

PROCESSING OF FILES BY THE ADMINISTRATIONS AND THE EMMANUELLE HALABI LAW FIRM – COVID-19

Contact info: We continue our consultations only by Skype or telephone. To make an appointment for a remote consultation, please do so [on our website](#) or send us an email at secretariat@avocat-halabi.com.

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CONCERNING THE FONCTIONING OF BELGIAN AUTHORITIES

A. THE SUBMISSION OF NEW APPLICATIONS

TABLE SUMMARISING THE POSSIBILITIES OF SUBMITTING NEW APPLICATIONS TO THE IMMIGRATION OFFICE (Office des Etrangers), THE REGIONS AND THE EMBASSIES

	Immigration Office	Regions	Embassies
Schengen visa extension	YES		
9ter	YES		
Asylum applications	NO		
Asylum applications: appeal against refusal decision	YES		
Single permit		YES	
Professional card		YES	
Visas	NO		NO

IMPORTANT! Despite the suspension of some applications, **you may still take action**. Please refer to the points below to find out how.

1. THE IMMIGRATION OFFICE (« OFFICE DES ETRANGERS »)

- i) Applications for Schengen visa extension – arrival declarations:

A **third-country national who is prevented from leaving Belgium for reasons of force majeure** (quarantine, health problems, flight cancellation, border closure, etc.) **may apply for extension of stay permit**, by email to his commune of residence, except urgent cases which have to be sent directly to the *Office des Etrangers*.

→ If you find yourself in this situation, do not hesitate to contact us so that we can help you in this process (documents to be produced and email and/or letter from a lawyer explaining the situation). See contact information on page 1.

The *Office des Etrangers* will inform us of its decision by email, which implies that no contact with the authorities is required and that this step can be carried out in the coming days.

- ii) The submission of applications on the basis of art. 9ter (medical reasons) is still possible by ordinary channels.

→ If you are in this situation, do not hesitate to contact us.

- iii) The registration of asylum applications

is unfortunately **suspended** until further notice. It is therefore no longer possible to go to the Petit-Château or to the *Office des Etrangers'* asylum service at Bd. Pachéco.

→ **HOWEVER! If you wish to apply for asylum, do not hesitate to contact our office in order to already start preparing your application for the purpose of introducing it at the end of the confinement. The resumption of activities will result in a large number of requests to be processed and the sooner you introduce it, the least you will suffer from long response times. See contact info on page 1.**

Personal interviews at the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) are also suspended until further notice.

However, new decisions may be taken by the CGRS regarding personal interviews during the confinement, in which case you will be notified of any changes. We would also like to reassure you that it is still possible to lodge an appeal against a decision to refuse international or subsidiary protection before the 'Conseil du Contentieux des Etrangers' (Council for Aliens Law Litigation).

→ **Do not hesitate to contact us if you find yourself in this situation and an appeal has to be lodged.**

! Please note that the time limits for appeals vary between 5 and 30 days depending on your administrative situation: although the submission of applications is suspended, the time limits for appeal remain the same.

→ **If you have any question, whether you are a recognized refugee or stateless person, or whether you have submitted an application for international protection, please email us so that we can contact the Office des Etrangers or the CGRS. See contact info on page 1.**

2. THE REGIONS: SINGLE PERMIT AND PROFESSIONAL CARD APPLICATIONS

With regard to single permits and business cards: **we can still introduce new files** by sending recorded delivery letter addressed directly to the competent Region.

→ **Please do not hesitate to contact us if you wish to submit such a request. See contact info on page 1.**

3. EMBASSIES: SHORT AND LONG-STAY VISA APPLICATIONS

Since the embassies and consulates as well as some contact centers (Visa Application Center, TLS / VFS Contact) are closed, **it is no longer possible to submit visa applications.**

Furthermore, it is no longer possible to request the legalization of certain documents required for visa applications.

→ **However, if you plan to apply for a visa for yourself or one of your relatives, do not hesitate to contact our office in order to already start preparing your application and receive the list of documents in order to apply for a visa directly at the end of the confinement. The resumption of activities will result in a large number of requests to be processed and the sooner you introduce it, the least you will suffer from long response times. See contact info on page 1.**

4. COMMUNAL AUTHORITIES

Communal authorities organize themselves at their discretion, according to their services and their means, both material and personal. It is therefore **not uniform** in Belgium.

