

INFOSHEET – ARREST OF UNDOCUMENTED PEOPLE

Warning: this infosheet does not cover situations of arrest in the event of a criminal offence.

Irregular residence is grounds for administrative arrest; A pending request for does not protect you from arrest.

FIRST REFLEXES

- Always carry with you
 - the name and number of your lawyer and a trusted person.
 - **your phone** with enough battery and credit to make a call if arrested. The police cannot force you to give your phone's passcode.
 - a copy of a document proving your identity, for example: emergency medical assistance card, copy of Annex 3 (acknowledgment of receipt of a regularization request), former Annex 26, etc...
- Make yourself known to a [specialized association](#) and keep their number with you.¹
- Remember your username and password of your email inbox. Make sure you can access your email inbox without needing your smartphone (=disable connection confirmation via smartphone).
- **Scan your documents** on your email inbox (residency applications, appeals, identity documents, medical documents, marriage or birth certificate if family in Belgium).

WHAT TO DO ON A DAILY BASIS?

- In public places, avoid attracting attention; avoid places with a heavy police presence.
- On public transport: always have a valid bus/train ticket. If you are a passenger in a vehicle, make sure the driver complies with traffic laws regulations (insurance, etc.).
- You can request urgent medical assistance (AMU) from the CPAS: the information given to the CPAS is confidential.
- If you are a victim of violence and are afraid to file a complaint, seek advice from an [association](#).

WHAT TO DO IF ARRESTED BY THE POLICE?

- Warn a trusted person immediately and notify your lawyer. The quickest and most effective way: send a voicenote.
- Do not sign any papers that you do not understand, or with which you do not agree. If the police insist, write: "I do not understand".
- Speak only the language you are fluent in. Otherwise, request the assistance of an interpreter.
- You have the right to remain silent, but it is not always in your best interest.
- Let them know if you have any medical problems or close family members in Belgium.
- You are entitled to medical assistance if needed.

¹For a list of specialist associations, see: <https://picum.org/wp-content/uploads/2025/06/Practical-information-for-undocumented-migrants-in-Belgium-2025.pdf>, p. 4.

- Some of your belongings may be confiscated during your detention (including phone, belt, jewelry, dangerous objects...), and a body search is likely. Carefully review the inventory listing the confiscated items and note if anything is missing. Your belongings should be returned to you upon your release.
- The police can keep you at the police station for a maximum of 24 hours.
- The police must call the Immigration Office during this time period to find out if you should be transferred to a closed center or released. Most of the time, an order to leave the territory (OQT) is issued, sometimes with an entry ban.

WHAT TO DO IF YOU ARE TAKEN TO A CLOSED CENTER?

- Contact a lawyer quickly; the time limits for appeals in detention are very short.
- You are entitled to a lawyer free of charge (pro bono). These lawyers are independent of the Immigration Office.
- Your smartphone will be confiscated; you will receive/have to buy a basic phone without a camera and a new SIM card with a new number.
- The Move Coalition organizes weekly visits to all closed detention centers to provide socio-legal support to detainees. Contact info@movecoalition.be to signal your presence and request support.²

WHAT TO DO IF THE POLICE SHOW UP AT HOME?

- Except in cases of flagrant offense or emergency calls, the police cannot enter your home without a warrant from a judge. You have the right not to open the door.
- If the police want to enter your home, they must inform you of the reason for the visit and have you sign a document. Do not sign this document if you wish to refuse the police entry to your home.
- If you sign to allow the police to enter your home, they can then enter, arrest you, and search your belongings for your identity documents..
- If possible, inform your trusted neighbours/housemates about your situation. They can tell you if the police show up and testify in case of an abusive check..

WHAT TO DO IF YOU ARE SUMMONED TO THE POLICE STATION?

- Prepare for the appointment with your lawyer or a specialized association.
- If you are summoned as part of an investigation related to an application for legal cohabitation, marriage, or recognition of a child: you risk being detained by the police for a few hours, the time needed for the Immigration Office to draw up an OQT.
- Do not go alone and arrange for someone to look after your children, as detention at the police station can last several hours.

²Visiting days (in principle): Merksplas and Caricole on Tuesday, Bruges and Holsbeek on Wednesday, Vottem on Thursday, 127bis on Friday.

WHAT TO DO IF YOU ARE SUMMONED TO THE IMMIGRANTS' OFFICE?

At ICAM's service?

- Currently, you are not at risk of arrest during an ICAM appointment.
- If you miss an ICAM appointment without providing a valid reason, your ICAM case will be closed and you will be at greater risk of arrest. If you are in the Dublin procedure, you will be considered absconding, which will extend the time from 6 to 18 months (3 years if you submitted your asylum application after June 12, 2026) before Belgium becomes responsible for your asylum application.
- At the end of the ICAM “Dublin” journey, you may receive a summons from the “OQT Follow-up” service which explicitly mentions detention for the purpose of transfer to the Dublin country; if you go to this appointment, you risk being arrested and placed in a closed center.

During your asylum/Dublin procedure?

- There is a risk of arrest at the Immigration Office when handing over Annex 26quater or even before, with a view to your "Dublin" transfer to another European country.
- This can also happen following the submission of a subsequent asylum application (second or more applications). Currently, these are quite rare cases.

In all cases: Seek advice from a specialist service or your lawyer before going.

WHAT TO DO IF YOU ARE RELEASED AFTER ARREST BY THE POLICE?

- Notify your loved ones immediately.
- If you have received an OQT with or without an entry ban, contact a lawyer immediately.
- If you believe your arrest was problematic, document it. Note down the details describing the police check and arrest (time and place, police officer's badge number, reasons given for the arrest, search, questions asked, conditions of detention, etc.). If you have been subjected to violence, have it documented by a doctor as soon as possible.

CONCLUSION

Find out more about your situation from a [specialized service](#).
Every situation is unique: do not compare your situation to that of others.
Don't listen to the rumors.
Warning: legislation and practices change rapidly
This information sheet will be updated regularly.(Last updated: April 2026)

For any questions : info@movecoalition.be.