Ciré maintains a French language information page on the legal position of Ukrainians in Belgium.⁷⁵ [Ukrainian voices](#), a Brussels based organization, also provides information in Ukrainian on a walk-in basis, as well as information sessions on specific topics and “mobile teams” who can help with translations (for doctor appointments, appointments with the welfare house, etc).

On a federal level, a regularly updated information page⁷⁶ on several aspects of temporary protection is provided in English, French, German, Ukrainian, and Russian.

D. Guarantees for vulnerable groups

In exceptional circumstances, where persons cannot autonomously reach the registration centre (for example due to a medical condition), an exception to the obligation to register personally can be granted. An authorisation may be given to a family member who can register the person upon showing a doctor or

⁷⁴ See: <http://bit.ly/3Ud57Od>.

⁷⁵ Ciré, ‘UKRAINE: informations sur les possibilités d’arrivée, le séjour et le statut juridique en Belgique’, available in French at: <https://bit.ly/3KiwMZx>.

⁷⁶ See: <https://info-ukraine.be/en>.

hospital reference attesting to the impossibility of the person registering. In practice, to avoid misunderstandings, it is advised to inform the Immigration Office of this necessity beforehand.⁷⁷

From 10 March 2022 to December 2023, 58,803 persons stated upon registration not to be in need of accessing reception, while 17,906 indicated to need it.⁷⁸ This means that 23% of the people fleeing from Ukraine indicated being in need of accommodation upon registration.

Of those in need of accommodation, only vulnerable groups may be (but are not always) assisted (without any guarantee) in finding a reception solution. No clear definition has been provided of who can be considered as vulnerable. Due to increasing trouble in finding reception and housing solutions, persons are sometimes referred to homeless shelters and hotels in Brussels (see [housing](#)).

There has been no confirmation of this info for 2023, but the info for 2022 may however still give some guidance on how vulnerabilities may be assessed. Vulnerabilities are selected on the basis of on-site assessments; visible vulnerabilities, pregnant women, young children, elderly people are the cases that appear to have more chances of being recognised as vulnerable.⁷⁹ There is no list of what classifies as vulnerable, nor is there a standard questionnaire to identify vulnerabilities. The examination is, according to Fedasil, realised on a case-by-case basis. Persons who are victim of human trafficking or exploitation, are also considered as vulnerable. However, with no transparent screening procedure and limited guidelines on the matter, which generates concerns as to whether non-visible vulnerabilities are properly identified.⁸⁰ In practice vulnerability factors are considered also depending on the number of places available at the emergency centre. When there are no places available at the emergency reception centre, the distinction between “vulnerable and non-vulnerable” is not as significant as both groups run the risk of not receiving any shelter.

After registration, several organisations can help the beneficiaries with a redirection, if needed to a healthcare or elderly facility. In Wallonia, there is, for example, the public agency of Aviq. Persons with vulnerabilities or with a handicap can present themselves at a regional office where the person’s overall situation is analysed so they can be redirected to the most appropriate solutions.⁸¹ In Flanders, the Flemish agency for persons with disability (VAPH) plays a similar role in supporting people living with a recognised disability.

With regards to persons in need of psychological support, several organisations can provide this. The [CAW](#) offers low-threshold psychosocial support in various regions across Flanders, as well as [Solentra VZW](#) where Ukrainians (as well as other nationalities) can get an appointment with a Ukrainian speaking psychologist. [PsyBru](#) also provides a tool for finding Ukrainian speaking psychologists in the Brussels area.

Considering unaccompanied minors, the registration procedure is slightly different. Just like other beneficiaries of temporary protection, they receive a temporary protection certificate with which they can present themselves to a municipality. Not having a legal guardian or parent may not be used by municipalities as a reason to refuse the issuance of the temporary residence permit (annex 15) and the subsequent residence card.⁸² In total, 21,182 unaccompanied minors were registered in 2022.⁸³ In 2023,

⁷⁷ IBZ in response to an inquiry by Vluchtelingenwerk regarding the condition to physically apply for temporary protection, 16 May 2022.

⁷⁸ Statbel, *Displaced persons from Ukraine*, available in English at: <https://bit.ly/3ZmG5O4>.

⁷⁹ IBZ in response to an inquiry by Vluchtelingenwerk regarding the condition to physically apply for temporary protection, 16 May 2022.

⁸⁰ Fedasil in response to an inquiry by Vluchtelingenwerk regarding the registration procedure, 27 February 2023.

⁸¹ Coordination unit of the Walloon Region for the reception of Ukrainian refugees, *Practical guide for support of Ukrainian refugees*, October 2022, available in French at: <https://bit.ly/3Jrg6js>.

⁸² VVSG, *what happens after registration?*, available in Dutch at: <http://bit.ly/3wEj9NQ>.

⁸³ IBZ, numbers provided on 4 April 2023.

there have been an additional 342 notifications to the legal guardian service of non-accompanied minors with the Ukrainian nationality.⁸⁴

A differentiation needs to be made between the situation of minors in the company of adults who are acquaintances or adult family members who do not have the parental authority of a parent or legal guardian, and that of minors who are not accompanied by anyone. If a minor is accompanied, they can be accommodated with the adult person. During the registration process, both the minor and the accompanier will be asked whether they agree with this arrangement.⁸⁵ The minor will be signalled to the guardianship service (“dienst voogdij” or “tutelles”) so that a legal guardian can be appointed. Since the minor is accompanied, crisis accommodation is not always provided. As for the minors who are not accompanied, the same registration process is applicable. The person is equally signalled to the guardianship service. They are placed in a host family through foster care (“*Pleegzorg Vlaanderen*” in Flanders and “*VZW Mentor Jeunes*” in Wallonia or Brussels).

Local authorities are expected to monitor cases in which friends, acquaintances or a host family hosts an unaccompanied minor. However, when the minor is not placed in a host family but lives with acquaintances, there is no structural follow-up. The Immigration Office should, in such cases, report the minor to the local authorities so that they are aware of the non-accompanied minor;⁸⁶ however, in practice it is not clear whether this is done.⁸⁷

There is a shortage of legal guardians who can legally represent unaccompanied minors, resulting in 522 minors (of various nationalities) waiting for a legal guardian as of the end of February 2024, with a waiting time of 3-4 months on average.⁸⁸ Vulnerable profiles are prioritised (medical or psychological problems, pregnancy, indications of abuse, human trafficking, etc).⁸⁹ The waiting period can lead to temporary problems such as taking out healthcare insurance,⁹⁰ opening a bank account, accessing social benefits.⁹¹ Only minors above 17.5 years might not be appointed with a guardian anymore.⁹²

⁸⁴ Service des Tutelles / Dienst Voogdij, *statistieken*, available in Dutch and French at: <https://tinyurl.com/mbx6yvpv>, 3.

⁸⁵ VVSG, *What happens with the registration of a non-accompanied minor?*, available in Dutch at: <http://bit.ly/3wEj9NQ>.

⁸⁶ Information received orally from “pleegzorg Vlaanderen” (foster care Flanders).

⁸⁷ *Ibid*, notification of non-accompanied minors to the legal guardianship service.

⁸⁸ Response of the Legal Guardianship Service, 28 February 2024.

⁸⁹ *Ibid*.

⁹⁰ VVSG, *Social rights: health insurance and disability*, available in Dutch at: <http://bit.ly/3Jpdtij>.

⁹¹ This problematic has been widely addressed in a letter to the responsible minister from the VVSG along with its Walloon and Brussels partners (ASBL & Brulocalis), 19 May 2022, available in Dutch at: <https://bit.ly/40t0J0j>.

⁹² Response of the Legal Guardianship Service, 28 February 2024.

Content of Temporary Protection

A. Status and residence

1. Residence permit

Indicators: Residence permit

1. What is the duration of residence permits granted to beneficiaries of temporary protection?
The A card has a validity of one year. Currently the A card is prolonged until 4 March 2025⁹³
2. How many residence permits were issued to beneficiaries from the activation of the Temporary Protection Directive until February 2024?
46,552 A-cards have been delivered⁹⁴

Once in possession of the temporary protection certificate, persons can register their residency in a municipality where they have a place to stay, unless they have declared a need for housing, in which case they may receive a place at the emergency reception centre. The municipality of their place of residence is responsible for the administrative process of granting the residence permit card.⁹⁵ On 15 February 2024, approximately 60,000 persons had been registered at the municipality.⁹⁶ This includes the persons who were given an A-card, but also those who have received an annex 15 (temporary residence awaiting the A-card) and ID's for persons under the age of 12.⁹⁷ The procedure for obtaining a residence permit can vary from municipality to municipality in terms of physical and/or online appointments. Upon registration at the municipality, people receive a temporary residence permit (annex 15). This permit is valid for up to 45 days, opens the right to work, social benefits, education, and allows them to open healthcare insurance, as will be presented in detail in the following sections.⁹⁸ The local police conducts a 'check' if the person effectively resides at the given address. Once this is confirmed, the person is asked to present themselves again at the municipality to pick up the residence permit (A-card).⁹⁹ Persons were able to go to the municipality to prolong their A-card between 4 January 2024 and 4 March 2024. This prolongation will last one year, until 4 March 2025.