We have therefore contacted the 19 Brussels communes as well as the main Walloon communes, namely Charleroi, Namur, Liège and Mons; in order to provide you with clear information on what is possible to do during the lockdown.

As far as the communes not listed in this table are concerned, **we can help you**, our firm will of course make sure to contact the commune concerned in order to find out about the procedure to be followed before submitting your file. **See contact info on page 1.**

The information we collected is presented below, you can also find it summarized in a table in the appendix.

i) Submission of applications for family reunification

Concerning people arriving in the territory and applying for family reunification, **it is always possible for most communes to apply via email stating the case and/or the emergency**, with documents you already have at your disposal as annex.

If necessary, an appointment will then be arranged and will allow you to go to the commune in order to carry out the procedures and issue the Annex 19ter.

→ **Do not hesitate to contact us if you wish to submit an application for family reunification so that we can help you prepare your file as usual and we would carry out the additional and complementary step of contacting the competent communal service, if necessary by justifying the urgency of your situation, in particular due to the Covid-19.**

If your situation is not urgent, we can always prepare and/or submit the request which will *a priori* be processed after confinement – although it is not excluded that it will be handled even during confinement depending on the workload of the administration concerned.

See contact info on page 1.

ii) Submission of applications for long-term resident status, unlimited stay...

In as much as you are currently residing in Belgium, such a request is *a priori* not urgent.

However, as for the first applications for family reunification, we may always start to prepare the file in order to either introduce it during the confinement by email – even if it is processed afterwards – or to be ready to be introduced after the confinement.

Some communes also **accept** that we send them the file by email and then they send us the annex 16 attesting to the submission of this application by email.

→ **Please do not hesitate to contact us if you would like to lodge such a request so that we can see together the most appropriate approach according to your current situation. See contact info on page 1.**

iii) Declarations of marriage and legal cohabitation

The communes **suspend** applications for marriage and legal cohabitation until the end of the confinement, **unless** we can justify an **emergency**, especially a financial one (for example, you buy a property and you need proof of legal cohabitation to do so).

→ **We can help you prepare your marriage or legal cohabitation file and, if necessary, treat it as an emergency that would justify the submission of your application despite the confinement. Please do not hesitate to contact us in this regard. See contact info on page 1.**

iv) Nationality applications

Since it is not an urgent request and because the opinion of the King's Prosecutor is required in the majority of cases, applications for nationality are suspended. The Public Prosecutor's Office has asked communes to no longer accept applications for nationality during the containment period because the reduced services of the Public Prosecutor's Office do not allow them to properly process applications.

→ **However, as with other procedures, we can still help you prepare your nationality application even if you would only submit it after the confinement. Moreover, since the majority of communes are still teleworking, we may also send the request by email now and justifying an emergency so that they put your file on priority at the end of containment. So do not hesitate to contact us as well. The resumption of activities will result in a large number of requests to be processed and the sooner you introduce it, the least you will suffer from long response times. See contact info on page 1.**

v) Humanitarian applications for regularization:

Furthermore, we remind you that applications on the basis of **article 9bis** (humanitarian reasons) **can still be submitted** since they are sent by registered mail to the communes by the lawyer himself.

→ Do not hesitate to contact us if you wish to submit such an application. See contact info on page 1.

B. PROCESSING OF ONGOING CASES

SUMMARY TABLE FOR THE FOLLOW-UP OF REQUESTS

	Immigration office	Regions	Communal administrations	Embassies
Extension of stay	YES			
Visas	YES			NO
Single permit		YES		
Professional card		YES		
Submitted applications	YES	YES	YES	YES

1. THE IMMIGRATION OFFICE (OFFICE DES ETRANGERS)

The Immigration Office **continues to work** on the files already introduced and the follow-up is done by email (as usual, and nothing changes).

i) Concerning visas

Here is the information on the Immigration Office's website:

"On a proposal from the European Commission, the Heads of State and Government decided to **temporarily close the external borders to third country nationals making non-essential journeys.**

This means that, for the time being and until further notice, **Belgian embassies and consulates no longer accept any visa applications and will no longer issue visas**, except in exceptional cases (essential travel). In most countries, the Visa Application Centres are also closed.

