

What happens when a negative decision is made?

The embassy or consulate in your home country will inform you of the DVZ's decision. If the decision is negative, you can appeal to the Belgian "Raad voor Vreemdelingenbetwistingen/ Conseil du Contentieux des Etrangers (RvV/CCE)". It is important to note that you only have 30 days from the moment you have received the reply from the OE/DVZ to do this. We advise you to take a solicitor, because the "RvV/CCE" procedure is highly technical and quite complicated to start up from your home country. The processing of this appeal may again take a few months.

Immediately after the negative decision, you can also send a fax to the visa department at the OE/DVZ, with new or additional elements, with the hope of still receiving a positive decision. In addition to sending a fax, we also strongly advise you to send a registered letter with the same documents to confirm the fax. You can ask someone in Belgium to contact the OE/DVZ for you, but the OE/DVZ will usually only provide information to the visa applicant himself/herself or to the person who has made the pledge of financial support, if the refusal has anything to do with this pledge. The OE/DVZ may reassess a negative decision based on additional elements, but it is not judicially enforceable. Still, you can submit a completely new application to the embassy or consulate in your home country at any given time.

Cost

The maximum price for processing an application for a medical visa (short stay visa) is € 60 (2010). If you cancel your application or if the visa is refused, this amount is not reimbursed. In addition to the processing fee, the cost of a medical consultation may be added, if this is required by the embassy. This cost varies from one country to another.

Remark

The fact that you apply for a medical visa for tourist purposes or vice versa may result in an immediate refusal or, if you had previously received a visa, this may result in a negative decision concerning your next application.

Useful Addresses

- **Office des étrangers (OE) / Dienst Vreemdelingenzaken (DVZ) (Alien Affairs Department) – Visa Department**
(Chaussée d'Anvers) 59B (Antwerpsesteenweg)
1000 Brussels
Tel. 02/ 206.15.99 (from 9 - 12 am and from 2 - 4 :30 pm)
E-mail : helpdesk.dvzoe@dofi.fgov.be
www.dofi.fgov.be
- **Conseil du Contentieux des Etrangers (CCE) / Raad voor Vreemdelingenbetwistingen (RvV)**
(Rue) Gaucheret(straat) 92-94, 1030 Brussels
www.cce-rvv.be
- **Service Public Fédéral des affaires étrangères/ Federale Overheidsdienst Buitenlandse Zaken**
www.diplomatie.be

The following pamphlets are available in French, Dutch, English, Spanish, Russian, Portuguese, Mandarin... You can also download them for free at our website.

- Medimmigrant - Presentation
- Urgent Medical Care for people without legal stay
- Pregnancy, childbirth and postnatal care for women without legal stay
- Health insurance for people without legal stay or with a temporary stay
- (Short) Authorization of residence for medical reasons
- Mental health care for people without legal stay
- Visa for medical reasons + pledge of financial support
- What to do in case of a workplace accident if you were employed unofficially?
- Medical support when returning

Visa for Medical Reasons

And pledge of financial support




Medimmigrant

Telephonic permanence:

Mo: 10 am – 1 pm

Tue: 14 pm – 18 pm

Fri: 10 am – 1 pm

Tel. 02/ 274.14.33/34 • Fax 02/ 274.14.48

E-mail: info@medimmigrant.be

www.medimmigrant.be

Post address:

164, (rue) Gaucheret(straat) • 1030 Brussels

Fortis: 001-2389649-33



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Commission



R.E.: asbl Medimmigrant,
164 rue Gaucheret, 1030 Bruxelles

What is a medical visa?

Imagine that you have a serious illness, which cannot be treated in the country where you are legally residing but you know that the illness can be treated in another country, for example in Belgium. If you have sufficient means to pay for this medical treatment in Belgium, or if you have a friend or relative who is willing to do so for you, then you can apply for a medical visa from the Belgian embassy or consulate in your country. You will then have to submit a number of documents (see below).

