

FRAGOMEN



**BREXIT
ADJUSTMENT
RESERVE**

Funded by
the European Union

BRUSSELS-CAPITAL REGION

**BRUSSELS COMMISSIONER
FOR EUROPE
BUSINESS TRAVEL
OR MOVING TO
BELGIUM AFTER BREXIT**

February 2023



WITH
YOU
TODAY



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AGENDA

- ▶ Introduction & Background
- ▶ Business travel from the UK to Belgium
- ▶ Moving to Belgium
 - Employees
 - Self-employed
 - Students
 - Retirement
 - Special Identity Card (SIC)
- ▶ Long term residence
- ▶ Q&A



INTRODUCTION & BACKGROUND

BREXIT: KEY DATES FOR UK NATIONALS IN BELGIUM

1 FEBRUARY 2020
Transition period
started

31 DECEMBER 2020 / 1 JANUARY 2021
Transition period
ends

31 DECEMBER 2021

UK moves

Freedom of movement

Immigration schemes for non-EU citizens



**UK travellers –
business and
personal travel**

No restriction on activity or length of stay

Activities and duration to be screened





BUSINESS TRAVEL FROM THE UK TO BELGIUM



BUSINESS TRAVEL TO BELGIUM AS OF JANUARY 2021

- ▶ EU and UK agreed on visa waiver program for entry and stay up to 90 days in any 180 days in Schengen (including Belgium)
- ▶ EU and UK agreed on Trade and Cooperation Agreement (TCA):
 - Entry of business visitors without the requirement of a work permit, or economic needs test
 - Specific set of activities (no reservations by Belgium)
 - For a period up to 90 days in any 6-month period
 - Directly applicable
 - Co-exist with the exemptions foreseen in Regional policies, whatever is most favorable (artists, journalists, ..)



BUSINESS TRAVEL TO BELGIUM AS OF JANUARY 2021

- ▶ Set of activities exempt from work permit based upon TCA:
 - Meetings and consultations
 - Research and design
 - Marketing research
 - Training seminars
 - Trade fairs and exhibitions
 - Sales
 - Purchasing
 - After-sales or after-lease services
 - Commercial transactions
 - Tourism personnel
 - Translation and interpretation
 - Setting up an enterprise

BUSINESS TRAVEL TO BELGIUM

IMPORTANT GUIDELINES



Time Limits

- ▶ Consider all days spent in the Schengen Area (including personal travel)
- ▶ Smart Borders in 2023?



Allowed activities and possibility to travel?

- ▶ Consider whether activities are allowed under the business visitor status in a destination country



Frequency of the trips

- ▶ Consider the frequency of the business trips as this can be a red flag for national authorities



Documentation and formalities

- ▶ Check passport validity (min. 6 months required)
- ▶ Posted Worker notification, Social Security Certificates of Coverage?
- ▶ ETIAS pre-travel authorisation in 2023 ?



MOVING TO BELGIUM

EMPLOYEES

SINGLE PERMIT

- ▶ **Single permit** = a combined work and residence authorization for foreign workers for more than 90 days
- ▶ **Validity**: up to 3 years
- ▶ For work with **one specific employer** in Belgium
- ▶ Several **categories**, with different **eligibility** requirements:
 - ✓ Highly-Skilled and Managerial
 - ✓ EU Blue Card
 - ✓ Intra-Corporate Transferees (ICT)
 - ✓ (Shortage occupation) and Labour Market Test (LMT)
- ▶ Possible for assignment (posted worker) and local hire, if assignment:
 - ✓ posted worker (Limosa) notification
 - ✓ certificate of coverage for social security or Belgian social security exemption
- ▶ Direct **family members** (spouse/partner, children below 18) can relocate to Belgium and have free access to labour market as employee



SELF-EMPLOYED

PROFESSIONAL CARD

- ▶ **Professional card** authorizes the entrepreneur (self-employed as natural person or through company) to engage in economic activities in Belgium.
- ▶ Once obtained, the applicant automatically qualifies for a **long stay visa** and **residence permit**.
- ▶ **Validity:** 2-5 years (validity of visa and residence permit aligned)
- ▶ **Eligibility:** “*economic added value*”. In our experience, authorities consider:
 - evidence of (successful) previous professional experience, and
 - viable business plan and financial plan – or service agreement
- ▶ Direct **family members** (spouse/partner, children below 18) can relocate to Belgium and have free access to labour market as employee (not self-employed)

STUDENTS

STUDENT PERMIT + SEARCH YEAR PERMIT

- ▶ **Student permit** allows third country national to reside in Belgium to study at a higher education institution
- ▶ **Validity:** length of the studies + sufficient progress
- ▶ **Eligibility:**
 - Higher education program (or preparatory language course)
 - Full time studies (54 ECTS)
 - Recognized higher education institution (for private institutions different immigration process)
 - Proof of sufficient resources
- ▶ **Work:** maximum 20 hours/week during school year, unlimited during official holidays
- ▶ Direct **family members** (spouse/partner, children below 18) can relocate to Belgium but don't have free access to labour market
- ▶ **Intra-EU mobility** option
- ▶ After graduating: **search year permit**, 12 months to look for a job or set up a business

SPECIAL IDENTITY CARD (SIC)

M-CARD APPLICATION AFTER 31 DECEMBER 2021

- ▶ Special Identity Card (SIC) for **employees of international organizations**
- ▶ Limited to the duration of the function with the international organization
- ▶ UK nationals and their family members can apply for status as beneficiaries of the Withdrawal Agreement (M-card)
- ▶ If end of function as an employee of an international organization is after the end of the M-card application period (31 December 2021) you can still apply
- ▶ **M-card application within three months after the end of role as an employee of international organization**

RETIREMENT

DISCRETIONARY APPLICATION

- ▶ Not foreseen in legislation - general **discretionary** competence of the State Secretary for asylum and migration
- ▶ **Eligibility:** in our experience, authorities consider:
 - Pre-existing link with Belgium (e.g., through earlier long-term residence, family ties, strong professional ties)
 - Sufficient regular income other than from employment
- ▶ Lengthy and uncertain process
- ▶ **Validity:** 1 year, renewable



LONG TERM RESIDENCE

EU LONG TERM RESIDENCE

L-CARD

▶ Eligibility

- Legal and continuous residence of five years
 - o Periods of stay as a student are only counted half
 - o Periods of stay considered as temporary in nature, such as stay as a seconded employee or a seasonal worker, are not taken into account
- Sufficient income
- Health insurance

▶ Benefits

- Unconditional - undertake any professional activity you wish
- Can only be rescinded in exceptional circumstances and in case of absence from the EU for more than twelve consecutive months or from Belgium for more than six years.



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QUESTIONS & ANSWERS

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