The time this process takes (from the first appointment with the municipality to obtaining the residence permit) significantly varies depending on the municipality. Where this process took longer than 45 days, the temporary residence permit (annex 15) needed to be renewed.

A primary obstacle in obtaining the A-card is related to the ability to find a reception place/ house where registration at the municipality is possible in order to obtain a residency card (to this effect see [housing](#)).

It is possible for temporary protection holders in Belgium to move to another member state and receive temporary protection there. The rights and social benefits the person enjoyed in Belgium must consequently be terminated. Municipalities are advised to make concrete arrangements for the person's departure during the initial registration.¹⁰⁰ The person should notify their municipality of the departure so that the person can be removed from the registers, meaning that their A-card will no longer be valid. Through the registration platform on a European level, which was introduced at the end of May 2022,

⁹³ Council of the EU Justice and Home Affairs, *Russia's aggression against Ukraine*, 13 October 2022, available in English at: <https://bit.ly/3Yb5wI4>.

⁹⁴ IBZ e-mail, 5 April 2024.

⁹⁵ Aliens Act, Article 59/27, available in Dutch and French at: <https://bit.ly/3YaTMyC>.

⁹⁶ VLOT (Flemish Task Force), 3 April 2024 – this number is based on the inscriptions in the register by the municipality of residence.

⁹⁷ IBZ email, information provided on 5 April 2024.

⁹⁸ Institute for health and disability insurance (RIZIV), *Circular: right to medical care for displaced persons from Ukraine*, 15 March 2022, available in Dutch at: <https://bit.ly/3IlpY6J>.

⁹⁹ Article 52/2 §2, Royal Decree, 8 October 1981, available in Dutch and French at: <https://bit.ly/408uhA9>.

¹⁰⁰ Communication from the Flemish government support team on Ukraine (VLOT) to the municipalities, 13 September 2022.

Belgium can exchange relevant information with other member states.¹⁰¹ If Belgium is informed that a person received temporary protection in another member state, an instruction is sent to the municipality and the residence permit is withdrawn.

2. Access to asylum

There is no restriction to the right to apply for international protection for people who have been granted – or are entitled to – temporary protection, as well as those who have been refused temporary protection.¹⁰² However, the examination of the application for international protection of a temporary protection holder is suspended until the temporary protection regime ends at the European level.¹⁰³ The same applies to Ukrainian nationals; while the law does not prescribe that the procedure should be suspended for Ukrainian nationals,¹⁰⁴ the CGRS has ‘frozen’ their requests for international protection.¹⁰⁵ For Ukrainians with double Ukrainian & Russian nationality, the examination is equally frozen. For Ukrainians with double nationality from another country, the examination is frozen only if they have obtained temporary protection.¹⁰⁶ This means that for Ukrainians who do not fall under the scope of temporary protection, the available procedural routes leading to a residence permit are considerably restricted. However, if they apply for international protection, the fact that their application is not examined does not restrict their right to reception in a Fedasil reception centre while in procedure,¹⁰⁷ as well as other rights such as the right to work after 4 months in procedure, the right to medical reimbursement, etc. Nonetheless, due to the ongoing reception crisis in Belgium,¹⁰⁸ some (primarily single men) persons falling outside the scope of temporary protection will not benefit from reception and the socio-financial support under the regular international protection framework.

The requests of other third country nationals (some nationalities excepted) who fall outside the scope of temporary protection are not frozen and thus examined accordingly. Due to the ongoing reception crisis, however, access to some of their rights as asylum seekers such as reception cannot be guaranteed (see [AIDA report Belgium on international protection](#)).

B. Family reunification

A distinction needs to be made between those who have a right to temporary protection as family members,¹⁰⁹ and persons who do not fall under the scope of temporary protection but can nevertheless apply for a derived status which is still different from family reunification. Although the European Commission refers to the Directives regulating family reunification with a third country national or EU citizen,¹¹⁰ family reunification under temporary protection – regardless of the sponsor's nationality – is regulated separately under the Belgian Aliens Act.¹¹¹ As such, family members of TP beneficiaries can obtain a “derived” status. The applicable article does not lay down any conditions for this derived status, resulting in more favourable conditions as opposed to regular family reunification. For instance, there is

¹⁰¹ Myria, *Contact meeting*, 15 June 2022, available in French and Dutch at: <https://bit.ly/3XMDJHv>, 20.

¹⁰² Article 50 Aliens Act; Article 17 of the Temporary Protection Directive.

¹⁰³ Article 51/9 Aliens act, in line with article 17(2) of the Temporary Protection Directive.

¹⁰⁴ Article 51/9 mentions ‘persons who enjoy temporary protection’ and not specifically ‘Ukrainian nationals’.

¹⁰⁵ See also CGRS, *Ukraine - state of affairs regarding applications for protection in Belgium*, 17 March 2022, available at <https://bit.ly/3WWEHA4>.

¹⁰⁶ Myria, *contact meeting*, 21 June 2023, available in French and Dutch at: <https://bit.ly/3UHEQJF>, 17.

¹⁰⁷ Article 6(1) Reception Act, available in Dutch and French at: <https://bit.ly/3Ycznc6>.

¹⁰⁸ See: ECRE, ‘Belgium: failure to deal with Persistent Reception Crisis is Attack on the Rule of Law’, 13 January 2023, available at: <http://bit.ly/3KPIQ6e>; The Brussels Times, ‘Despite 6000 convictions, Belgium still refuses to tackle reception crisis’, 23 January 2023, available in English at: <http://bit.ly/3YadjPq>.

¹⁰⁹ Article 2(4) Council implementing decision establishing the existence of a mass influx of persons displaced from Ukraine, 4 March 2022, available at: <http://bit.ly/3ZuzZuN>.

¹¹⁰ Communication from the Commission on the Operational Guidelines, available at: <http://bit.ly/41wYkC6>, referencing family reunification based on Directive 2003/86/EG, 22 September 2003, available at: <https://bit.ly/3SC8Js6> and Directive 2004/38/ EG, 30 April 2004, available at: <http://bit.ly/3F9w4ft>.

¹¹¹ Article 57/34 Aliens Act: IBZ has confirmed that this article is applicable to family reunification with a temporary protection beneficiary, IBZ, *family reunification with a temporary protection beneficiary*, available in French and Dutch at: <https://bit.ly/3wFHNh9>.

no retribution to be paid, and the 'sponsor' is not required to have adequate housing, health care insurance, or sufficient means of existence.¹¹² This does not alter the fact that there is still the condition of being able to provide proof of the family relationship. In addition, adults have to prove that they do not constitute a danger to public order (or explain why they cannot provide such proof).¹¹³ For this reason, below we speak of a 'derived status' rather than family reunification status.

A new law bill is however set to change the rules for 'a derived status' from a temporary protection beneficiary. Most notably, the bill includes the condition that the family was already formed at the outbreak of the war and was separated due to the war. Moreover, the family member should be outside of Europe.¹¹⁴ At the time of writing, this bill has been adopted but has not yet been implemented.

1. Family reunification as provided under the Temporary Protection Directive

Family members of persons enjoying temporary protection, should always first check whether they themselves do not fall under the scope of the temporary protection directive, meaning those who resided in Ukraine before 24 February and are:

- ❖ Ukrainian nationals; or
- ❖ Stateless persons or TCN's who enjoyed international protection; or
- ❖ Their family members.

For the family members, in order to come under the scope of temporary protection, they must equally have been in Ukraine before the 24th of February and they must have been, as is stipulated under article 2 (4) of the TPD, part of the family unit in Ukraine. The family member who herself falls under the scope of article 2 (4) of the directive consequently can request temporary protection at the registration centre.

