

APPLICATION FORM FOR SECONDARY LEGAL ASSISTANCE, VALID FROM 1st SEPTEMBER 2018

Purpose of the application: (briefly describe what you wish to apply for):

.....
.....
.....

Undersigned

Surname (block letters):

First name (block letters):

National register number/foreign nationals' register:

Address (street, house no., postal code, municipality):

.....

E-mail address:

Mobile telephone number: 00.....

Date and place of birth:

Sex: male female

Nationality: Belgian EU non-EU

O declares that he/she cannot lay claim to a contribution from legal expenses insurance and declares that his/her family composition is as follows:

single

married to/cohabiting with (first name and surname of partner):

other dependants: number of children younger than 18:

number of children aged 18 and older:

other (e.g. parent, brother/sister living at home):

The undersigned also declares that he/she has a net monthly income/family income of:

State the nature of the total income and amount(s) of both the applicant and any other family members

wage/salary (private/government employment) as well as service, educational, meal and eco-cheques, etc.:

.....

unemployment benefits:

pension:

sickness benefits:

income from self-employed activity:

debt management arrangement/budget counselling:

maintenance:

income from immovable property (e.g. rent):

income from movable assets or subscribed capital:

other:

none: (if none: reason)

an exceptional debt burden that you are paying off:

To be appended to this application: documents - not dated more than two months before the application - in the name of the applicant and his/her dependants (partners, children, others living at home):

1. family composition certificate;
2. recent certification of the exact amount(s);
3. for self-employed: last tax assessment notice + certificate from bookkeeper for last quarter;
4. certificate from debt counsellor must state the exact amount of the subsistence income that is paid each month and the exact amount of the fixed monthly expenses (rent, utilities, etc.) that are paid directly by the debt counsellor in addition to this subsistence income.

O eligible on the basis of categories that are deemed equivalent (Article 1 § 4 of Royal Decree of 18/12/2003):

- the minor, *at least on production of the identity card or a document to be appended to this application that proves minority*

O eligible on the basis of categories that are deemed equivalent unless the contrary is proved (Article 1 § 2 of Royal Decree of 18/12/2003)

- you receive subsistence income or social assistance from the Public Social Welfare Centre (OCMW) in: *append at least the valid decision from the OCMW concerned;*
- guaranteed income for senior citizens: *append at least the annual certificate from the Civil Service for Pensions (Rijksdienst voor Pensioenen);*
- you receive an income substitution benefit for disabled persons: *append at least the decision of the Minister responsible for social security or of his delegated official (www.handiweb.be);*
- you have a dependant child who receives the guaranteed child benefit (child benefit without increases): *append at least the certificate from the Federal Child Benefit Agency (Famifed);*
- you are the tenant of social housing in the Flemish Region or the Brussels-Capital Region and pay rent that corresponds to half of the basic rent: *append at least the last rent calculation data sheet;*
- you are a prisoner: *append at least proof of your status as a prisoner, such as a certificate of imprisonment;*
- you are an accused within the meaning of Articles 216 *quinquies* to 216 *septies* of the Belgian Criminal Procedure Code: *append at least the necessary supporting documents;*
- you are mentally ill pursuant to the Belgian Act of 26 June 1990 on the protection of people with mental illness: *append at least the necessary supporting documents;*
- foreign national, for the purpose of submitting an application for a residence permit, or an administrative review or judicial appeal against a decision that has been taken pursuant to the laws on the entry, residence, settlement and removal of foreign nationals: *append at least the necessary supporting documents;*
- asylum seeker or person who submits an application for displaced person status: *append at least the necessary supporting documents;*
- a person burdened with excessive debt with a view to starting a debt management arrangement procedure;

O the application does not create any conflict of interest with the interests of the other family members.

Additional questions to be answered by the applicant (except minors)

1. *Immovable assets (regardless of the country): I have*
 - no property
 - one owner-occupied property
 - two or more properties
2. *Money (regardless of the country): the total amount of money in my possession is*
 - less than €5,000.00
 - more than €5,000.00 but less than €20,000.00
 - more than €20,000.00 but less than €50,000.00
 - more than €50,000.00
3. *Vehicles (regardless of the country): mopeds, motorbikes and cars that my family uses*
 - no motorised vehicles
 - one motorised vehicle
 - two motorised vehicles
 - three motorised vehicles
 - more than three motorised vehicles
4. *Do you receive help from family members or friends (e.g. living for free at friends or family pay your rent, etc.)*
 - no
 - yes

If you are eligible for partially free legal assistance, you must also pay an amount of between €25.00 and €125.00. The president of the Legal Aid Office will estimate the amount of the advance payment. (Article 508/17 § 2 of the Belgian Judicial Code)

If the conditions that enable you to rely on fully or partially free secondary legal assistance change, you must immediately inform your lawyer and the Legal Aid Office (Article 508/13, § 4 of the Belgian Judicial Code)

If you receive money because of the actions of your lawyer which, if available on the day of the application for legal assistance would have meant that you would not have been eligible for a pro-Deo lawyer, the lawyer will charge you a fee under certain conditions with the consent of the Legal Aid Office (Article 508/19 of the Belgian Judicial Code).

The undersigned declares that the information provided in this form is complete and correct.

Date and signature of the applicant preceded by the words ‘read and approved’:

The lawyer or the Legal Aid Office must append the application to the documents in the LAO module and give a copy to the applicant.

Privacy Statement: The legal aid office processes personal data to perform its statutory duties as set out in Article 508(7) et seq. of the Belgian Judicial Code. Personal data are any data that can provide information about an identified or identifiable natural person. **Exchange of data:** Performing the statutory duties may involve the legal aid office sharing data, including personal data, with the Flemish Bar Council and any lawyer we appoint. This is done on a legal basis or under a cooperation agreement. **Security of personal data:** The legal aid office ensures appropriate security of the personal data it holds, in compliance with the applicable statutory requirements and guidelines. **Retention period for personal data:** The legal aid office does not keep personal data it processes longer than is necessary for the purpose of the data processing. The data will be kept no longer than seven years after the State pays the lawyer we appoint or, if a case file is refused, up to seven years after that refusal. **Your privacy rights:** You have the right to access your personal data (Article 15 GDPR). If you wish to know which of your personal data the legal aid office is processing, you can submit a written request for access. The legal aid office will process your request within a reasonable period. If your data appear to be incorrect, incomplete or irrelevant, you can submit an additional request to rectify or supplement your data (Article 16 GDPR). In a number of cases, you can request deletion or erasure. You can also request the restriction of, or object to, the processing of your data (Articles 18 and 21 GDPR). Written requests can be submitted to the legal aid office. Addresses of legal aid offices are available at www.advocaat.be or can be requested from your lawyer.