

# VULNERABILITIES

## CONTEXT

Fedasil introduces new categories of vulnerability into the Belgian AVRR programme.

The **vulnerability criteria** have been carefully defined with the aim of being transparent, clear and objectively observable for frontline workers. Fedasil proposes the following list of vulnerabilities and categories of special needs, as part of the inter-institutional project "**Vulnerability detection and referral**". This project aims to establish a structured and harmonised approach to vulnerability detection and referral, based on compliance with legislation, operational clarity and inter-institutional cooperation, in accordance with the Belgian law and the new provisions of the European Pact on Migration and Asylum. It is carried out with the technical support from external experts of the European Asylum Agency (EUAA) seconded to Fedasil.

The vulnerability criteria are in line with the European and international definitions, such as the European Pact on Migration (in force as of June 2026); or directive 2008/115/EC on return (Article 3(9)) and directive 2024/1346 on reception conditions, which serves as a guideline for the EUAA in terms of vulnerability within the framework of the Pact on Migration.

### A. Non-medical vulnerabilities

1	<b>Pregnant women</b>	<p>Pregnancy is the period during which a foetus develops in a woman's uterus, from the time a fertilised egg is implanted to delivery or termination of the pregnancy.</p> <p><i>World Health Organization (WHO), Pregnancy, Childbirth, Postpartum and Newborn Care: A Guide for Essential Practice, (3rd ed.), Genève, 2015.</i></p>
		<p><b>Burden of proof:</b> medical certificate</p>
2	<b>Older persons (65+)</b>	<p>Older persons are those aged 65 and over.</p> <p><i>United Nations Principles for Older Persons (1991), Political Declaration, Article 2.</i></p>
		<p><b>Burden of proof:</b> Extract from the waiting register / Appendix 26 / Identity documents</p>

3	<p style="text-align: center;"><b>Unaccompanied minors *ex (UAM)</b></p>	<p>An unaccompanied foreign minor (UAM) is a person who :</p> <ul style="list-style-type: none"> <li>• is under the age of eighteen,</li> <li>• is not accompanied by a person exercising parental authority or guardianship (in accordance with Article 35 of the Act of 16 July 2004 on the Code of Private International Law),</li> <li>• is a national of a country that is not a member of the European Economic Area,</li> <li>• and is in one of the following situations: <ul style="list-style-type: none"> <li>◦ either they have applied for recognition of refugee status;</li> <li>◦ or fail to satisfy the conditions of entry to the territory and residence laid down by the laws relating to entry, residence, establishment and removal of foreign nationals.</li> </ul> </li> </ul> <p><i>Act of 24 December 2002 - Programme Law (1), Article 479, Title XIII, Chapter VI: Guardianship of unaccompanied foreign minors, Article 5.</i></p> <p>For the category of former unaccompanied minors, young people aged under 21 are taken into consideration.</p>
		<p><b>Burden of proof:</b> Extract from the waiting register if the guardian is mentioned / Appendix 38</p>
		<p><b>Workflow</b></p> <ul style="list-style-type: none"> <li>• The 2026 grid applies to (EX-)UAM who register from 01/01/2026</li> <li>• (EX-)UAM Cat 1 &amp; 2: are entitled to the standard reintegration package + €1,000 extra for (EX-)UAM vulnerability, to which other vulnerabilities may be added.</li> <li>• (EX-)UAM Cat 3 are entitled to an additional €1,000 for "(EX-)UAM" vulnerability, to which other vulnerabilities may be added. The following are not eligible for the standard reintegration package.</li> <li>• Children travelling alone, i.e. from one parent in the host country to a parent in the home country, are not considered as UAM.</li> </ul>

