# NON-RECEPTION POLICY Dashboard

















## Timeline





The reception crisis intensifies. In January, the Federal Agency for the Reception of Asylum Seekers, Fedasil, starts using an illegal waiting list for applicants for international protection. During the winter, even unaccompanied minors and families with children are sleeping rough. Fedasil and the Belgian state have been condemned thousands of times at the national and European levels for violating people's right to reception.



In October, the first applicants for international protection[1] (single men) are refused reception. Due to the lack of space, priority is given to vulnerable persons including families with children and unaccompanied minors.



Homeless applicants for international protection (mainly single men) seek accommodation in squats, which are quickly dismantled by the police. The Rue des Palais/Paleizenstraat squat becomes the symbol of these dynamics. The government seems to be normalising the reception crisis. In September, the Council of State suspends the authorities' instruction to stop housing male applicants for international protection, but the government completely ignores this ruling.

### **JANUARY**

The Brussels Court of Appeal authorises a group of civil society organisations to seize Fedasil's assets. The Agency has been violating the right to reception for years and has not paid the fines imposed. Asset seizure is the ultimate means of enforcing the right to reception[2]

### **SEPTEMBER**

The Committee of Ministers of the Council of Europe calls on Belgium to "significantly" and "sustainably" increase the capacity of the reception network, as it did in 2015, and to open emergency accommodation centres and/or provide financial support for applicants for international protection without accommodation [4]

### **DECEMBER**

The Council of State suspends the instruction issued by the Secretary of State for Asylum and Migration[6], Nicole de Moor, who since the end of November 2024 has refused to admit single men with protection status in another European Union Member State. Despite this suspension, Fedasil keeps refusing to offer shelter to these individuals: mainly Palestinians with protection status in Greece, where access to medical care, work and social assistance remains inadequate

### **IUNE**

Fedasil appeals against the January decision[3], but the Agency loses again in the courts. The Brussels Court of Appeal regards the asset seizure as a means of exerting pressure to guarantee resumption of Fedasil's services

### **NOVEMBER**

Humanitarian organisations based in Brussels sound the alarm about the structural lack of emergency accommodation forcing many people - including families with children - to live and sleep rough[5]: Fedasil can refuse to house this target group in certain cases, which is happening more and more often since the onset of the reception crisis; without additional support, these vulnerable people risk finding themselves in extreme situations just as winter approaches

At the monthly contact meeting on international protection organised by Myria[7], Fedasil reports that they had refused admission to 10,191 applicants for international protection (single men) in 2024. This represents an increase of 1,375 refusals compared to 2023. At the beginning of January, there were still 2,947 people on the waiting list to access the reception network, with an average waiting time of four months.

- [1] In this report, we use the terms "international protection" and "asylum" interchangeably.
  [2] Brussels Court of Appeal, 2024/QR/3: <a href="https://www.cire.be/download/254/tribunal-de-premiere-instance/31905/2024-06-11-cour-dappel-bruxelles-17e-chambre-affaires-civiles-arret.pdf">https://www.cire.be/download/254/tribunal-de-premiere-instance/31905/2024-06-11-cour-dappel-bruxelles-17e-chambre-affaires-civiles-arret.pdf</a>
  [4] Committee of Ministers of the Council of Europe (n° 49255/22), <a href="https://hudoc.exec.coe.int/eng#">https://hudoc.exec.coe.int/eng#</a>(%22execidentifier%22:[%22CM/Del/Dec(2024)1507/H46-06F%22]} [5] Doctors of the World in French: https://medecinsdumonde.be/actualites-wallscation-graphs-al-arrea-properties-page-graphs-al-arrea-page-graphs-al-

- publications/actualites/hebergement-durgence-meme-des-familles-avec-enfants-a-la-rue
- in Dutch: https://doktersvandewereld.be/nieuws-publicaties/overvolle-noodopvang-opnieuwslapen-tientallen-gezinnen-en-kinderen-op-straat [6] Council of State
- [6] Council of State in French: http://www.raadvst-consetat.be/?page=news&lang=fr&newsitem=859 in Dutch: http://www.raadvst-consetat.be/?page=news&lang=nl&newsitem=859 [7] Myria, Reunion de contact Protection internationale, in French: https://www.myria.be/fr/reunions-de-contact-protection-internationale