Procedure

Any visa application must be submitted in the home country, to the embassy or consulate of the country where you wish to receive medical care. If there is no embassy or consulate of the destination country in your home country, then you must apply to the embassy or consulate of the partner country to the Schengen treaty that represents your destination country. For Belgium, this is usually the embassy of the Netherlands.

The investigation done by the embassy in your country of origin may take a few days to one month. The length of waiting time can depend on a few factors: such as whether your application is complete and on the pace of work at the diplomatic mission where you have submitted your application.

Subsequently, your file is sent to the Alien Affairs Department /Dienst Vreemdelingenzaken (DVZ) in Belgium. Normally, the OE/DVZ will make a decision within three months, but it can decide quicker if you have a serious illness. Once the embassy has sent your file to the OE/DVZ, you can verify the status of your file on the OE/DVZ website (received, under consideration or concluded).

The embassy or consulate in your home country where you submitted your application will inform you of the decision. The visa will have the same appearance as a tourist visa. It may have the additional note "for medical reasons" below the visa, but this is not always the case.

Documents required for your application

A medical certificate stating that treatment is not possible in your home country

The embassy in your home country will appoint a doctor who will examine you. This doctor will determine if s/he will administer such a certificate. If you already have a certificate stating that treatment is not possible, administered by your doctor of choice, the embassy may accept this document as proof. Yet this may not always be the case. The DVZ may approve the application if it is demonstrated that no treatment is possible in your home country and if all other necessary documents have been submitted with your application. If, however, treatment is possible in your home country, but for example more expensive than in Belgium, the DVZ will not usually decide in your favour.

An appointment in your name with a doctor in Belgium

Considering that the processing of your application can take up to one month by the embassy and normally three months by the OE/DVZ, it is advisable to make an appointment for consultation or hospitalisation at the hospital, approximately four months from the date of your application. Ask the hospital for a confirmation of this appointment, which should contain the following details: the date of your appointment, your personal details, type of treatment, and name and telephone number of the doctor. It is not necessary to submit a statement of any future medical treatment.

Evidence that you or someone on your behalf is able to pay for your stay and medical care in Belgium

Any of the following documents may be accepted as evidence:

- Proof of employment in your home country (employment contract)
- Proof of income (three recent pay slips)
- Proof of financial solvency on the basis of bank statements for a period of one year
- Pledge of financial support (see insert)

Should the hospital ask for advance payment, the OE/DVZ may ask you to include proof of payment in the file.

The OE/DVZ may authorize a friend or relative to accompany you to Belgium. All details of the accompanying person should be mentioned in the file

and the person in question must equally prove that s/he has the means to pay for his/her stay, any possible medical costs and his/her return ticket, or s/he must hold a valid pledge of financial support.

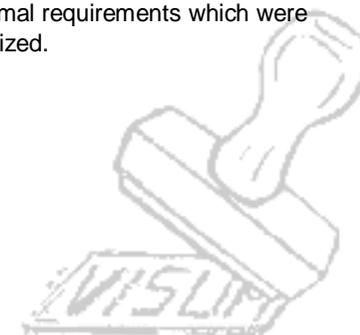
A copy of the plane ticket

In principle a return flight is required (only for people travelling by plane).

What happens when a positive decision is made?

If the OE/DVZ makes a positive decision, you may receive a Type C visa for a limited duration (for example 2 weeks) or for a maximum of three months. Once you have your visa, you are legally entitled to reside on the territory of your destination country. You are responsible for all your needs, such as housing, cost of living and medical care, with or without the help of the person who made the pledge of financial support. Once your visa has expired (max. three months), you must leave Belgium. If treatment has not been completed, you may try to obtain a postponement of your departure or an extension of your stay for medical reasons (see leaflet "(Short) Authorization of residence for medical reasons").