4	<p style="text-align: center;"><b>Single parents with minor children or a dependant adult child</b></p>	<p>A single parent with a minor child or a dependent adult child is a person who has sole responsibility for one or more unmarried children. For the sole purpose of Reception, the term "parent" exceptionally includes another adult responsible for the beneficiary, including an adult brother or sister.</p> <p>The status of parent or "parenthood" is legally established by filiation, which may result from: birth; presumption within marriage; recognition; court decision; adoption. <i>Belgian Civil Code, Articles 312, 315, 325/2, 319, 322, 343, 344, 349/1, 353 and 356.</i></p> <p>A minor is any person of either sex who has not yet reached the age of eighteen. <i>Belgian Civil Code, Article 388, as amended by the Act of 19 January 1990, Article 1.</i></p> <p>An adult child should be considered dependent, on the basis of an individual assessment, only in circumstances where that child is unable to support him or herself due to a physical or mental condition linked to a serious non-temporary illness or severe disability. <i>Qualification Regulation (EU) 2024/1347 (Recital 17); Belgian Aliens Act, Article 10(1), 6°</i></p>
		<p><b>Burden of proof:</b> Extract from the waiting register (code 120) / Appendix 26/declarations</p> <p><b>Workflow: As a front-line social worker, how can I check whether this is a single-parent family?</b></p> <ul style="list-style-type: none"> <li>• The notion of nuclear family is interpreted in a broad sense: legal status, SP number and intention are all taken into account.</li> <li>• Check whether the couple will return together and whether the decision has been taken by mutual agreement.</li> <li>• Check the impact of the return on family life (intention). <ul style="list-style-type: none"> <li>◦ Is the person single in Belgium? If yes, single parent.</li> <li>◦ Is it a nuclear family (parents with children in Belgium and one single parent returning with the children to the home country)? If yes, single parent.</li> <li>◦ If, after returning to their home country, a single parent starts living with their partner again, this person is then considered to be a single parent.</li> </ul> </li> </ul>

5	<p style="text-align: center;"><b>VoT</b> <b>(Victims of human trafficking)</b></p>	<p>Trafficking in human beings involves recruiting, transporting, transferring, harbouring or receiving a person, or taking or transferring control over them:</p> <ol style="list-style-type: none"> <li>1. for the purpose of exploitation, prostitution or other forms of sexual abuse;</li> <li>2. in order to exploit begging;</li> <li>3. for the purposes of work or services, in conditions contrary to human dignity;</li> <li>4. for the purpose of exploitation through the removal of human organs or bodily material;</li> <li>5. to cause that person to commit an offence against their will;</li> <li>6. for the purposes of carrying out an illegal adoption;</li> <li>7. for the purpose of exploiting a forced marriage.</li> </ol> <p><i>New Belgian Penal Code, Book II, article 258 (entry into force 8 April 2026)</i></p> <p><b>The Belgian legal definition is used to categorise victims of human trafficking.</b></p>
		<p><b>Burden of proof:</b> front-line VoT screening form + in-depth IOM screening</p>
		<p><b>Workflow: How do I process a VoT file?</b></p> <ul style="list-style-type: none"> <li>• If VoT is suspected: The front-line social worker conducts an interview using the VoT screening form, which you can find <a href="#">here</a>.</li> <li>• When a signal is detected, the frontline worker forwards the file to the relevant reintegration partner. This partner then carries out more detailed screening to determine whether or not the person falls into the Fedasil VoT category and is therefore eligible for additional reintegration assistance of €1,000.</li> </ul>

### *B. Medical vulnerabilities*

#### **The current system is maintained**

1	<p style="text-align: center;"><b>Basic medical assistance</b></p>	<p>Possibility of granting basic medical assistance for mild medical conditions: €500 per person, or €490 via EURP. <b>(1)</b></p>
		<p><b>Burden of proof:</b> medical certificate</p>
2	<p style="text-align: center;"><b>AMAAR</b></p>	<p>Adapted Medical Assistance After Return; support for returnees with complex medical conditions. The medical service examines the care required, the medical services available in the home country and calculates the costs. Budget for medical treatment lasting a maximum of 6 months.</p>
		<p><b>Burden of proof:</b> Fedasil case file</p>

**(1)** Effective no later than August 1, 2026: “BASIC medical (€490 per person) + AMAAR (actual cost) – in kind”