- in Dutch: https://www.myria.be/nl/contactvergaderingen-i

## Context



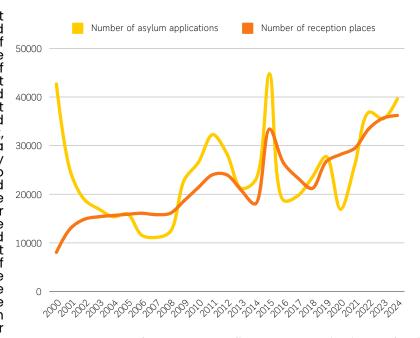
In this fourth edition of the Dashboard on the non-reception policy, we bring you a new update on the impact of the "reception crisis".

Since October 2021, Belgium has been violating the right to reception and the right to an effective remedy. In practice, no single male applicant for international protection is offered a place in a reception centre on the day he submits his application. After this illegal refusal of reception and – therefore – accommodation, affected individuals can join a waiting list. Several months later an invitation will follow, but in the meantime, these applicants for international protection are left homeless and receive virtually no support from the government.

Applicants for international protection can turn to humanitarian organisations to meet their basic needs. These NGOs and associations provide material and medical support as well as socio-legal advice; they also offer emergency accommodation, but these structures are usually fully occupied. As part of the *Brussels Deal*, the federal government is co-financing 2,000 places in the Brussels network of shelters for the homeless. However, homeless applicants for international protection have to wait before they are allocated to these places.

### PERSISTENT LACK OF RESPECT FOR THE JUDICIARY

In June 2023, the Court of First Instance found Fedasil and the Belgian State guilty of systematically violating the right to reception and of failing to enforce court rulings[8]. The court rejected the "force majeure" argument put forward by Fedasil and the Belgian State. As a result, Ağency must pay a financial penalty for each day that the right to accommodation is violated for an individual. However, the 'Vivaldi' government (October 2020-February 2025) chose not to pay any penalties and to systematically ignore court rulings. This is why a group of NGOs already involved in the court case mentioned above felt obliged to claim these penalty payments through the enforcement judge. After



a lengthy legal procedure, the Brussels Court of Appeal confirmed the principle of this asset seizure in June 2024. In the judge's view, Fedasil was not protected ad infinitum from assetr seizure in this case: the agency had not been carrying out its legal mission for years, and the judge therefore considered asset seizure to be the ultimate measure for forcing Fedasil to resume its mission and uphold the right to reception.

Despite this clear argument and 10,000 judgments against it by the Labour Court, Fedasil continues to systematically refuse accommodation to single men. Moreover, at the end of November 2024, former Secretary of State for Asylum and Migration Nicole de Moor decided to no longer accommodate applicants for international protection who had protected status in another Member that Countil of Cross applied to the sixty and the state of the countil of Cross and another decided to the sixty and the state of the countil of Cross and another decided to the state of the countil of Cross and another decided to the state of the cross and the cross appeal by civil society organisations, the Council of State suspended this decision on the grounds that it was illegal. The Secretary of State replied that the authorities would continue to refuse reception to this group on the basis of individual decisions; however, there is no legal basis for this refusal.

## CONCRETE SOLUTIONS ELUSIVE DESPITE THE HIGH NUMBER OF PEOPLE ON THE WAITING LIST

In 2024, the capacity of the Fedasil reception network increased by 562 places to a total of 36,205 at the end of December. At the same time, the number of applications for international protection rose considerably compared with the previous year (+11.4%, to 39,615). Despite this growth, the government persisted in its policy of refusing reception to male applicants for international protection. As a result, throughout last year, the number of people on the reception waiting list fluctuated between 2,000 and 4,000 each month.



The authorities worked on creative solutions such as emergency accommodation in youth hostels and hotels only for families with children. Single men applying for international protection were told that they could seek support from humanitarian organisations based in Brussels. The number of requests for help from this group remained high last year, which had a significant impact on the activities of these organisations and on the rest of the people they were supporting. This is why they sounded the alarm in November 2024: for more than half of the families seeking help, no emergency accommodation was available; that meant that a practical solution was rarely available for the men, and if they couldn't find somewhere to sleep, they ended up on the streets.

