

unofficial translation

Ministerial circular concerning the granting of residence permits and work permits (work cards) to foreigners who are victims of trafficking in human beings.¹

7 July 1994

Issued by the Minister of the Interior, the Minister for Civil Service and the Minister of Labour and Employment.

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Art. M1.1.

An order to leave the territory (45 days) is delivered to persons:

- Who have left the environment in which they were living as a consequence of their being trafficked;
- And who request the assistance of a specialised counselling organisation. A certificate by such organisation (Payoke-Saralek, Le Mouvement du Nid or Espace-P) proving that counselling is being provided, is obligatory.

Persons to whom the order to leave the territory (45 days) has been delivered, are not entitled to work or employment.

Demands for extension of the order to leave the territory must be submitted to the Office for Foreigners (Ministry of the Interior).

Art. M2.2.

A declaration of arrival (three months) is granted if, within the period of 45 days, the above mentioned persons file a complaint or statement with the police or public prosecution against their trafficker.

A declaration of arrival is also delivered if the complaint or statement is filed with the competent authorities immediately after having left the trafficking environment, on condition that counselling by a recognised organisation is accepted and desired.

The Office for Foreigners will be consulted in each individual case.

Persons who are in possession of a declaration of arrival, may be employed on a temporary basis. A temporary work permit, comparable to the work permit for candidate refugees, will be issued to the possible employer by the competent Region.

The Office for Foreigners will immediately contact the public prosecutor to be informed of the consequence given to the complaint or declaration.

Art. M3.3.

When public prosecution notifies that criminal proceedings are launched following the complaint or declaration, a residence permit with duration of more than 3 months ("temporary residence") will be delivered, equally after consent of the Office for Foreigners.

A residence permit with duration of 6 months will generally be granted. Also in case of extension of the permit, a residence permit with duration of a further 6 months will generally be granted.

The person concerned may submit a request for a residence permit of undetermined duration, when the person against whom he or she has filed complaint, has been summoned to appear before the criminal court. The residence permit of undetermined duration may be granted, if the complaint or declaration of the concerned person appears to be of significant importance to the criminal procedure.

Persons who have been granted a residence permit with duration of more than 3 months ("temporary residence") may be employed on the basis of a working card type B, by an employer who has obtained a working permit for them from the competent Region.

Should you be informed of negative elements, you are requested to notify the Office for Foreigners, which will give you the necessary guidance. The competent body within the Office for Foreigners is identified on the basis of the language criterion.

Office AF: French language.

Office AN: Dutch language.

An official of the General Direction has been designated as Coordinator.

Signed by the Minister of the Interior, L. Tobback and

The Minister of Labour and Employment, Mevr. M. De Smet.

1. Omzendbrief betreffende de afgifte van verblijfs- en arbeidsvergunningen (arbeidskaarten) aan vreemdelingen, slachtoffers van mensenhandel. *B.S.* 07.07.1994.