

CLIENT ALERT

Need to Hire a High-Profile Non-European Worker for your Business in Belgium/Europe?

Aug.10.2020

The Belgian Single Permit Options for Employers

The COVID-19 pandemic is still causing uncertainty with respect to business travel, employee posting, and work permit and visa application processes worldwide. What are the options for global employers who wish to hire high-profile employees in Belgium and have them start work as soon as possible?

The table below provides an overview of how you can hire non-EEA, highly qualified workers in Belgium for a period longer than 90 days. You will need to apply for a single permit, and, depending on the employee’s profile and employment terms, you can choose between three main options. Note that one of these options, the European Blue Card, allows employees to transfer to another European country after a certain amount of time.

Please note that there are differences in these rules at regional level (the table below applies to employers in Brussels), and that the detail varies depending on which social security regime is applicable (are contributions payable in Belgium or in the employee’s home country?).

| | Highly qualified worker | Managerial personnel | European Blue Card |
|-------------------------|---|--|---|
| Employee profile | Employee with higher education degree (bachelor or masters). | Employee with managerial position (i.e., employees entrusted with the daily management of the company who have the authority to represent and bind the company, as well as employees directly subordinate to them in so far as they are also entrusted with daily management tasks). | Employee with higher education degree certificate (three years’ study minimum) hired for at least one year. |
| Conditions | - Annual gross salary of 71,521 euro (5,138 x 13.92 (if social security paid in Belgium)) = amount for 2020 | - Annual gross salary of 42,869 euro (3,079.67 x 13.92 (if social security paid in Belgium)) = amount for 2020 | - Employment contract of indefinite duration or of a duration of at least one year |

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| | <p>in the Brussels Region (subject to annual indexation)</p> <p>- Higher education degree (bachelor or masters)</p> | <p>in the Brussels Region (subject to annual indexation)</p> <p>- Higher education degree (bachelor or masters)</p> | <p>- Annual gross salary of 55,431 euro (3,982.11 x 13.92 (if social security paid in Belgium)) = amount for 2020 in the Brussels Region (subject to annual indexation)</p> <p>- Higher education degree certificate (three years' study minimum)</p> |
| <p>Duration single permit</p> | <p>Duration of the employment contract, but max. three years, renewable (employment contract can be of definite duration (as of 90 days) or indefinite duration).</p> | | <p>Duration of the employment contract, but max. three years, renewable (employment contract should be of indefinite duration or of definite duration of at least one year).</p> |
| <p>Application formalities</p> | <p>Documents related to employer and employee must be produced (e.g., copies of employee's passport, medical certificate, degree certificate(s), employment contract, certificate of good conduct). Slightly different requirements per type of single permit (e.g., the degree certificate must be stamped (legalized) for the European Blue Card application, but need not be for the highly qualified and managerial personnel applications).</p> | | |
| <p>Application cost</p> | <p>363 euro per worker (administrative fee to be paid upfront).</p> | | |
| <p>Processing time single permit</p> | <p>Max. four months following confirmation by the Ministry that the application file is complete and admissible.</p> | <p>Max. 90 days following confirmation by the Ministry that the application file is complete and admissible.</p> | |
| <p>Employment in other EU countries?</p> | <p>No, authorization to work is limited to Belgium (short-time business travel is allowed (conditions to be checked taking into account the employee's citizenship)).</p> | | <p>Yes, after 18 months of employment under the European Blue Card, the employee can move to another EU country to work (provided that the employee meets the conditions to</p> |

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| | | | obtain a European Blue Card in the country concerned). |
| Employment with another employer? | No, single permit is limited to employment with the company/organization having obtained the single permit. | | After two years, the employee can work for another employer (this employer does not need to obtain a new single permit) in so far as the European Blue Card is still valid. |
| Visa – COVID-19 implications | For the time being, no visa D are being issued for non-essential travel of highly qualified workers. | For the time being, no visa D are being issued for non-essential travel of managerial personnel. | For the time being, only European Blue Card holders can apply for a visa D in the country of residence (allowing them to travel to Belgium). A visa will be issued if the employment is necessary from an economic perspective and the work cannot be postponed or performed abroad. |

Our Brussels Labor & Employment team closely monitors all COVID-19 developments and will keep you posted. We are available to find out which type of work/single permit you need to apply for (if you cannot invoke any exemption) and to file the application on your company’s behalf. Our team is available to support global employers and help them through this crisis in the best possible way.

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

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