There are some family members who are not, strictly speaking, covered by the scope of temporary protection, because the condition of the family already existing and residing in Ukraine before 24 February 2022¹¹⁵ is not met. This situation arises if the family was not yet created at the time of the invasion, or if the family member that seeks a derived status was not present in Ukraine before 24 February. The Belgian Aliens Act does not mention the criteria of the family being already formed in the country of origin but simply states that a residence permit should be granted to the family member of a person with temporary protection.¹¹⁶ The Immigration Office does thus allow for family reunification with a beneficiary even when the family was formed after 24 February. This way, certain family members outside the scope of the temporary protection itself can still obtain a right of residence in Belgium. IBZ has clarified that these persons receive a 'status stemming from temporary protection, rather than a residence permit based on family reunification.'¹¹⁷ The residence permit they obtain is an A-card that has the same duration as the family member who is a beneficiary.¹¹⁸ These family members of beneficiaries can apply at the municipality of residence of the beneficiary for the A-card and they do not have to go to the registration centre.¹¹⁹ From analysis of the case law however, a conclusion can be drawn that many people are not aware of the option to apply for a 'derived status' at the municipality; people who would be able to obtain a residence through this procedure have appealed negative temporary protection decisions received upon registration.¹²⁰

The above however only applies to the nuclear family members, meaning the spouse under article 2 (4) (a) and the minor children under article 2 (4) (b) of the Council implementing decision, thus excluding

¹¹² See: Agii, *pt. 3.15 Family reunification family members of temporary protection beneficiaries*, available in Dutch at <https://tinyurl.com/43ej4fdn>.

¹¹³ Article 10 Aliens Act with application of article 12bis §5 & §6 Aliens Act.

¹¹⁴ Law Bill, Belgian Chamber of Representatives, 8 April 2024, available in French and Dutch at: <https://tinyurl.com/yeyt3mej>, 17.

¹¹⁵ Article 2 (4) of the Council Implementing Decision.

¹¹⁶ Art. 57/34 § 1 Aliens Act.

¹¹⁷ Response from IBZ after an enquiry by Vluchtelingenwerk regarding the interpretation of article 57/34 §1 Aliens Act, 1 December 2022.

¹¹⁸ Aliens Act, Article 57/34 §3, available in Dutch and French at: <https://bit.ly/3YaTMyC>.

¹¹⁹ This possibility was equally confirmed by a positive decision by IBZ on 7 November 2023 concerning a 'deducted TP status' of a non-Ukrainian national where the family bond was only created after 24 February.

¹²⁰ See for example CALL, nr. 297 125, available in French at: <https://tinyurl.com/2tvfpzb2>. The family in Ukraine was recognised, but did not fall under the scope of temporary protection.

'other family members' who lived with the family at the time of the invasion and who were completely or mainly dependent on that relative. There is a 'de facto appreciation' in this context,¹²¹ resulting in some ambiguities concerning the application of temporary protection to this category of persons.¹²² IBZ only specifies that 'the decision to grant a residence permit to this 'other family members category' will take into consideration the exceptional difficulties they would encounter if the reunification of these family members would not be allowed.'¹²³ This is a 'case-by-case evaluation.'¹²⁴ 'Belonging' to the family unit at the time of the outbreak is not sufficient, but special bonds of dependency have to be demonstrated¹²⁵ The assessment of dependency is based on a possible breach of article 8 ECHR (right to private and family life).¹²⁶ Normal links of affection between family members are not sufficient in the context of an article 8 breach but additional elements of dependency need to be proven.¹²⁷ This is equally a group that does not automatically qualify as family members for regular family reunification, as the recognition of their status as family members is based on an assessment of the dependency links.¹²⁸

Lastly, the beneficiary, who falls under Article 2 (1) a & b of the implementing decision, needs to be present in order for the family member to obtain temporary protection themselves. In one case, a non-Ukrainian national who was married to a Ukrainian person and was part of the family before 24 February did not receive temporary protection because his Ukrainian spouse was not present with him in Belgium.¹²⁹ The spouse from which his temporary protection stemmed/derived could not be considered as displaced in the sense of article 2 of the Implementation decision considering she was still in Ukraine.¹³⁰ Moreover, IBZ in this case is not capable of examining if the family bond is still existent at the moment of application.¹³¹ In a preceding case however, the Council of Alien Law Litigation considered these criteria to be illegitimate, stating that the Council implementation decision as well as the directive do not require the family member to be present in the Member state. This case concerned a man whose spouse was a nurse and could therefore not leave Ukraine.¹³² In the following case regarding a non-Ukrainian national, the court however ruled that previous case law does not create a binding precedent.¹³³

2. Family reunification beyond the TPD

Those who are considered as family members under the Council implementation decision receive temporary protection as a family member or a derived status, rather than a residence permit through regular 'family reunification'.¹³⁴ The question of family reunification does thus not arise for this group.

The need to apply for family reunification itself in practice almost exclusively arises where a person cannot apply in Belgium because they are not capable of obtaining a visa to come to Belgium to apply for temporary protection. This can for example be the case for TCN's family members of beneficiaries, who cannot travel visa free to Belgium. Persons abroad who cannot reach Belgium should ask for a type D

¹²¹ Article Chamber of representatives, *Wetsontwerp*, 1 October 2002, available in French and Dutch at: <https://bit.ly/3IF11vd>, 28-29. Article 57/34 § 1 Aliens Act.

¹²² The Cabinet in response to inquiry Caritas regarding the application of 'other family members', 22 March 2022. The draft law (Chamber of representatives, *Wetsontwerp*, 1 October 2002, available in French and Dutch at: <https://bit.ly/3IF11vd>, 29) equally makes a clear distinction between 'members of the core family' on the one side and 'other family members' on the other side.

¹²³ Chamber of representatives, *Wetsontwerp*, 1 October 2002, available in French and Dutch at: <https://bit.ly/3IF11vd>, 29-30.

¹²⁴ IBZ in response to inquiry Vluchtelingenwerk on the interpretation of 'other family members', 1 December 2022.

¹²⁵ CALL, nr. 292.757, 9 August 2023, available in French at: <https://tinyurl.com/yc2bdpwp>, 7.

¹²⁶ CALL, nr. 295.288, 10 October 2023, available in Dutch at: <https://tinyurl.com/efry9>, 9; CALL, nr. 292.757, 9 August 2023, available in French at: <https://tinyurl.com/yc2bdpwp>, 8.

¹²⁷ CALL, 297.070, 14 November 2023, available in French at: <https://tinyurl.com/2dder2ry>, 4.

¹²⁸ Article 4 Council Directive 2003/86 on the right to family reunification, 22 September 2003, available at: <https://bit.ly/3SC8Js6>.

¹²⁹ CALL, nr. 292.471, 28 July 2023, available in Dutch at: <https://tinyurl.com/27mx5scv>, 2.

¹³⁰ *Ibid*, 7.

¹³¹ *Ibid*, 3.

¹³² CALL, nr. 283.740, available in French at: <https://tinyurl.com/yc42bmuk>, 5.

¹³³ See CALL, nr. 292.471, 28 July 2023, available in Dutch at: <https://tinyurl.com/27mx5scv>, 2.

¹³⁴ Article 57/34 §3 Aliens Act.

visa based on family reunification at a Belgian consulate or embassy.¹³⁵ It is not clear if in this case, the conditions are also significantly loosened as is the case for family members of TP beneficiaries who apply in Belgium for a derived status (re adequate housing, etc : for an overview of the conditions, see [AIDA Country Report on Belgium, 2023 Update](#)). Equally, the question of which embassy is competent arises. For example, a recognised refugee in Ukraine cannot be expected to submit a visa application in their country of origin. In this context, the Immigration Office clarified that an application to a diplomatic post in another country may sometimes be possible. However, the applicant should explain why they wish to submit their application there. It is not entirely clear on which basis this can be done so it is recommended to contact the diplomatic post first.¹³⁶ Upon arrival in Belgium, these persons are expected to present themselves at the municipality of their place of stay within 8 days.¹³⁷

Family members who reach Belgium with a visa D based on family reunification will receive a residence permit with the same validity period as the residence permit of the person with temporary protection status. It is equally extended under the same conditions.¹³⁸ No provision of the temporary protection directive or the implementing decision excludes potential beneficiaries of temporary protection from enjoying temporary protection if they already have another residence status, as long as they meet the application conditions.¹³⁹ The Immigration Office has confirmed that family members with family reunification status can, therefore, effectively apply for temporary protection once they are in Belgium if they fall under the scope of temporary protection.¹⁴⁰ Especially for the family members who fall under the scope of temporary protection but had to apply for a visa D because they were not able to come to Belgium visa free, this can be regarded as a positive development.

