

# Basic banking service for asylum seekers and refugees

## *Frequently Asked Questions*

### Introduction

Refugees and asylum seekers also have access to the basic banking service



A banking account is an essential part of any citizen's daily life. He can use this account for paying invoices by means of a money transfer, receiving his salary or family allowances, paying his rent, etc.

In modern society it is impossible to do without a banking account and so, **everyone is entitled to having a bank** account. This service makes it possible to open a call deposit account at a bank, at low cost, for the purpose of carrying out a number of bank transactions.

It goes without saying that **refugees and asylum seekers** can also rely on the basic banking service, for indeed this service is a prerequisite for financial inclusion and social integration.

Fieldworkers such as NGOs and aid organisations however are concerned because some aspects of the basic banking service for refugees and asylum seekers are unclear.

Consequently, Febelfin has consulted its members, the supervisory authority and the Agentschap Integratie en Inburgering and put together a list of **FAQ** as a guideline for offering the basic banking service to refugees and asylum seekers.



## Frequently Asked Questions

### 1. What is meant by 'basic banking service'?

According to the Codex of Economic Law<sup>1</sup>, each Belgian credit institution has the obligation to offer a basic banking service to consumers upon a number of conditions.

The basic banking service makes its possible:

1. to pay cash money (in Belgium) into a payment account;
2. to withdraw cash money from a payment account;
3. to execute any transactions needed for managing the payment accounts;
4. to make payments (money deposit, transfer or withdrawal), as long as this does not entail an unauthorised debit balance, including:
  - direct debit;
  - payments by means of a payment instrument (a personalised instrument, such as a payment card (not a credit card), which can be used for initiating a payment order);
  - money transfers, including standing payment orders.

The request must be made in writing by means of an application form provided by the bank.

### 2. In which cases can a bank refuse to offer the basic banking service?

The bank can refuse to offer the basic banking service only in those cases where:

- the consumer already has a basic banking service at his disposal;
- the consumer already has another call deposit account, even with another bank;
- the consumer has accounts for an amount of at least 6,000 EUR (e.g. call deposit account or savings account). To this must be added the money held by the consumer on accounts held with other banks;
- the consumer has already signed credit contracts for an amount of at least 6,000 EUR;
- the consumer has committed fraud, misuse of trust, fraudulent bankruptcy, forgery, or money laundering.

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<sup>1</sup> The sole purpose of this Q&A document is to provide an answer to a number of frequently asked questions about the basic banking service and consequently, it is fully subordinated to the legal provisions of Book VII of the Codex of Economic Law, the legal and regulatory provisions of the Law of 18 September 2017 on the prevention of money laundering and terrorist financing and on the restriction of the use of cash (or similar foreign law provisions), as well as the circulars and recommendations from the competent supervisory authorities in this matter

In case of a refusal to offer the basic banking service, the bank has the legal obligation to justify its decision on the application form and to provide the consumer with a free copy of this.

Ombudsfijn must be immediately informed of any refusal.

### 3. Who is entitled to the basic banking service?

Only consumers are entitled to the basic banking service.

These are natural persons who do not act within the framework of commercial, trading, crafting or professional activities.

In practice, companies such as partnerships, non-profit associations and other associations lie outside the scope of the basic banking service.

### 4. Can asylum seekers ask for a basic banking service<sup>2</sup>?

Yes.

### 5. Can officially recognised refugees ask for a basic banking service<sup>3</sup>?

Yes.

### 6. Can those who benefit from subsidiary protection, ask for a basic banking service<sup>4</sup>?

Yes.

### 7. Do the existing client identification rules also apply when a request for a basic banking service is made?

Yes. Banks are also obliged to identify their customers and check their identity before granting a basic banking service. No basic banking service can be granted without this identification and verification in accordance with the anti-money laundering regulations and the standard procedures of the bank.

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<sup>2</sup> Upon their arrival in Belgium, asylum seekers ask for asylum to be provided by the Foreigners' Affairs Office. The asylum procedure will start from that moment on. Asylum applications are subject to an analysis made by the General Office for Refugees and Displaced persons.