### BEHIND EVERY STATISTIC LIES A HUMAN STORY

In this Dashboard, we provide an overview of the services used by applicants for international protection (mostly single men). We follow the logic of the 2007 Reception Act[9], which determines the content of the material assistance that Belgium must provide to applicants for international protection. For each section, we indicate how many people have used a particular service and what assistance they have requested. In this way, we try to quantify as much as possible the impact of the "reception crisis".

Behind all these statistics lie individual stories. We must not forget that we are talking about people whose fundamental rights are being systematically violated.

The authors of the Dashboard continue to oppose the normalisation of the non-reception policy. We remain convinced that a solution to this "crisis" is within reach. All that is needed is the political courage to finally resolve this humanitarian crisis.



[9] 2007 Reception Act ("Loi accueil") in French: https://www.ejustice.just.fgov.be/cgi\_loi/article.pl?language=fr&lg\_txt=f&type=&sort=&numac\_search=&cn\_search=2007011252&caller=SUM&&view\_numac=2007011252f in Dutch: https://www.ejustice.just.fgov.be/cgi\_loi/article.pl?language=nl&lg\_txt=n&type=&sort=&numac\_search=&cn\_search=2007011252&caller=SUM&&view\_numac=2007011252fx

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## Reception Act 12/01/2007



The issues of homelessness and migration remain closely linked: at present, thousands of people are sleeping rough in Brussels, including applicants for international protection who find themselves excluded from the reception to which they are entitled.

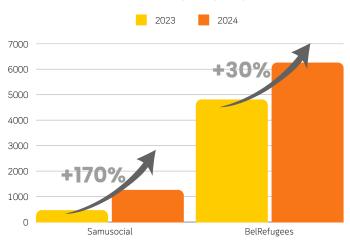
# .ACCOMMODATION, FOOD AND CLOTHING ...

reception to which they are entitled. For more than two years, the **Samusocial has been receiving a significant proportion of applicants for international protection** in its centres for homeless people. In 2024, that trend increased: a total of 1,263 men had to stay in social emergency centres after being informed of the lack of places in the Fedasil network, a figure **more than double that of the previous year** (467 men).

In June 2024, 17% of places intended for homeless men were occupied by applicants for international protection who had been refused a place in the reception network. Both that month and in July, the emergency accommodation centre for single men received a large influx of Palestinians, who would normally have been cared for by Fedasil. This diversity of populations also has an impact on the teams, who felt powerless to provide support to this group of people with very specific needs.

### FORCED TO SLEEP ROUGH OR IN SQUATS

From Sudan and Gaza to Afghanistan, Syria and Eritrea, **successive and ongoing humanitarian crises combined with the lack of places** in the Fedasil network have had a **major impact on the mental and physical health** of applicants for international protection who find themselves excluded from the reception network and therefore forced to find alternative accommodation (including in squats) or to remain on the streets.



In 2024, BelRefugees received average of 65% of applicants international protection in all its facilities. However, the waiting time to place in access a BelŘefugees' emergency structures varied between four and six weeks over the year, to receive accommodation for 28 days. The waiting time was therefore longer than the accommodation offered. Maintaining a rotation was vital to give as many people as possible access to moments respite οf and basic humanitarian necessities – hygiene, food, a bed and a roof over their heads – but the waiting list to access **BelRefugees** accommodation at fluctuated between 1,500 and 1,900 people in 2024. In addition, not being

able to refer people using these structures to second-line care, particularly for mental health, was observed to be detrimental to their well-being, and the teams felt powerless to deal with the growing needs.

### DENIAL OF ACCESS TO OTHER PRIMARY CARE SERVICES

**Refusal of accommodation translates into denial of other essential services**. For applicants for international protection housed in emergency shelters, minimum **access to meals** is organised directly in those facilities, but that is not the case for those who do not obtain accommodation (whether in the Fedasil network or in an emergency shelter). At the Humanitarian Hub, where two meal distributions a day are available free of any conditions, a survey carried out in July 2024 revealed that **71% of the people using the service were applicants for international protection**.

