

CLIENT ALERT

Single Permit in Belgium: Plan Your Non-EEA Hiring and Postings Well in Advance

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Finally - more than 4 years after the deadline for implementation of the EU Single Permit Directive - Belgium has introduced the single work and residency permit. As of 2019, employers wishing to hire or post a national from outside the European Economic Area (EEA) in or to Belgium need to file a so-called single permit application.

Under the previous system, an employer had to obtain a work permit for the employee concerned. Based on this work permit, the employee could obtain a visa D at the Belgian Embassy in his or her country of residence. Once this visa D had been issued, the employee could enter Belgian territory and start working in Belgium (from the date of the work permit). Now, as in other EU countries, there is one unified application procedure to obtain a single permit combining the old work permit and residency permit.

In Belgium, this new unified procedure has some important consequences for companies, not only from a legal point of view (there is a new procedure, new deadlines, etc.), but also from a practical point of view, particularly concerning HR planning. We would like to share the following tips and points of attention:

- The employer – and not the employee – is in charge of filing the single permit application with the competent Belgian authorities (at a regional level).
- Plan your non-EEA hiring in Belgium and postings to Belgium well in advance!

While the previous procedure to obtain a work permit and a visa D took around 6 to 10 weeks (depending on the embassy concerned), it may now take 4.5 months as of the filing of a complete single permit application to actually obtain the authorization to work and reside in Belgium. Also, bear in mind that in the coming months, as the process is entirely new, delays and some additional administrative burdens are very likely.

- Ask the employee to collect the documents required well in advance. The processing time of some documents, such as criminal records, can be long. Moreover, for some documents, such as the criminal record, the employment contract, and the degree certificates, a translation by a certified translator is required (depending on the language of the document and the region concerned).
- Before applying for a single permit, verify the list of (new) exemptions. Indeed, some categories of employees no longer need to obtain a work permit to work in Belgium. This is especially relevant to non-EEA spouses of employees having obtained a work/single permit (family reunion procedures).

- Have a look at the existing work permits and the remaining duration thereof. The new single permit legislation does also affect ongoing work and residency permits. Renewal applications need to be filed 2 months before the expiry date of the existing work permit (previously, renewals needed to be filed only 1 month before expiry).

Our Brussels Labor & Employment practice is available to advise and assist companies regarding all aspects of international employment and residence in Belgium, including the filing of single permit applications with the competent authorities on behalf of companies.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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