C. Movement and mobility

Beneficiaries are not subjected to any territorial restrictions imposed by Belgium in terms of freedom of movement within the Schengen zone. Based on their residence permit and biometric passport, they may travel freely in the Schengen zone for three months within 180 days.¹⁴¹

There are however some obstacles regarding access to social rights and residence status. In this regard, there are limited national guidelines, and municipalities are left a significant degree of autonomy. Most municipalities apply the rule applicable under the law on the right to social integration (“*wet maatschappelijke integratie*”) by analogy. Under this law, beneficiaries may leave the country for 28 days within a year without losing the right to social benefits. However, the municipality should be notified when the time spent abroad is longer than a week.¹⁴² Municipalities might nevertheless apply stricter rules, as they are not subject to specific obligations within the existing legal framework.¹⁴³

It is concerning that beneficiaries of temporary protection are not always informed of these travel and notification rules, especially since the application thereof might differ depending on the municipality involved. This can equally have implications on the residence status. In the absence of communication to the municipality, there have been cases in which the municipality incorrectly assumed that the person had left the territory indefinitely, while they had, in fact, only left for a relatively short time to evaluate the

¹³⁵ IBZ, *Family reunification with a temporary protection beneficiary*, available in French and Dutch at: <https://bit.ly/3wFHNh9>.

¹³⁶ IBZ in response to an Inquiry by Myria regarding applications at a diplomatic post and the conditions for family reunification, 19 October 2022.

¹³⁷ Article 12 Aliens Act.

¹³⁸ Article 57/34 §3 Aliens Act.

¹³⁹ See also The Commission, *Frequently asked questions on interpreting the Temporary Protection Directive and Council Implementing Decision*, 2022, available at: <https://bit.ly/3RnvY8D>, 5.

¹⁴⁰ IBZ in response to an Inquiry by Myria regarding applications at a diplomatic post and the conditions for family reunification, 19 October 2022.

¹⁴¹ Article 21, Schengenacquis, 22 September 2000, available at: <http://bit.ly/3Y7qVve>.

¹⁴² Article 23 §5 Law on the right to social integration, 26 May 2002, available in Dutch and French at: <https://bit.ly/3Wp7Mxg>; Circular POD MI, *omzendbrief inzake het recht op maatschappelijke integratie bij verblijf in het buitenland*, available in Dutch, French and English at: <https://tinyurl.com/bddfsh47>.

¹⁴³ Flemish Codex, *Organieke wet van 8 juli 1976 betreffende de openbare centra voor maatschappelijk welzijn*, available in Dutch at: <https://tinyurl.com/mvf7xhd4>.

security situation in their home area in Ukraine.¹⁴⁴ Removal from the register by the municipality however does not mean the person loses temporary protection. This can only be determined through a decision of IBZ (the migration authorities), in which case the person also loses their residence status and, consequently, temporary protection status. In case of a removal from the registers by IBZ because of loss of residence status (and thus temporary protection), the person has to re-apply to the registration centre and go through a new registration process.¹⁴⁵

The absence rules regarding social benefits aside, under the Belgian Aliens Act there is in principle no obligation to notify the municipality of absences under three months as this should not affect people's residence status.¹⁴⁶ In the following cases, the municipality has to check with IBZ that the person still enjoys temporary protection before prolonging or issuing a residence permit:

- ❖ The residence permit (A-card) was not renewed before the expiration date;
- ❖ The temporary protection certificate is older than three months;
- ❖ The person was struck from the registers (for example because of it was assumed the person had moved abroad).¹⁴⁷

There has been a case of a municipality not willing to register a person again after the person had left for two months without giving notice.¹⁴⁸ These persons can also not return to the registration centre to express their housing need, as people who already have the temporary protection status are not again given access to the registration centre. To avoid such situations, persons with temporary protection are advised to always communicate their travel goals and intentions, including a possible return, clearly to the municipality.

In Flanders, there are no deadlines imposed on municipalities for keeping a reception place available during a person's absence. Municipalities are merely advised to 'transparently provide information on the rules regarding housing and payment of social benefits.'¹⁴⁹ In Wallonia however, it is clearly indicated that if the stay abroad is less than three months, the accommodation should always be considered as occupied and may thus not be made available for another family.¹⁵⁰

Considering the ambiguities and non-existence of a harmonised approach in dealing with absence in different municipalities, the need for communication of periods of absence to the municipality is very important in order to not face any unexpected obstacles upon return.

¹⁴⁴ This information was received as a case handled by the VVW Infoline.

¹⁴⁵ Agii, pt. 2.3.3.3 *Electronic A card and duration of temporary protection*, available at in Dutch at: <https://tinyurl.com/43ej4fdn>; see also The Commission, *Frequently asked questions on interpreting the Temporary Protection Directive and Council Implementing Decision*, 2022, available at: <https://bit.ly/3RnvY8D>, 7; and IBZ, *Circular: temporary protection – renewal A-card*, 16 November 2022, available in Dutch at: <https://bit.ly/3ZrSSi2>.

¹⁴⁶ Aliens Act, Article 39 §2 §3 §6, available in Dutch and French at: <https://bit.ly/3YaTMyc>.

¹⁴⁷ IBZ, e-mail from 6 February 2024.

¹⁴⁸ This case was reported to the infoline of Vluchtelingenwerk Vlaanderen and confirmed by the municipality
¹⁴⁹ Communication from the Flemish government support team on Ukraine (VLOT) to the municipalities, 13 September 2022.

¹⁵⁰ Coordination unit of the Walloon Region for the reception of Ukrainian refugees, *Practical guide for support of Ukrainian refugees*, October 2022, available in French at: <https://bit.ly/3Jrg6js>, 21.

D. Housing

Indicators: Housing

1. For how long are temporary protection beneficiaries entitled to stay in reception centres?
No specific time limit
2. Number of beneficiaries staying in reception centres up until 31 December 2023
Mid March 2024 approximately 5600 persons stayed in reception centres in Flanders.¹⁵¹
3. Number of beneficiaries staying in private accommodation as of 31 December 2023
Not available

Reception upon arrival

The right to reception of people with temporary protection is regulated in the reception law. It foresees that the federal Agency for the Reception of Asylum Seekers (Fedasil) assigns a 'compulsory place of registration'.¹⁵² More specifically, this means that beneficiaries have the right to benefit from financial support from the social welfare centre.¹⁵³ On this basis, Fedasil considers itself to only be responsible for referral to a reception place that has been provided and put forward by a municipality, and to provide emergency accommodation until that time.¹⁵⁴

Thus, the responsibility of Fedasil only extends to the provision of temporary emergency accommodation until a local municipality solution is found. As mentioned below, until recently Fedasil only referred people with vulnerable profiles to a reception place provided by a municipality. For non-vulnerable persons, who are told to 'find their way',¹⁵⁵ the question arises as to which municipality is responsible for providing these financial benefits. There is thus still currently a 'responsibility gap' between the federal and local level.

76.7% of applicants indicate not having a reception need upon arrival.¹⁵⁶ They often make use of their network or are financially able to immediately find and rent something on the private housing market. They can present themselves at the municipality of their place of residence with their certificate of temporary protection. It is important to note that people can only indicate a need for reception on the day of arrival; Fedasil will not consider itself responsible for those people who have already progressed to the local level, they cannot go back to the registration centre to request reception.¹⁵⁷

For the other 23% of people who indicate a housing need however, the situation is quite concerning. At the beginning of the crisis, Fedasil referred people registering for temporary protection expressing a housing need to the local municipalities (as they had a list of the available places by municipality). Starting in the summer of 2022, referrals from Fedasil to local municipalities only occurred in exceptional cases of vulnerability.¹⁵⁸ People considered vulnerable were referred to the emergency reception centre of Ariane, and from there, they were dispatched to the municipalities as soon as a place became available on the housing tool. However, due to the increasingly difficult progression to the local level because of a lack of available housing solutions, Ariane has equally become saturated.¹⁵⁹ Between September and December 2023, persons with vulnerable profiles (such as pregnant women) were not referred to Ariane due to an

¹⁵¹ VLOT (Flemish Task Force), 13 March 2024, there are no numbers available for Brussels or Wallonia.

¹⁵² Art. 10 §1, °1 reception law, available in French and Dutch at: <https://tinyurl.com/ycxxr6ae>.

¹⁵³ Art. 8 §1 and 11§2 reception law, available in French and Dutch at: <https://tinyurl.com/ycxxr6ae>.

¹⁵⁴ Myria contact meeting 29 November 2023, available in French and Dutch at: <https://tinyurl.com/bddjh49c>.

¹⁵⁵ VVSG, *Crisis and durable housing*, available in Dutch at: <https://tinyurl.com/y3zd5bvp> & Myria, *Contact meeting*, 19 October 2022, available in Dutch and French at: <https://tinyurl.com/3fp2u2dz>, 45.