Access to clothing, also enshrined in the Reception Act, is not guaranteed for people who find themselves excluded from the federal reception network. Furthermore, no access to clothing is provided via emergency accommodation. This critical gap is once again being absorbed by the already saturated civil society network. The Humanitarian Hub's clothing distribution service, for example, has a distribution capacity of 240 people a week but is constantly under pressure from demand for all kinds of clothing and survival equipment for life on the streets (sleeping bags, rucksacks, thermal clothing). The July 2024 survey revealed that 77% of the people using this service were applicants for international protection.

The 'structuralisation' of homelessness as entry point for accessing accommodation from the Fedasil network and as a way out when refugee status is recognised (due to a lack of transitional or rental housing) only has harmful effects for individuals and for society. Urgent action is needed to solve the problem.

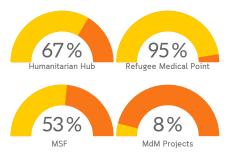
# ...MEDICAL, SOCIAL AND PSYCHOLOGICAL The policy translates into healthcare. The

The policy of non-reception also translates into a **lack of access to healthcare**. The Reception Act specifically provides for medical, social and psychological support for all applicants for

international protection – which is also a human right recognised by the international conventions to which Belgium is a signatory. However, for asylum seekers who are excluded from the reception network (mainly single men), access to this right is all too often only theoretical. The medical, social and psychological support provided for those accommodated in Fedasil centres is not easily available to them. They are entitled to have their medical expenses reimbursed by Fedasil via a specific procedure under which they can receive a document for care providers certifying that the Agency will reimburse the expenses (if the Agency agrees to cover the medical expenses requested). However, for people living on the streets, this procedure is complex and time-consuming, making it difficult to complete. As a result, they have to turn to humanitarian organisations for access to medical care. In 2024, the health services of the Humanitarian Hub, Doctors of the World (MdM), the Refugee Medical Point (RMP) and Médecins Sans Frontières (MSF) absorbed this demand and guaranteed access to care for these people in place of the institutions responsible for doing so.

### DEMAND SATURATION, IMPOSSIBLE TO MEET NEEDS

In 2024, applicants for international protection represented 62% of the patients seen by the Humanitarian Hub's health service, 94.8% at the RMP, 53% at Médecins Sans, Frontières and 8% in Médecins du Monde projects (this rate varies depending on the project[10]). Although the Refugee Medical Point was set up specifically to offer health consultations to people seeking international protection, in the other projects this group is added to all the other vulnerable groups in Brussels. As a result, it is materially impossible to meet existing needs: at the Humanitarian Hub, the medical service has capacity to absorb 67% of requests, and redirects to other services (which are just as saturated) all those who are unable to be seen by a doctor during the



day – 40% of whom, on average, are applicants for international protection redirected to the Refugee Medical Point. These services are so saturated that around 150 people per month have to be refused or put off until the following day for medical consultations.

The consequences of refusing reception to applicants for international protection are not just limited to lack of access to care: **poor living conditions and homelessness have** major physical and psychological repercussions, which subsequently contribute to the marginalisation and insecurity of the individuals excluded from the reception network. For those people who end up on the streets or in other precarious settings, the **main health issues are directly linked to their living conditions** and the lack of access to basic services (such as decent shelter): among the most recurrent diagnoses are problems with the digestive system (11%), a third of which are due to dental problems; problems with the osteoarticular system (13%) and dermatological conditions (12%), one diagnosis in four being scabies[11]. major physical and psychological repercussions, which subsequently contribute to the

In the health promotion activities organised by Médecins Sans Frontières in several locations including squats and other types of shelter, the same observations have been made: applicants for international protection who are excluded from the reception network often face difficulties obtaining information and resources to access basic 6 social services, and they are confronted with administrative, linguistic, financial and sthat basicant them from receiving the care they need. This often has serious other barriers that prevent them from receiving the care they need. This often has serious effects on people's health and well-being.

