

MINISTRY OF JUSTICE, MINISTRY OF THE INTERIOR, MINISTRY OF EMPLOYMENT AND MINISTRY OF SOCIAL AFFAIRS, HEALTH AND ENVIRONMENT

13 JANUARY 1997- Instructions to the Foreigners Department (Office des Etrangers), the prosecuting authorities, the police and the social law inspection service and social inspection services concerning assistance to victims of human trafficking

These instructions are for the practical application of the circular regarding the issue of residence and work permits to foreign nationals who have been victims of human trafficking, published in the *Moniteur Belge* of 7 July 1994. The circular comes under the implementation of the act of 13 April 1995 (M.B. 24.04.1995) providing for the suppression of human trafficking and child pornography.

(...)

8. Practical application of the circular of 7 July 1994

Residence and work permits are issued to victims of human trafficking in successive stages in parallel to the legal proceedings.

8.1 Stage 1: issue of an order to leave the country within 45 days

This 45-day period should allow the victim who is leaving a human trafficking environment and embarking upon counselling provided by the support centre to recover mental stability. During this period, victims can decide if they wish to make statements concerning the persons or human trafficking networks that exploited them or if they wish to prepare for a return to their native country.

Therefore, when the police or a social inspection service encounter a presumed victim of human trafficking, it is important that they establish immediate contact with a victim support centre, following the procedure set out in paragraph 5.

The police unit in question must also contact the Foreigners Department and, if appropriate, inform them that the presumed victim has been directed to a support centre.

If the victim immediately lodges a complaint or makes a statement, the support centre responsible for his or her counselling can request that the Foreigners Department move on to the second stage.

8.2 Stage 2: issue of a three-month residence permit

A victim who has lodged a complaint or made a statement within the 45-day period will receive a temporary residence permit valid for three months, in the form of a certificate of arrival.

During this period, counselling by a support centre is also compulsory. In stage 2, the victim may also be granted a temporary work permit.

The Foreigners Department will ask the Crown prosecutor immediately, or no later than a month before the expiry of the three-month period what action has been taken on the victim's complaint or statement, and will indicate the deadline for a reply.

The prosecuting authorities must provide two items of information: 1. whether the case concerns human trafficking; 2. whether or not the case is still in progress.

At the same time, the Crown prosecutor will communicate this information to the victim.

If no reply is forthcoming from the prosecuting authorities, the request for information will be directed to the Principal Crown Prosecutor.

8.3 Stage 3: issue of a foreigner's registration certificate

If the Crown prosecutor answers the two questions in the affirmative, the victim will receive a residence permit valid for longer than three months (usually six months) which may be renewed until the legal proceedings come to an end.

Throughout this period, counselling by a victim support centre remains compulsory. The victim may, from this stage, obtain work permit B.

Finally, in accordance with the report of the Parliamentary Commission of Inquiry, and in order to ensure the safety of victims, steps may be taken to obtain a residence permit of unlimited duration from the Foreigners Department. A request for such a permit may be made by a victim whose complaint or statement has resulted in a court summons, if the complaint or statement is considered of importance to the proceedings.

9. Social assistance for victims

From the time when a victim of human trafficking receives a temporary residence permit, i. e. from Stage 1, he or she is entitled to social assistance benefits from the CP AS or through a victim support centre (Royal Decree of 13 May 1994).

10. Useful addresses

10.1 Foreigners Department (Office des Etrangers):

Boulevard Emile Jacqmain, 152/1, 1000 Brussels

Tel: -General enquiries: 02/205.54.11 -Head office: 02/205.58.47 -Duty office: 02/205.55.00

10.2 Victim support centres (open 24 hours)

10.2.1 Flemish Region -"Payoke"

Centre Zirkstraat 27, 2000, Antwerp Tel: 03/ 232.24.40 Fax: 03/233.23.24

10.2.2 Brussels-Capital Region -"Pag-asa"

Centre Rue Saint-Christophe 38, 1000 Brussels Tel: 02/ 511.64.64 Fax: 02/ 511.58.68

10.2.3 Walloon Region -"Sürya" Centre

Rue Hors-Chateau 28, 4000 Liege Tel: 041/21.35.57 Fax: 041/23.66.28

10.3 Co-ordination and monitoring of the policy on action against human trafficking:

Centre for Equal Opportunities and Action against Racism, "Human Trafficking" Unit

Rue de la loi 155, 1040 Brussels Tel: 02/233.06.11 Fax: 02/233.07.04