¹⁵⁶ Statbel, *Displaced persons from Ukraine*, (numbers up until December 2023), available in English at: <https://bit.ly/3ZmG5O4>.

¹⁵⁷ Confirmed by an case referred to the Infoline, of a 28-year old women who could not regain access to registration centre for a reception request, 7 August 2023.

¹⁵⁸ Myria, *Contactmeeting*, 18 October 2023, available in French and Dutch at: <https://bit.ly/49FBSd1>.

¹⁵⁹ Myria, *Contact meeting*, 19 October 2022, available in Dutch and French at: <https://tinyurl.com/3fp2u2dz>, 45.

outbreak of chickenpox.¹⁶⁰ In practice, people stay in Ariane for weeks or even months. There have been cases of persons staying in Ariane for as long as five to six months.¹⁶¹

Due to the “improvised” nature of the solutions and the changing reception situation, it is not entirely clear what alternative solutions are presented to applicants in case the Ariane centre is full. Possible and used alternatives include homeless shelters provided by [Samu social](#) as well as an emergency reception centre (Hotel Plasky – provided by the Brussels based organisation [Ukrainian voices](#)). Whereas before persons with vulnerable profiles were referred to Ariane, they now are increasingly referred to homeless shelters and the Plasky Hotel,¹⁶² with no guarantee however of obtaining a place. They have to again present themselves at the registration centre after one night to indicate a continuing reception need and to enquire about the availability of places.¹⁶³ If persons no longer present themselves, it is assumed there is no longer a need for reception.¹⁶⁴ This is problematic in the sense that people are not well informed about this need to ‘return’ to the registration centre. Alternatively, a direct referral to a place at a local municipality may be arranged if possible. However, even for vulnerable categories of people, there can be no guarantee that there is a reception solution and they are increasingly left to find their own solution.¹⁶⁵

While it is argued that people enjoying temporary protection immediately have all the rights connected to residence, it is unclear how they are ‘supposed to find their way’ and obtaining an address is crucial for the residence permit and the rights attached to the permit, such as financial aid. Already in January 2023 persons with temporary protection were reported present in homeless shelters, although the number was said to be quite limited.¹⁶⁶ The distinction in treatment between vulnerable and non-vulnerable people has become increasingly blurred due to the fact that:

- ❖ There is no clear definition of who is vulnerable;
- ❖ Non-vulnerable people can also be referred to the homeless shelter and hotel Plasky;
- ❖ Vulnerable people increasingly also find themselves without reception solutions (while in the past they received an almost guaranteed place at Ariane).

Lastly, persons who were not able to register due to the registration quota and early closing of the reception centre (see [Registration](#)) are not provided with reception solutions as Fedasil does not take responsibility for this group.¹⁶⁷ Similarly, persons with an attestation of registration (also see [Registration](#)) are not able to register themselves at a municipality and there is no accommodation by or referral to homeless shelters or hotel Plasky by Fedasil. They only do so in exceptional cases such as pregnant women.¹⁶⁸ Both these groups consequently also face significant obstacles in accessing reception.

This means that persons with reception needs who cannot count on friends or family to live with might encounter serious difficulties in registering their address of residency. This is highly concerning, as this does not allow them to obtain a residence permit, regardless of their condition as beneficiaries of temporary protection.¹⁶⁹

¹⁶⁰ Fedasil, 25 September 2023.

¹⁶¹ Reports to the Infoline.

¹⁶² Observation by Vluchtelingenwerk at the Registration centre, 4 April 2024.

¹⁶³ Observation by a partner organisation, 3 October 2023.

¹⁶⁴ *Ibid.*

¹⁶⁵ IBZ, 14 September 2023 following an enquiry by Vluchtelingenwerk as to whether there is always a reception place for vulnerable persons who indicate a reception need, and confirmed by cases reported to the Infoline.

¹⁶⁶ Observation Samu Social, 26 January 2023.

¹⁶⁷ Communication VLOT (Flemish Task force), 29 February 2024.

¹⁶⁸ *Ibid.*

¹⁶⁹ See for example: The Brussels Times, *Belgium’s reception crisis: Ukrainian refugees now also sleeping rough*, 18 November 2022, available at: <http://bit.ly/3KMcyZJ>. The infoline of Vluchtelingenwerk Flanders has in recent months (end of 2023 – beginning 2024) received numerous reports of people who did not find a reception place upon arrival and did not know where to go.

Housing

The provision of accommodation for beneficiaries and the policies set up to that effect are relatively similar between the different regions of the country (Flanders, Brussels, and Wallonia). The information provided in the following section refers mainly to the region of Flanders (which hosts the vast majority of TP beneficiaries). Nevertheless, cases in which significant differences can be observed in other regions have been highlighted.

Article 13(1) of the Temporary Protection Directive states that the member states shall ensure that persons enjoying temporary protection have access to suitable accommodation, or, if necessary, have a right to receive the means to obtain housing. Up until 15 February 2024, approximately 60% of the people registered reside in Flanders, 20% in Wallonia, and 22% in Brussels.¹⁷⁰ Many reception places were created at both the local and federal level to cope with the high number of arrivals from Ukraine. A rough estimate shows that 7,700 extra reception places were created in Flanders and 1,300 in Wallonia.¹⁷¹ Mid-March approximately 5600 persons stayed in reception centres in Flanders.¹⁷² This capacity is however being slowly reduced. The federal Ariane emergency centre in Brussels currently has a maximum capacity of 450 places for beneficiaries of temporary protection (the total capacity is larger as Ariane also functions as a transit centre for international protection applicants). It should be noted that these numbers reflect the extra places that were created by local authorities in the wake of the crisis, and do thus not include host families or places on the private housing market.

There are different forms of accommodation: emergency accommodation, public reception places (including collective reception centres), and private accommodation (including accommodation with a host family). Each type of accommodation will be addressed more in detail below.

The Ariane centre is organised by Fedasil in Brussels and is considered emergency accommodation. At the end of June 2022, the Ariane reception centre saw an increase of occupation up to almost 1,200 persons. In this period, the Ariane centre was used solely for temporary protection beneficiaries, a policy that was changed later on and resulted in the capacity for temporary protection beneficiaries being reduced to 250 in 2023. As a result of the high influx and the increasingly difficult progression to the local level it was established that only vulnerable persons needing reception could be accommodated at Ariane until another solution at the local level could be found.¹⁷³ Local municipalities were asked to centralise information on the available places they can offer, be it in host families, collective reception centres, or other. This information is shared through a common platform 'the housing tool'. Persons can be dispatched from Ariane to the local level based on the places available in this tool. However, the supply of places available on the housing tool is insufficient and the tool is not frequently updated, leading to uncertainty about the actual number of places available.¹⁷⁴ In practice, people stay in Ariane for weeks or even months, especially when housing must abide by certain conditions tailored to the needs of the person with specific vulnerabilities such as persons with limited mobility,¹⁷⁵ but also single men with medical conditions and large families.¹⁷⁶ There have been cases of persons staying in Ariane for as long as five to six months.¹⁷⁷ As Ariane was initially meant to provide a short-term solution, the extended stay without any means to register has a negative impact on access to social, financial, and work rights.¹⁷⁸

Housing in public places can take many forms. The most common is housing in collective reception centres (reception places with space for more than 15 people): these are places owned by either the local municipality or other actors who made places available, and they are managed either by the local

¹⁷⁰ Numbers provided by VLOT (Flemish Ukrainian support team), 15 March 2024.

¹⁷¹ Rough estimate by Fedasil, no definite publication of these numbers is available at the moment of writing.

¹⁷² VLOT (Flemish Task Force), 13 March 2024, there are no numbers available for Brussels or Wallonia.

¹⁷³ Myria, *Contact meeting*, 21 September 2022, available in Dutch at: <https://bit.ly/3m5NaUA>, 50.

¹⁷⁴ Myria, *Contact meeting*, 18 May 2022, available in French and Dutch at <https://bit.ly/3XMDJHv>, 40-41. Also confirmed by the Flemish task force on Ukraine (5 March 2024) who confirmed that in the week of 3 March only 6 places were found at the local level in Flanders (and none in the Walloon region).

¹⁷⁵ Myria, *Contact meeting*, 21 September 2022, available in Dutch at: <https://bit.ly/3m5NaUA>, 50.

¹⁷⁶ Observation by Vlot, March 2024.

¹⁷⁷ Infoline case, February 2024.