### ALARMING CONSEQUENCES FOR MENTAL HEALTH

For applicants for international protection who arrive in Belgium having left their country of origin for different reasons and with migration pathways that are usually challenging, the refusal of a dignified welcome contributes to a worsening state of mental health. Patients arrive at the mental health services of the Hub, the Refugee Medical Point, Médecins Sans Frontières and the various Doctors of the World projects with **depressive or anxiety disorders** (20% of mental health follow-ups in MdM projects) **or severe insomnia**, which often become more serious because of the living conditions in which people find themselves.

Primary and secondary mental health services, which are already overstretched, find themselves having to absorb a large number of applicants for international protection with various psychological disorders: at the **Humanitarian** Hub, 88% of the patients seen for mental health consultations are people seeking international protection (and the Hub service is only able to meet 60% of the demand); in the second-line services of Médecins du Monde, 14% of patients are seeking protection, with peaks of 30% at the end of the year; at the Refugee Medical Point, almost all the patients seen for mental health consultations. consultations are seeking international protection.

The lack of state provision therefore has a direct, negative impact on the overall health of applicants for international protection: not only do their health problems worsen due to a lack of access to care and their precarious living conditions, but these same conditions also lead to the appearance of new pathologies – and **this** can also have consequences on public health.

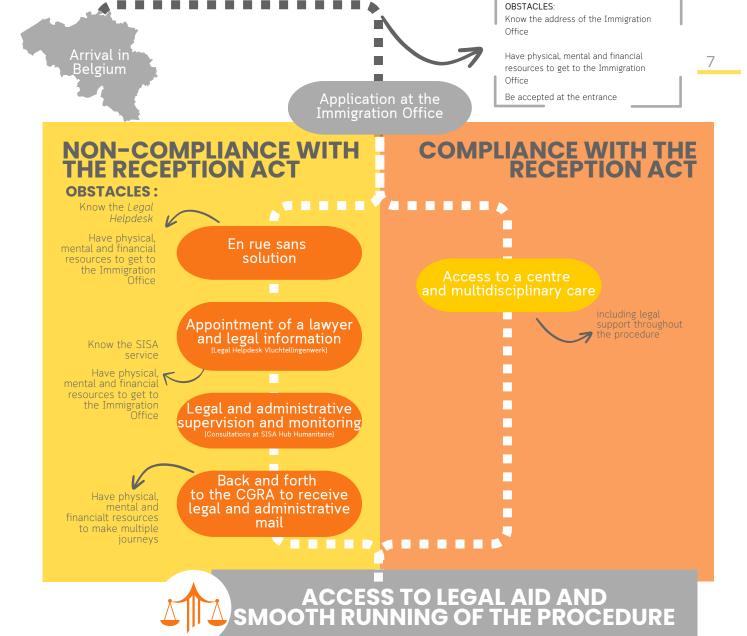


## ...IT ALSO INCLUDES ACCESS TO LEGAL AID ...

The lack of legal aid for applicants for international protection excluded from the reception network is another consequence of the policy of non-reception, even if effective access to first- and second-line legal aid is a fundamental right in the asylum procedure guaranteeing applicants the resources they need to pursue their

case. Asylum procedures nevertheless continue even in the absence of legal support, leaving applicants who have been refused reception to navigate the various stages of their application for international protection on their own, without clear information about their rights or the assistance of a lawyer.

Once again, it is civil society (associations and lawyers in particular) that is mobilising resources to make up as much as possible for the State's shortcomings and meet the need for legal support. In 2024, applicants for international protection accounted for 83% of the people received by the Humanitarian Hub's Social and Administrative Information Service (SISA). At the same time, since April 2022 the Legal Helpdesk teams at Vluchtelingenwerk Vlaanderen have received 10,172 unique visitors (mostly single men) seeking legal aid and a lawyer (the cumulative number of visits is probably several times higher, as one person may visit several times).



## WITHOUT A LAWYER, WITHOUT SUPPORT AND WITHOUT THE POSSIBILITY OF BEING INFORMED

Despite civil society's efforts, many applicants for international protection remain without legal support due to a lack of available places, access to information or the means to apply for services.