Visa application already in progress : the examination of visa applications already submitted continues. However, in the event of a positive decision, the visa will not be issued immediately unless the applicant has an essential function or need.

If the visa was requested for a short stay, the visa may be issued after the situation has normalized, provided that the applicant still meets the entry conditions.

Finally, people with a valid visa are strongly advised to postpone any non-essential travel and to travel when the situation is normalized.

If the period of validity of the visa issued for the postponed journey is insufficient to cover the duration of the new journey, a new visa may be requested on presentation of the following documents:

- visa application form indicating the new dates of travel,
- proof of payment of the handling fee,
- copy of the travel document with the visa issued for the postponed trip,
- proof of the new travel arrangements (e.g., new date set for the conference or professional meeting, new invitation, etc.), and
- travel health insurance covering the duration of the proposed new trip”.

As evidenced by this information, as countries impose severe travel restrictions and embassies and consulates as well as some Visa Application Centres are currently closed, obtaining a visa in order to travel now may be difficult.

→ If you have submitted a visa application and are currently awaiting a reply, please do not hesitate to email us so that we can contact either the relevant embassy or Immigration Office and check the status of your application as well as whether usual processing times will be respected.

- ii) Concerning applications for stay permits (9bis, 9ter, family reunification, long-term resident, unlimited residence, single permit; renewal of residence...)***

The Immigration Office **continues to work by telecommuting**. It is therefore very difficult (if not impossible) to reach them by telephone. Follow-up is done exclusively by e-mail.

However, the Immigration Office **continues to respect the deadlines imposed by the law** in certain procedures (9 months for family reunification art. 10, 6 months for family reunification art. 40, 5 months for long-term residents...).

Over the last 3 weeks, we have received positive responses in various types of cases: humanitarian regularisation (9bis), applications for family reunification submitted to communes or embassies, applications for extensions of residence permits, issue of single permits, etc.

2. THE REGIONS

With regard to single licenses and business cards: **the follow-up of the files continues** and communication is done by email.

Similarly, follow-up with the Region continues relatively efficiently by email and decisions continue to be taken.

→ We therefore continue to follow-up your file and keep you informed.

3. THE COMMUNAL ADMINISTRATIONS

They **continue to process applications already submitted** and communicate by email only. **Only urgent appointments are maintained** (the urgency being left to the discretion of the commune).

i. Decision on applications for family reunification

If the Immigration Office communicates a decision to the commune, the latter shall summon the person concerned for notification.

If no decision has been taken within six months for an application based on articles 40bis and following of the law of 15/12/80 (family reunification with a Belgian or EU citizen), the law obliges the commune to issue a residence permit.

→ **Please contact us if the commune did not notify you a decision in the legal deadlines. See contact info on page 1.**

ii. Submission of applications for long-term resident status, unlimited stay...

If the Immigration Office communicates a decision to the commune, the latter shall summon the person concerned for notification.

In the absence of a decision within five months on an application for the acquisition of long-term resident status (D card), the law obliges the commune to issue the residence permit.

→ **Do not hesitate to contact us if the commune has not notified you of a decision within the legal deadline. See contact info on page 1.**

iii. Declarations of marriage and legal cohabitation, and recognition of paternity

The law provides for strict time limits to enable the Civil Registrar to check, on the one hand, that the file is complete and that the documents are authentic before taking note of the declaration (one month) and, on the other hand, that the purpose of the declaration is not only to procure/obtain an advantage in terms of residence (a period of two months, which may be extended once for three months to carry out further investigations).

In total, the deadline is of maximum 6 months.

These time limits must always be respected, despite the containment measures.

→ Do not hesitate to contact us if the commune has not notified you of a decision within the legal deadline. See contact info on page 1.

iv. Applications for Belgian nationality

The applications already made before the containment are still **pending**. If the Public Prosecutor gives an opinion, the latter is notified by registered mail to the applicant's home address.