¹⁷⁸ Myria, *Contact meeting*, 21 September 2022, available in Dutch at: <https://bit.ly/3m5NaUA>, 50.

municipality, by the actor itself, or jointly. The main actors involved in the collective reception centres besides the municipality are the Red Cross and the IOM. Three bigger reception centres were set up to accommodate the new displaced persons: one in Antwerp, one in Mechelen and in Ghent that opened the beginning of May 2023.¹⁷⁹ The centres in Antwerp and Mechelen have a capacity of 600 places each (expandable to 1,000 in the case of Antwerp).¹⁸⁰ The one in Ghent has a capacity of 600 additional places.¹⁸¹ Wallonia does not have reception centres of similar scale. Usually, no specific time limit is provided for the stay at the reception centres. The reception facilities must at least provide for a bed in a shared room, with equally the possibility of the sanitary and kitchen spaces being common areas.¹⁸² The services offered at collective centres may differ, with some offering meals, clothing, medical support, etc.

To cope with the sudden influx, local authorities can also receive funding to provide other public places to beneficiaries of temporary protection. These places include hotels or B&B's, hostels, youth residence centres, holiday chalets or other touristic residencies, assisted living facilities, or service flats. The places must be the local authority's property or rented out by the local authority. Depending on the type of residence, these places must be available for at least 21 days.¹⁸³ However, how often municipalities use this option is unclear. There were some housing units available, to be provided to the local municipalities upon request in order to house beneficiaries of temporary protection. However, in October 2023 municipalities were told that these housing units would be used for other goals since the demands from municipalities for these units was diminishing.¹⁸⁴ This is at odds with the increase in people struggling to find reception/housing.

Lastly, social housing actors can provide for collective centres and housing that can be rented to temporary protection beneficiaries. In addition, (social) rental agencies can use vacant social housing pending demolition, renovation, or sale to provide temporary housing. This can be done either through an intermediate institution or directly by the social housing actor.¹⁸⁵

Beneficiaries can also rent on the private housing market. The feasibility of this highly depends on the financial means of the beneficiary and the benefits they receive. Equally, the temporary character of their status can negatively affect their chances on the private market.¹⁸⁶ The requirements concerning the quality of the house are slightly eased so that more housing options become available for beneficiaries. These eased norms apply to both private housing as well as social housing awaiting renovations, destruction, or sale. However, the housing should always meet a minimum standard in terms of safety and health; no derogations that would negatively affect these qualities are possible.¹⁸⁷

Regarding accommodation with a host family, in the beginning stages reception was mainly focused on stays in host families. This happened through the 'temporary living' ("tijdelijk wonen") notification which made it possible for host families to host beneficiaries of temporary protection in their house while being legally considered to be separate entities.¹⁸⁸ This meant that there was no negative impact on the taxes or the financial benefits of the host family. A campaign was launched and people could indicate they were open to host through the hashtag "#place available" ("#plekvrij") in Flanders or ("#placedispo") in Brussels and Wallonia. However, the possibility for host families to sign up and accommodate a family was a rather

¹⁷⁹ The city of Ghent, *Nooddorp Gent opent deuren eerste Oekrainers*, 9 May 2023, available in Dutch at: <https://bit.ly/3VZ0ASc>.

¹⁸⁰ See, The Brussels Times, available in English at: <http://bit.ly/3KBQzVe> and VRT News, available at: <http://bit.ly/40JhgN1>.

¹⁸¹ Stad Gent, *Emergency centre for Ukrainians*, available in Dutch at: <http://bit.ly/3U8ea2N>.

¹⁸² Flanders regional government page, *Rental for the reception of displaced persons from Ukraine*, available in Dutch at: <http://bit.ly/3J3bSOU>.

¹⁸³ Flanders regional government page, 'Financing', available in Dutch at: <https://bit.ly/3Hh1ouh>; Communication from the Flemish government support team on Ukraine (VLOT) to the municipalities, 14 March 2022.

¹⁸⁴ VLOT (Flemish Task Force), newsletter from Wednesday 4 October 2023.

¹⁸⁵ VVSG, 'Possibilities through social housing organisations', available in Dutch at: <https://bit.ly/3HK6EXi>.

¹⁸⁶ Obstacles identified by Orbit, specialised in housing for refugees.

¹⁸⁷ Flemish Society for Social housing, *Temporary housing of Ukrainian refugees*, available in Dutch at: <https://bit.ly/3W1rJ73>.

¹⁸⁸ For Wallonia, see: *Proposition of place of residence*, available in French at: <http://bit.ly/3KURzE6>; for Flanders, see IBZ, *Circular regarding the registration of Ukrainians in the registers under the temporary protection statute*, 9 March 2022, available in Dutch at: <https://bit.ly/3JqlxPV>, 3.

ad hoc one. There was no framework: thus, when progression to a more durable housing option was needed, municipalities were confronted with reception needs they sometimes had difficulty accommodating for because of the lack of available and affordable housing within their municipality. Ultimately, the local authorities are responsible for the reception of beneficiaries in the sense that they have to take responsibility for re-location of those registered in their municipality.¹⁸⁹ More recently however, the general observation seems to be that there are no new calls for host families¹⁹⁰, and presumably many beneficiaries staying with host families have moved on to the private market. The number of Ukrainians residing in the private housing market is estimated to be increasing.¹⁹¹

The municipalities, when confronted with someone with a reception need or a need for relocation from the host family, are expected to undertake several steps to ensure that the person can access housing. If durable housing solutions are not available, nor temporary solutions such as hotels, B&B's, the municipalities are expected to contact neighbouring municipalities. If this is to no avail, they should contact the Ukrainian support team (VLOT) that would provide support in the search for a reception place.¹⁹² No such support time exists in Wallonia or Brussels. Municipalities however do not always make full use of their options to contact neighbouring municipalities or to contact VLOT. There has been at least one case of a municipality mistakenly referring these people back to the registration centre to request a reception place even though this is not a solution.¹⁹³ Furthermore have there been cases of persons staying in housing provided by the municipality who faced difficulties finding a place when they were told to relocate because their contract ended and they had to make space.¹⁹⁴

E. Employment and education

1. Access to the labour market

Beneficiaries with a residence permit (A-card) or annex 15 can legally work in Belgium.¹⁹⁵ They may work both as an employee or a self-employed person. For jobs in government functions or regulated professions (dentistry, medicine,...) a diploma recognition is necessary.¹⁹⁶ The temporary protection status exempts them from the obligation to obtain a special working permit to exercise activities as self-employed persons.¹⁹⁷ In total, 29% of Ukrainians who registered as job seekers have found a job.¹⁹⁸ This is an average of 15% in Brussels (1,335 persons out of 9,147 registered), 17% in Wallonia (11,840 persons out of 7,081 registered) and 39% in Flanders (8,959 persons out of 22,861 registered).¹⁹⁹ These numbers only concern Ukrainian nationals, rather than persons with the temporary protection status. 361 persons have been working as self-employed, either as a main or side job.²⁰⁰ In Flanders, Ukrainians are referred to a brochure by the agency for integration and citizenship where they can find information about their working rights.²⁰¹

¹⁸⁹ Fedasil, *Fall in arrivals of Ukrainian refugees*, 5 August 2020, available at: <http://bit.ly/3Y9WtA7>.

¹⁹⁰ Vluchtelingenwerk Vlaanderen has seen a significant decrease in questions related to host families, observation shares by VVSG (Flemish association for cities and municipalities), 28 February 2024.

¹⁹¹ Observation Vlot, 15 March 2024.

¹⁹² Communication from VIOT to the municipalities, 27 October 2022.

¹⁹³ Infoline case, February 2024.

¹⁹⁴ Cases reported to the Infoline throughout 2023 and 2024.

¹⁹⁵ Article 10, °6, Royal Decree, 2 September 2018, available in Dutch and French at: <https://bit.ly/3Y9wvqg>.

¹⁹⁶ Naric, *Information on recognition of Ukrainian degrees*, available in Dutch at: <https://tinyurl.com/4ac5ww2v>

¹⁹⁷ Article 1, °15 Royal Decree, 3 February 2003, available in French and Dutch at: <http://bit.ly/3mj78LC>.

¹⁹⁸ This does however not mean that they are all still currently working.

¹⁹⁹ Numbers at the end of December 2023. Numbers provided by the VDAB, as calculated by Statbel/KSZ ("kruispunt databank sociale zekerheid"), 11 March 2024.

²⁰⁰ Numbers at the end of February 2024. Numbers provided by the VDAB, as calculated by Statbel/KSZ ("kruispunt databank sociale zekerheid"), 6 March 2024.

²⁰¹ Information VDAB enquiry Vluchtelingenwerk Vlaanderen about inform risks exploitation and rights, 6 March 2024.

