

In case of refusal of INAMI, the person concerned may submit a further appeal to the Labour Tribunal and thereafter to the Labour Court.

Is it possible to combine AMI and the procedure for 'Urgent Medical Care' for people without legal stay?

Even if someone is in a valid status with their medical insurance, they may access the procedure of 'Urgent Medical Care' for people without legal stay. This can only be done if they fulfill the conditions attached (see folder 'Urgent Medical Care for people without legal stay'). In this context the CPAS can cover some costs in case the insurance fund does not cover something (such as user fees).

What is the fee ?

The service provided under the compulsory health insurance contribution and the cost must be identical in all public health insurance funds. This fee is usually deducted directly from the salary of the worker. Unaccompanied minors are exempt from this mandatory contribution.

In addition to compulsory insurance, the health insurance funds also offer to their members a range of additional services such as reimbursement of medical transportation and home care. The fee relating to such services is decided separately by each health insurance fund depending on the composition of the family of the person concerned. For example, in 2010 this sum ranged from € 4 to € 9 per month. The Auxiliary Fund for Sickness and Invalidity are not related to this service.

Waiting period ?

In most situations, the waiting period when you first subscribe is waived. In most cases, once a person has applied for health insurance, they may access it on the first day of the quarter, which is determined by the insurance fund; however, it is possible that the health insurance will be activated starting the day that the conditions to request the right were filed. Only in cases of a re-enrollment is a waiting period of six months potentially imposed.

Other types of insurances?

Private insurance

When someone is not entitled to a health insurance, they can always subscribe for a limited time period to a private insurance. This is advisable when caring for a person who arrives in Belgium. Be sure to read the policy carefully because some private insurers will only pay the supplement for which other insurances do not cover, and won't cover.

Other insurances

In certain situations there is the ability to access other insurances. E.g. an accident at a public road, at a school, a workplace accident (see also 'What to do in case of a workplace accident if you were employed unofficially?').

Damage caused by a third person

If the damage has been caused by a third person, it is this person who has to take responsibility and this will come under a family insurance policy. If there isn't a family insurance policy, a legal decision will be taken by the court and will make someone responsible for the damage.

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

- Medimmigrant - Presentation
- Urgent Medical Assistance 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

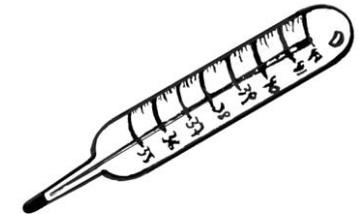


With the support of the
Flemish Community Commission and the Common Community
Commission

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

Health Insurance for People Without Legal Residence or With a Precarious Residence

Various possibilities



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

For undocumented residents and/or precarious, below is a short explanation about key opportunities they have to subscribe to the public health insurance (known as AMI)¹.

Work = Right to AMI

If someone has work that can be officially declared and which is reported to social security, they are entitled to use AMI beginning the first day of work. It should be noted that it is possible to subscribe to AMI retroactively if for instance the person was not informed of this right when they started working. It happens that some undocumented residents, although officially not allowed to work, are working anyway and paying social contributions. This is usually the case of some foreigners who for one reason or another have lost their right to stay. If the undocumented worker obtains an official statement filled by the employer which contains the proof of social security contribution (= attestation de sujétion à la sécurité sociale), the worker may join a health insurance fund. Cohabiting members of the persons family may also be considered as 'dependents' (see below).

Note: Since 21.01.2010 asylum seekers, who haven't received any decision after six months from the CGVS/CGRA, can ask to receive a work permit C and work officially.

As a student in higher education

Students taking daily courses and enrolled in an institution of higher education recognized by the Belgian authorities do not have to prove that they are registered in the national register in order to join a health insurance fund. A graduation certificate will be sufficient.

As a dependent spouse

Cohabitation must normally be proved by providing a document from the national registry, but the spouse may generally be included as a dependent of their partner on the basis of an act of official marriage.

¹ There are six different public insurance funds in Belgium : the Christian, Socialist, Neutral, Liberal and Independent and the relief fund for disease- and invalidity insurance (HKZIV or CAAMI) All these institutions offer the same reimbursement for the mandatory insurance.

As a dependent cohabiting

For example a child living together with their parent can be listed as a dependent. As well, a live-in domestic worker or care giver can be registered as a dependent of the employer. Requirement: The person wishing to enroll to AMI as a dependent should be registered in the national registry at the same address as the claimant (providing a certificate of registration) and cannot have an income that is greater than €2,191,85/quarter (2010). Registering a dependent is not possible in the following circumstances : If...

- Another person is already registered as a spouse or cohabiting with the beneficiary
- The claimant lives with their spouse.

In cases of cohabitation of an ascendant (parent or grandparent), communal living conditions and income are the same as for people cohabiting, except that the person may still be in charge of their (grand)son or daughter, regardless of previous registration of other dependents (such as cohabitant, spouse or ascending).

As a child or young dependente (< 25 years)

- In order to apply citing parentage or family ties (parents, (great-)grandparents, or of partners), the birth certificate or the adoption certificate must prove the link with the entitled parent (adoptive). Cohabitation is not required.
- In circumstances where someone else is responsible: They must prove their residence in Belgium and cohabitation. This can be proved using data from the national registry. In case of absence of national registration, an alternative form of proof can be obtained through the public insurance fund and provided to the Administrative Control Service of INAMI. The following documents could be accepted: declaration of arrival, statement of the city council, collecting evidence of child benefit, and proof of application of adjustment.

As unaccompanied foreign minor

The Guardianship Service recognizes an "unaccompanied minor" as any foreign minor coming from a non-European country who resides in Belgium without a parent or legal guardian. Since 01.01.2008

they have the right to register to a public insurance fund as long as one of the following conditions is met:

- Attends school regularly for at least three months
- Registered to either *Kind and Gezin* or *ONE*

To have been officially exempted from attending school

As a person enrolled in the national register

One of the following documents must be presented:

- Evidence of registration in the foreigners register (a white card or the electronic version, A- or B-card)
- Foreigners ID (a yellow card or the electronic version, C-card)
- The electronic card D for EU long term residents
- The residence permit for EU citizen (a blue card or the electronic version, E-card; family members: F-card)
- The E+-card confirming the long term residence in the CE; family members: F+-card
- In rare situations : Annex 25 or 26 and registration certificate model A issued before 01.06. 2007 to asylum seekers whose application was declared admissible
- The condition in Annex 15 is that the following boxes must be checked: the 1st box (application to establish), the 4th (waiting for inscription), the 6th (waiting for residence permit or establishment) or the 7th (waiting for E-card). If box 4 is checked, additional evidence must be provided

Is it possible to still benefit if residence is lost?

If an expat loses their right of residence, their health insurance is still valid at least until 31 December of the year following the loss of the status.

Appeal procedure ?

If an employee of the insurance fund refuses to include an applicant, the refused applicant may ask the fund to submit the issue to the insurability service of the national federation. The refused individual may present their case to INAMI. Since the possibility to be insured becomes retroactive in cases of a positive response, it is important to ask your insurance fund for the statement of your request.