In the absence of a decision **within four months**, the law forces the commune to register *ex officio* the declaration of nationality.

→ Do not hesitate to contact us if the commune has not notified you of a decision within the legal deadline. See contact info on page 1.

v. Requests for humanitarian regularization:

Files are still handled. If the Immigration Office communicates a decision to the commune, the commune will summon the person concerned for notification.

→ Do not hesitate to contact the commune if you did not receive any notification. See contact info on page 1.

4. EMBASSIES

continue to process applications already submitted and communicate by email only (see also above and below).

CONCERNING THE CURRENT FUNCTIONING OF OUR FIRM

We wish to reassure you regarding the proper functioning of our services during the containment period. Even though we strictly comply with the containment measures imposed by the government for your safety and that of our employees, we continue to work actively and with the same effort on the cases entrusted to us.

Appointments are always possible and are arranged by Skype or telephone. In order to make an appointment, please subscribe to our [website](#) or send us an email to secretariat@avocat-halabi.com.

You can also send us your files and documents in accordance with the procedure explained in this email.

These measures are taken solely for your safety but also out of solidarity.

Indeed, if we all respect the rules imposed by the government during the next three weeks, we will be able to make the virus regress, protect the most vulnerable and the most exposed, and overcome this pandemic together to resume a normal life. Each and every one of us has a critical role to play in fighting the virus or preventing its spread.

A. REGARDING APPOINTMENTS:

Appointments will be scheduled solely by Skype or telephone. Each appointment costs €100 (it is the same price as for our usual face-to-face appointments taking place in our office).

If you wish to arrange a meeting by phone or Skype, you can do so in two ways:

- i) either directly via the website www.avocat-halabi.com by clicking on the "make an appointment by phone" tab or by following this link <https://www.avocat-halabi.com/fr/rdv-skype/>.

You will then be able to choose your time slot according to the available slots (20 minutes) and pay directly via stripe. You will then receive an email confirming your appointment.

- ii) or by sending us an e-mail to secretariat@avocat-halabi.com with your surname, first names, telephone number and the day and time of you wish to arrange the meeting.

You will then be asked to pay the amount of €100 to our bank account BE 65 6300 247 969 96 and to send us the proof of payment on this same account within 24 hours so that the appointment can be definitively confirmed.

B. CONCERNING THE SUBMISSION OF DOCUMENTS

If you wish to start a procedure or to complete your file, you can send us your documents either by ordinary mail to the firm's address (Rue Veydt 28, 1060 St-Gilles) or by e-mail in pdf format to eh@avocat-halabi.com.

In the latter case and in order to be efficient, we ask you to scan all your documents on both sides, with legalization and translation if necessary, preferably in a single PDF file. Documents photographed with a smartphone and/or in jpeg format will not allow us to work efficiently.

C. CONCERNING THE PAYMENT OF FEES FOR FILES AND CONSULTATIONS:

The payment of the fees required to initiate the process can be done in 2 ways:

- I. Either directly on our website if you schedule an appointment this way.
- II. Or on our bank account: BE 65 6300 247 969 96 if you make an appointment by email. If you choose this method, please send an e-mail to eh@avocat-halabi.com to inform us of the payment of the fees and the sending of the documents.

Process will be introduced in a timely manner, in accordance with the firm's policy, and we will of course keep you informed of their introduction and send you a copy.

D. IN CONCLUSION

We make every effort to ensure that the processing of your files is not affected by actions taken at the federal level for the benefit of all and to protect your health and safety.

To do this, we cooperate very closely with administrations. Since the latter are subject to the principle of continuity of public services, officers are working to the best of their ability to continue serving the interests of citizens, especially those who find themselves in emergency situations that do not allow them to wait for the end of containment.

We would also like to remind you that for those who cannot justify an emergency to submit a request during containment ultimately leading to a decision, it is always preferable to begin preparing, or even submitting, a file as soon as possible. This is because at the end of the containment period, it is likely that most administrative services, as well as our firm, will have to assume a greater workload than usual and could be slowed down.

We remain at your entire disposal and thank you for your understanding.

Take care of yourself and your loved ones.

Emmanuelle Halabi

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A V O C A T