Social benefits may (certain exceptions aside) be conditional upon 'willingness to work', such as providing adequate proof of job applications. The details of this obligation are decided on by the welfare centre.²⁰² Beneficiaries can present themselves with their residence documents to one of the regional offices where they can register as a job seeker. In Flanders, this is VDAB; in Brussels, Actiris and Wallonia, Forem. However, for Flanders there is anyway an obligation to register as a job seeker for those who (1) are at working age, (2) enjoy temporary protection, (3) are registered in a Flemish municipality.²⁰³

There are various measures to facilitate access to the labour market of TP beneficiaries. While employers cannot specify the nationality of people they want to recruit to avoid discrimination, they can use hashtags to indicate that they are open to newly arrived employees in Belgium. In Flanders, this can be done through #werkplek vrij; in Brussels, through # Welcome.²⁰⁴ Wallonia has no such hashtag, although employers open to newcomers are encouraged to avoid imposing certain conditions such as language requirements, and use comprehensible, clear language in their vacancies.²⁰⁵

Regarding the labour rights, every worker in Belgium has enjoys the same rights regardless of their residence status.²⁰⁶ Every sector has a minimum wage, and labour must always be remunerated. For questions, doubts or complaints, people can contact the inspection service ("arbeidsinspectie") or their VDAB/Actiris/Forem contact person.

Beneficiaries also have the right but are not obligated to follow integration courses. Due to the great numbers of Ukrainians, these integration courses were organised online and specifically for Ukrainians. However, since 2024 Ukrainians in Brussels and Flanders can enrol in the regular 'integration course' and consequently also receive an 'integration certificate'. This course consists of: social orientation, learning Dutch, trajectory to work and a participation and networking trajectory.²⁰⁷

Beneficiaries can apply with their attestation of temporary protection in combination with the A-card or the Annex 15.²⁰⁸

2. Access to education

All children between the ages of 5 and 18 residing in Belgium have the right to education, regardless of their residence status.²⁰⁹ Temporary protection beneficiaries are obliged to enrol in education within 60 days after registration in their municipality, regardless of whether this is distance learning (for which there are no formal obligations on specific subjects or books),²¹⁰ or enrolment in the Belgian education system through home schooling or physical classes.²¹¹ Education has no age limit, although compulsory education ends at 18.²¹² In the schoolyear 2022-2023, 1,929 Ukrainian children were enrolled in kindergarten, 3,574 in primary school, and 13,781 in secondary school in Flanders. In the same

²⁰² Article 3 § 5, Law on the right to social integration, 26 May 2002, available in Dutch and French at: <https://bit.ly/3WP7Mxg>; see also Institution on social integration (POD MI), *FAQ on Ukraine*, 7, available in French and Dutch at: <https://bit.ly/3Rh1B3L>.

²⁰³ Flemish Government, *Devree on the Compulsory Subscription to the VDAB*, 21 April 2023, available at: <https://tinyurl.com/mr3pkxhu>.

²⁰⁴ Actiris, see: <http://bit.ly/3DrOdEn>.

²⁰⁵ Forem, see: <http://bit.ly/3Xlnk77>.

²⁰⁶ Article 4 §1 & article 11, Law establishing sanctions and measures for employers of illegally staying third-country nationals, available in French and Dutch at: <https://bit.ly/3HKisxV>.

²⁰⁷ Flemish Agency for Integration and citizenship, *the Integration trajectory*, available in Dutch at: <https://bit.ly/4cR7dfo>.

²⁰⁸ See Agii (agency for integration and citizenship), pt. 3.8. *Scope of application*, available at: <https://tinyurl.com/43ej4fdn>, & Flemish government, *Flemish Decree on integration policy*, article 11 §1 °2, available in Dutch at: <https://tinyurl.com/4tp2p62h>.

²⁰⁹ GD/2003/03, *The right to education for children without legal residence*, 24 February 2003, available at: <http://bit.ly/3jpxYRb>.

²¹⁰ Flemish Government, *Home schooling for Ukrainians*, available in Dutch at: <https://tinyurl.com/ly2r8ry3f>

²¹¹ Article 1 § 7 Law of 29 June 1983 on compulsory education (amended 23 March 2019) available at: <http://bit.ly/3jpxYRb>.

²¹² *Ibid.*, article 1 §1.

schoolyear, there were 487 enrolments of Ukrainian nationals in Flemish higher education institutions.²¹³ There are no numbers available for Brussels and Wallonia.

All beneficiaries are entitled to education under the same conditions as nationals except for the diploma requirements: the degree obtained in a foreign country – contrary to Belgians – may not give direct access to a degree or additional exams or preparation programmes may be required.²¹⁴ Some rules are more favourable for TP beneficiaries. For example, beneficiaries have the opportunity to, at any moment, file a declaration of home education. Those who prefer distance learning are exempted from the requirement to take exams unlike the Belgian home-schooled children.²¹⁵ Generally speaking, administrative requirements are eased; this is so regarding the admission requirements to secondary school.²¹⁶ Moreover, beneficiaries have access to preparatory classes (“*Okan*” in the Flemish-speaking region, “*DASPA*” in the French-speaking region) for foreign newcomers who speak a different language.²¹⁷

The Ukrainian secondary school degree is not considered equivalent to the Belgium one. Children under 18 who have already obtained their secondary school degree in Ukraine are thus still required to enrol in a form of education (be it a regular Belgian secondary school or distance learning).²¹⁸

If a child has special needs, the centre for student counselling can redirect the person to a school more adapted to the child’s needs. The procedure for such enrolment is temporarily simplified, not requiring a medical diagnosis.²¹⁹ The schools for special needs are mainly for children who, temporarily or permanently, require special assistance because of: (1) a physical or mental disability, (2) serious emotional or behavioural problems, and (3) severe learning disabilities. With the influx of displaced persons, these schools have extra personnel providing (para)medical, social and psychological support.²²⁰

There are however some obstacles for children under the age of 18. First, preparatory classes are saturated, meaning that some beneficiaries are put on waiting lists and – unless home-schooling is a possibility – do not in practice access the education system. These are the same preparatory classes that are offered to other newcomers. Moreover, if a guardian (of which there is also a shortage) has not been appointed for an unaccompanied minor, this may cause problems in practice (such as payments and school trips abroad). Foster caregivers can however make decisions about parenting in cases of urgent necessity, with notification to the parents.²²¹

As for those who wish to enrol in higher education, the Ukrainian secondary diploma is equivalent only to the second (out of three) cycles of secondary education in Belgium. This does in principle thus not suffice to be enrolled in higher education. So if someone wants to continue studying with a Ukrainian secondary education degree and has already passed the age of 18, they must finish the last high school cycle through adult education. However, education institutions may deviate from this. In the absence of an equivalent secondary school diploma, an institution may enrol the person for humanitarian, medical, psychological or other social reasons. Passing a knowledge and language exam may also be set as a requirement.²²² Beneficiaries of temporary protection who wish to continue their studies after completing their secondary in Ukraine (and who thus don’t have the necessary requirements) must thus individually contact the

²¹³ Flanders, *Statistical Yearbook Flemish education 2022-2023* (“leerlingen van vreemde nationaliteit”), available in Dutch at: <https://tinyurl.com/4akp7w43>.

²¹⁴ Article II.177 Codified Decree on higher education, 11 October 2013, available in Dutch at <http://bit.ly/3JxTwWJ>.

²¹⁵ Flanders education government page, *Ukraine crisis: lower- and secondary education*, available in Dutch at: <https://bit.ly/3kS0fQS>.

²¹⁶ Walloon-Brussels Education unit, *Circular: Ukrainian situation, schooling for children fleeing from conflicts*, available in French at: <https://bit.ly/3jlVAX1>, 7.

²¹⁷ Flemish Government Royal Decree, 24 May 2022, available in Dutch at: <http://bit.ly/40et3TR>.

²¹⁸ Agency for education services, 26 February 2024.

²¹⁹ For Flanders, see: <https://bit.ly/3kS0fQS>; for Wallonia, see: <http://bit.ly/3kVpGkC>.

²²⁰ Flanders education government page, *Ukraine crisis: lower- and secondary education*, available in Dutch at: <https://bit.ly/3kS0fQS>.

²²¹ Article 387 Quinquies Civil Code, 21 March 1804, available in French and Dutch at: <https://bit.ly/3KJp8ZN>.