Without accommodation or legal aid, applicants for international protection who are experiencing homelessness and therefore face extreme living conditions have neither the mental availability nor the resources to actively follow their asylum procedure. In best case scenarios, they receive legal support from associations; in worst case scenarios, they remain without a lawyer, without support and without the possibility of being informed of the progress of their case.

This lack of assistance, or its fragmented nature, has direct consequences both for the progress of the asylum claimants' case and for their mental health.

Outside the established framework, procedures become more difficult to access, fragmented and delayed, which can compromise people's access to international protection.

# ... ACCESS TO SERVICES SUCH AS INTERPRETING AND TRAINING [AND ANY OTHER RIGHT INHERENT TO RECEPTION]

Beyond the impact on access to material aid already mentioned, **lack of access to a reception place compromises the entire support system** that is essential to the integration of applicants for international protection. Reception facilities for asylum seekers do more than simply offer accommodation: they provide a structured framework for access to basic services, guaranteeing administrative, social and medical support for those seeking asylum.



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In addition to socio-legal and medical support (addressed in the previous sections of this report), reception facilities also play a key role in professional and social integration, particularly through facilitated access to language courses, professional training, community activities and the possibility of registering with a local authority and thus gaining access to the job market. Apart from the reception facilities for asylum seekers, no decentralised service guarantees this support. Moreover, the "Brussels Deal" emergency accommodation places lack funding for language courses and resources for socio-professional integration. Without this support, the language barrier, lack of information and complexity of administrative procedures further complicate access to employment and economic stability for those seeking international protection.

### A FRAGMENTED ADMINISTRATIVE AND SOCIAL **ENVIRONMENT**

The absence of official registration in a reception centre disrupts access to services, leaving applicants for international protection on their own in a fragmented administrative and social environment. This situation, exacerbated by the **difficulty of accessing stable housing, increases their precariousness**, complicates their integration process and reinforces their vulnerability in a context already marked by uncertainty and lack of resources.

Moreover, the impact of the lack of access to the various pre-integration mechanisms such as training, community activities, access to the job market and fragmented social follow-up continues well beyond the duration of the asylum procedure: **even for those** who obtain international protection status at the end of their asylum procedure (and therefore a right of residence in Belgium), the various steps towards social and professional integration are delayed or even inaccessible.[12]

Integration procedures, such as finding one's own accommodation or a job, consequently rely solely on the people concerned, or even on the already saturated Brussels supports services for migrants. Indeed, without stable housing and a minimum knowledge of one of the national languages, it is very difficult to find housing and employment: applicants for international protection have limited access to the various regional schemes designed to facilitate their integration, such as BAPA (reception offices for new arrivals), BON (Brussels reception offices for civic integration) or CRI (regional integration centers).

At the end of their asylum procedure, people recognised as refugees or beneficiaries of subsidiary protection have **no choice but to turn to the public social welfare centres** (CPAS), most of which are already saturated, **or to unofficial networks** that risk further marginalising them.

## Conclusion



The non-reception policy is entering its fourth year. Despite the complexity of the situation, we remain convinced that solutions exist. For the time being, Belgium is not doing we remain convinced that solutions exist. For the time being, Belgium is not doing everything possible. This situation cannot be attributed to force majeure: 52 humanitarian organisations published a roadmap[13] to ways out of the reception "crisis" in September 2022, with recommendations that are still valid. The distribution plan and option not to allot compulsory places of registration[14] are only two of the many unused options to deal with the situation in the short term. Even the Committee of Ministers of the Council of Europe encourages Belgium to "significantly" and "sustainably" increase the capacity of the reception network, as it did in 2015, as well as to open emergency accommodation centres in the meantime, and to provide financial support to applicants for international protection who are refused access to the reception network.

### CONTINUED NORMALISATION OF THE NON-RECEPTION POLICY IS UNACCEPTABLE

The humanitarian organisations based in Brussels operate almost permanently in crisis mode and must constantly compensate for the shortcomings of the State. They must make inhuman choices on a daily basis due to the lack of reception places. This puts various target groups with different needs in competition for the same resources, e.g. a bed in a shelter. On a human level, the damage to people seeking international protection and their network is immense. Staying on the street has very negative impacts on the physical and mental health of individuals, and these effects in turn manifest themselves during the asylum procedure: going through its complex stages and presenting high-quality testimony for their case is particularly difficult for someone who has had to survive months without decent accommodation. months without decent accommodation.