Note though that even when you are granted this extension, you will remain responsible for all medical costs, the costs of your stay and your return. When you have returned to your home country and if you need medical treatment again, you will have to apply again at the embassy or consulate in your home country. If you had previously obtained a three-month visa, the OE/DVZ may only give permission for a new visa after a period of three months between the date of your return to your home country and your next application. In extremely exceptional circumstances, the DVZ may deviate from this policy. The new application must again satisfy all formal requirements which were previously summarized.



What is a pledge of financial support¹?

A pledge of financial support or Annex 3 bis is an official document in which a Belgian national or foreigner with a Belgian unlimited duration residence permit declares that s/he will pay all costs related to medical treatment, residence and possible repatriation of a foreigner who wishes to travel to and reside in Belgium for a short or somewhat longer period of time.

Who is required to submit a pledge of financial support?

- Travellers who are required to have a visa as well as those who are not required to have one may be asked to submit a pledge of financial support. It is possible that a person who is not required to have a visa may be asked at the border to present proof such a pledge of proof of financial solvency.
- Any person who, during the visa application, is able to submit proof of financial solvency in order to pay for all costs, both for the duration of the intended stay and for the return to his home country or for travel to a third country, is not required to submit any such pledge.
- EU citizens are not required to submit a pledge of financial support.

Procedure

- The document is available from city hall but the price may vary greatly from one commune to another, but is rarely above € 40 (2010). The person making the pledge should complete and sign it and have his/her signature authenticated (= to have the signature on the pledge compared to the signature on his residence document).
- S/he should send this document to the person applying for a visa, together with any other documentation to prove his/her financial solvency (e.g. three recent pay slips, bank statements, tax certificate, etc.). For privacy purposes, s/he may also send these documents directly to the embassy where the application will be made. The OE/DVZ or the embassy will consider each case separately to verify whether the person making the pledge is sufficiently financially solvent².
- It is possible for more than one person to sign a pledge of financial support but from a legal point of view, they may each be held responsible for the entire amount.

¹ This leaflet refers to a pledge within the framework of a short stay. In the event of a student visa, different rules apply.

² For persons who do not require a visa, different rules apply.

- The foreigner must submit the pledge of financial support to the Belgian consulate in his/her home country within six months from the date of authentication of the signature.

Consequences of a pledge of financial support

If you sign a pledge of financial support, you are responsible, together with the person for whom you sign the pledge, in regards to the costs of medical care, living and repatriation of this person. Anyone who makes a pledge of financial support, usually does this to help a friend or relative, but this commitment may have unexpected consequences. You should take into account that the person, for whom you have declared yourself responsible, may become ill. Medical costs may be very high, especially for non-EU citizens whose health insurance does not apply in Belgium. In the event that you do not have sufficient financial means, even though you have pledged your financial support, the visa applicant can ask the CPAS/OCMW of his/her place of residence to pay for his/her medical treatment. Usually, the CPAS/OCMW will refuse to intervene and shall refer the visa applicant to the person who signed the pledge of financial support. However, in the event of sudden, unexpected and urgent medical treatment, such as an accident, the CPAS/OCMW will often pay the costs.

Duration of a pledge of financial support

When you sign a pledge of financial support, you will normally be held responsible for two years, even though you no longer have contact with the foreigner involved. The term starts on the day that the foreigner has legally entered the Schengen zone until the day that s/he leaves the Schengen zone or, in the event that s/he does not leave the Schengen zone, up to two years from the date of his/her entry. The burden of proof that the foreigner has left the country remains with the person signing the pledge. It is important to note that in the event that the foreigner, whom you have made the pledge for, applies for asylum in Belgium during his/her stay here, the term of the pledge (i.e. two years) is suspended for the duration of the asylum procedure. During the asylum procedure, the centre or the CPAS/OCMW to which the foreigner has been assigned within the framework of his/her application for asylum will be responsible for all costs related to his/her stay and all medical treatment. If the foreigner involved has exhausted all legal remedies and has been ordered to leave the territory, the person who made the pledge of financial support will again be responsible. It is possible to renounce such a pledge if the Minister or the OE/DVZ accepts a new agreement, signed by a different person.