²²² Article II.177 Codified Decree on higher education, 11 October 2013, available in Dutch at: <http://bit.ly/3JxTwWJ>.

institution where they want to study in order to see if they could be admitted on a discretionary basis. Some educational degrees, however, require passing mandatory exams as a prerequisite for enrolment (e.g. dentistry, medicine).²²³ The enrolment fee is equivalent to the standard fee that Belgian students pay (rather than the fee for third country nationals). Moreover, diploma recognition procedures, as required also for certain jobs, are free for beneficiaries.²²⁴

Naric, the Flemish body which is competent to recognise degrees obtained abroad, received a total of 1861 requests for diploma recognition; the vast majority being higher education degrees. Of those requests 1197 degrees were recognised as equivalent. This recognition is necessary for Ukrainian nationals that want to work in the public sector or want to practice a regulated profession.²²⁵

However, some obstacles remain regarding enrolment in higher education. The language barrier, having most courses offered in either Dutch or French, constitutes a first obstacle. Second, for people without the financial means to continue their studies through higher education, welfare centres can support the student financially throughout their education; this is conditional on meeting the commitments agreed upon with the assigned social worker.²²⁶ The willingness of the social welfare centre (responsible for granting financial aid to people with financial needs) to ‘invest’ in these cases varies depending on the municipality. It is highly dependent on the person’s motivation and whether the education will increase the chances of finding a job.²²⁷

Lastly, beneficiaries may also enrol in adult education. In relation to vocational training and above-age education beneficiaries, there is an adult education fee exemption for those who enjoy temporary protection. Beneficiaries may take Dutch (in Flanders) and French (In Wallonia) as a second language and other courses offered by the adult education centres. To do so, they must demonstrate their lawful residence in Belgium, for which they can invoke their temporary protection status. For Dutch as a second language, adults must apply first at the ‘agency for integration and social orientation’²²⁸ (the whole of Flanders), Atlas²²⁹ (Antwerp) or Amal (Ghent).²³⁰ They can orient non-native speakers to the most appropriate course.²³¹

F. Social welfare

The right to social benefits starts from the day of the demand. This means that a person with a temporary protection certificate and an inscription in the register (or proof of an appointment with the municipality) can present themselves to the social welfare centre to receive or social revenue or ‘social benefits’. The right to receive social benefits will then apply retroactively to the day of the request.²³² Each municipality has a ‘social welfare centre’ which operates relatively autonomously (in Flanders “OCMW”, and in Brussels and Wallonia “CPAS”). The social welfare centre of the municipality where the address is registered is responsible for granting social benefits.²³³ Hence, the beneficiary must be a registered resident in the specific municipality to qualify for social benefits. From March 2022 up to and including 30

²²³ Flanders education government page, *conditions of admission to higher education*, available in Dutch at: <http://bit.ly/3JuRrLa>.

²²⁴ Naric-Flanders, *information on the recognition of Ukrainian diploma’s*, available at: <http://bit.ly/3IHuXUW>.

²²⁵ Naric-Flanders, *Information on the recognition of Ukrainian degrees*, available at: <https://tinyurl.com/2tt3bmer>, numbers applicable for the period February 2022 – February 2024 period.

²²⁶ Art. 11 § 2 (a) & art. 52, law on the right to social integration, 26 May 2022, available in Dutch and French at: <https://tinyurl.com/7szmp424>.

²²⁷ POD MI, *individualized project for social integration – studies*, available in Dutch and French at: <https://tinyurl.com/3d9mmer66>.

²²⁸ See: <https://tinyurl.com/yf22rrxt>.

²²⁹ See: <https://tinyurl.com/m24k73kk>.

²³⁰ See: <https://tinyurl.com/yp24zf3n>.

²³¹ Flanders education government page, *Adult education*, available in Dutch at: Flanders education government page, *Ukraine crisis: lower- and secondary education*, available in Dutch at: <https://bit.ly/3kS0fQS>.

²³² *Ibid.*

²³³ Article 2§ 5 Law on aid granted by public social welfare centres, 2 April 1965, available in French and Dutch at: <https://bit.ly/3mksaK8>.

November 2023, 33,923 temporary protection beneficiaries received social benefits. This includes 10,918 beneficiaries in Brussels, 33,468 in Flanders, and 15,683 in Wallonia.²³⁴

The amount of financial aid given can vary greatly.²³⁵ This is so because under the “Equivalent Living Wage”(equivalent leefloon in Dutch”) there is no fixed amount, no selected calculation method, and no fixed categories, which results in a high margin of discretion for the social welfare centres and a significant difference between the revenue granted from person to person, and from municipality to municipality. The social welfare centre examines the need for financial assistance and decides within 30 days.²³⁶ The social welfare centre determines what aid is granted based on the established factual situation (housing, forms of support received, cohabitation, etc.).²³⁷

Some issues emerged regarding access to social benefits.²³⁸ A certain lack of clarity has been signalled concerning the amount of the benefits granted and/or the reasons for the refusal or reduction of the revenue. These are often communicated through an official decision only available in Flemish or French. While OCMW’s can make use of social translator services, has it been signalled that some of the OCMW do not make use of these, further complicating communication.²³⁹ The motivation is often very generic, and not sufficiently individualised to deduct the real reason of refusal/ reduction. A lack of transparency and the extensive margin of discretion accorded to the welfare centre results in incomprehension about the reasons for which a certain amount was or was not granted. Problems may also arise when the person moves from a host family or collective centre to a rental house on the private market (appointed by the municipality or not) and where the benefits received are no longer sufficient to accommodate the new social situation. Beneficiaries are recommended to keep the social welfare centre up to date with their situation so that their social benefits can be adapted in a timely manner.

G. Health care

Foreigners authorised to reside in Belgium for more than three months are registered as ‘residents’ and consequently have the right to healthcare insurance.²⁴⁰ Beneficiaries are entitled to the same level of healthcare services as Belgian nationals. Persons ‘visiting’ in short stay are therefore required to apply for temporary protection if they wish to enjoy medical care beyond urgent medical aid.

Before obtaining resident status, the right to urgent medical support is ensured regardless of whether the person has a residence permit.²⁴¹ Urgent medical health care can be provided to those who have fled Ukraine and have not yet acquired the necessary documents. This concerns potential beneficiaries who have not yet undertaken any steps for registration at the registration centre of IBZ but declare that they will do so shortly, those who are on a short stay and merely have a declaration of arrival (annex 3), those who claim that they have been to the registration centre, but have not yet received the temporary protection certificate, and those who have received a certificate of temporary protection but have not yet registered themselves at their municipality.²⁴² The cost of the medical care will, in this case, be covered by the social welfare centre on the condition that they have an ‘attestation of urgent medical needs’ from the attending physician.²⁴³

²³⁴ Note: these numbers are based on the number of total files a person has at the social welfare centre, rather than on the total number of social benefit requests. The average number of persons per file is at 1.7. Statistics provided by the authority on social benefits POD MI, available at: <https://bit.ly/3QscTTN>.

²³⁵ Institution on social integration (POD MI), *FAQ on Ukraine*, available in French and Dutch at: <https://bit.ly/3Rh1B3L>, 5.

²³⁶ Response POD MI on the calculation of the *equivalent leefloon*, 12 August 2022.

²³⁷ See VVSG, *Right to Social benefits*, available in Dutch at: <http://bit.ly/41y2kSS>.

²³⁸ This is based on recurring cases that have been reported to the VVW Infoline.

²³⁹ Report to the Infoline, February 2024.

²⁴⁰ Article 128 Quinquies §1 Royal Decree, 3 July 1996, available in French and Dutch at: <https://bit.ly/3EOP1nj>.

²⁴¹ Article 5 Royal Decree 5, 12 December 1996, available in French and Dutch at <https://bit.ly/3XU7Tc4>.

²⁴² Institution on social integration (POD MI), *FAQ on Ukraine*, available in French and Dutch at: <https://bit.ly/3Rh1B3L>, 3.

²⁴³ *Ibid.*

Once the healthcare insurance is in order, it works retroactively, going back to the obtainment of the temporary protection certificate or – where this took some more time – to the day of registration at the registration centre. Annex 15, or the A-card, allows to take out healthcare insurance. In the absence thereof, when a person only has a temporary protection certificate or proof of registration, the insurance company will check if the inscription in the Aliens Register has been realised. Beneficiaries are entitled to the same health care as nationals; no distinction is made.

However, there may be some issues related to healthcare access despite enjoying same status as other legal residents or nationals.²⁴⁴ As with many other aspects, most problems arise where a person cannot register at an address. In such cases, access to healthcare is not only limited to urgent medical care, but access to actors crucial in providing healthcare information may be limited. More recently, due to the longer waiting periods for the decision after registration, an increasing group of people will likely have to make use of urgent medical aid because they cannot open a healthcare insurance yet.

²⁴⁴ Obstacles as identified by [Medimmigrant](#).