In the long term, this non-reception policy has a considerable impact on people's ability to successfully complete their integration process. If a person receives a positive decision on their application for international protection while they are on the streets, it is still very difficult for them to escape from this situation of homelessness: the lack of a residential address prevents access to employment, social assistance, banking services, etc. The risk that people will disappear under the radar and end up in a precarious situation is high.

All this entails an incalculable shadow cost for society as a whole. The only way to avoid this is to put in place a sustainable reception policy that commits to building a strong reception network.

### "CRISIS RESPONSE MEASURES" **MUST BE SPECIFIED**

In the federal government agreement of 31 January 2025, the 'Arizona' coalition acknowledges that it is unacceptable that applicants for international protection are currently sleeping on the streets. Therefore, the authorities' ambition is to resolve this situation as quickly as possible through a set of "crisis response measures". At present, it is unclear what exactly this package entails, but we fear that the new government will exacerbate the situation instead of resolving it: authorities want to quickly enshrine the concept of "force majeure" in law, and use it to justify the current policy of non-reception. They also want to remove from the law the distribution plan for applicants for international protection. In addition, the Arizona coalition is considering refusing reception to more protection. In addition, the Arizona coalition is considering refusing reception to more groups, especially to people with protection status in another EU Member State. These measures are a move in the wrong direction: the only appropriate measure is to provide sufficient reception places or, in the meantime, an alternative form of support that genuinely guarantees human dignity.

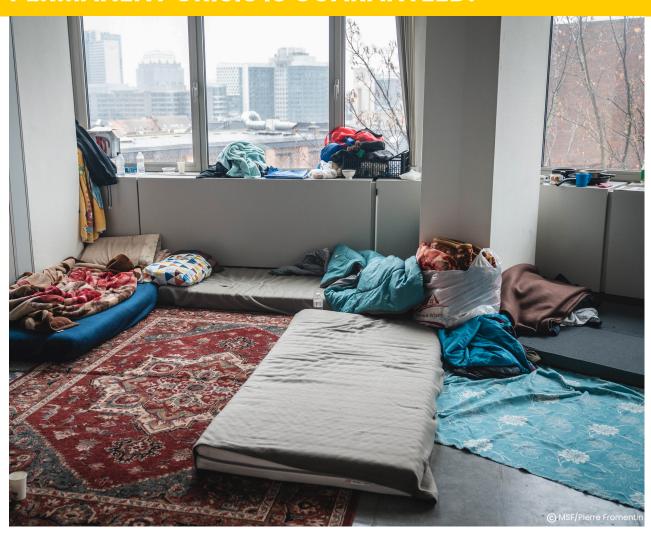
# AS LONG AS THE WAITING LIST FOR RECEPTION EXISTS, FEDASIL VIOLATES THE RIGHT TO RECEPTION AND THERE IS A RECEPTION "CRISIS"

The aim of the new government is to reduce the number of applicants for international protection and to refuse reception to a greater number of people, then to "gradually" and "significantly" reduce the number of reception places. In a logic of savings, this choice seems obvious. But in the long term, it is a counterproductive and costly measure. Indeed, the number of applications for international protection fluctuates systematically over time. This means that after the current peak period, there will be a low period, which will be followed by the next peak period. However, during these low periods it is essential to preserve the capacity of the reception network and to fully use the buffer capacity. Although the government claims to want to maintain these buffer spaces, it plans to save 63% of Fedasil's budget by 2029.

In 2017-2018, the government at the time made the mistake of closing 10,000 shelters. That decision made local governments and partners managing accommodation structures much less likely to open additional spaces. Moreover, emergency shelters are still more expensive and of lower quality than permanent shelters.

# IF THE ARIZONA COALITION PERSISTS IN ITS AMBITION TO "SIGNIFICANTLY" REDUCE THE CAPACITY OF THE RECEPTION NETWORK, A PERMANENT CRISIS IS GUARANTEED.

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