<sup>3</sup> International protection for those who have left their country of origin, because they are being persecuted on the grounds of their nationality, race, political or religious convictions or because they belong to a particular social group (Geneva Convention on Refugees).

<sup>4</sup> International protection for those who, should they return to their country of origin, will run a real risk of being seriously harmed (death penalty, torture, inhuman treatment, serious threat to a citizen's life due to random violence).

## 8. Which data must be gathered by the bank?

Banks must check the following identification data on the basis of written evidence:

- the family name and first name;
- the place and date of birth.

## 9. Does the bank also have the obligation to ask for the address?

The same rules apply as those for other customers. In most cases, the bank will ask to be informed of the customer's address.

## 10. Can the bank refuse to grant a basic banking service, if the applicant has no regular address?

No. Asylum seekers, officially recognised refugees and people benefitting from subsidiary protection always must choose a residence within the framework of the procedure they are following. The fact that this is a temporary residence cannot be used as a reason to refuse the granting of a basic banking service.

## 11. Which evidence must be used by the bank to check the identification data of a particular asylum seeker, officially recognised refugee or person benefitting from subsidiary protection?

- The first method of checking the identification data of a particular asylum seeker, officially recognised refugee or person benefitting from subsidiary protection, consists in verifying an identity certificate provided by the Belgian authorities:
  - This means that the identity of those applicants can be checked by means of a document which proves they have been registered as foreigners (e.g. an electronic residence permit [A](#), [B](#), ...).
- If they are not in possession of this kind of document due to their status, they can be identified by means of another valid document provided by the Belgian public authorities. Applicants should use one of the following documents so as to be sure that their application will be duly dealt with:
  - the registration certificate provided by the community which serves as a temporary residence (enclosure 4, the so-called '[carte orange](#)')
  - the registration of an application for asylum at the Foreigners' Affairs Office ([enclosure 26](#) or [26 quinquies](#) in case of a multiple application)
  - a proof of an application for asylum upon the occasion of a border control ([enclosure 25](#) or [25 quinquies](#) in case of a multiple application)

- a provisional certificate of residence ([enclosure 15](#) when expecting a residence document)
- a special residence document ([enclosure 35](#) in case of an appeal made before the Counsel for Foreigners' Disputes)
- If the documents mentioned above are not available, in theory applicants can also use other documents listed in the other enclosures of the [Royal Decree of October 8, 1981](#). However, it may take more time to process a request for a basic banking service on the basis of those documents. A list of those documents has been enclosed with these FAQ as well as a link giving access to each standard document.
- Finally, it is also possible to check the identity of applicants who are still waiting for an identity card or some other type of valid residence document to be provided by Belgian public authorities, by means of a passport issued by foreign public authorities, but this is an exceptional and provisional procedure. This verification will be valid until the moment when a new verification can be made by means of the customer's identity card or the residence document provided by the Belgian public authorities.
- There is no regulation specifying that a passport or identity card must be added to the abovementioned documents serving as a proof of legal residence in Belgium (the so-called orange cards for example), but in those documents it is generally stated that as such they cannot be considered as a suitable proof of identity unless in combination with a passport. So, each of the documents mentioned above can be considered to be a valid identification document in itself.

## 12. What if there are doubts about granting a basic banking service or about applying the legal rules at the moment when the request is being made?

Banks have created procedures which allow their staff to call upon the existing internal services in those cases, so as to get more information about a particular application and about the right way of dealing with the request for a basic banking service.

## 13. What is the role of Ombudsfina in case of refusal or cancelling?

Customers can lodge a complaint with Ombudsfina, if they think the refusal or cancellation of the basic banking service was unjust. Ombudsfina has the ability to annul the decision taken by the bank or to order another bank to grant a basic banking service.



## Enclosures of the Royal Decree of October 8, 1981 (in French)

(<https://dofi.ibz.be/fr/themes/propos/legislation/liste-des-annexes-la-loi-du-15-decembre-1980-et-larrete-royal-du-8>)