



Global Immigration alert

May 2024

Belgium

New Cooperation Agreement impacting third-country nationals in Belgium

Executive summary

In April 2024, a new Cooperation Agreement came into force in Belgium impacting certain third-country nationals, including individuals covered under specific European Directives (e.g., EU Blue Card holders, seasonal workers, intra-corporate transferees, researchers, trainees and European Voluntary Service members). The Agreement will apply in the entire country and was signed by the authorities in all three regions in Belgium, which will implement it locally.

Immediate work authorization upon arrival

The Agreement will amend the current legislation to clarify that qualifying third-country nationals who hold a Single Permit will be able to start working in Belgium using an Annex 46 (an authorization document received after filing a Single Permit application while the applicant is still in their home country), without having to wait for an Annex 49 (an authorization document received after the applicant arrives in Belgium and starts the residence registration process in their commune). This will allow them to start working as soon as they arrive in Belgium, up to a maximum of 90 days. They will be required to obtain an Annex 49 (i.e., issued at the start of the residence registration process in their commune) within this 90-day period.

Application processing times and automatic approval

The processing time for Single Permit applications filed by impacted individuals will be set at 90 days in general (60 days for researchers), down from 120 days currently. However, if the 90-day processing time is exceeded, applicants will no longer receive an Annex 47 (i.e., a positive decision that is automatically granted to applicants under the current regulation

after 120 days if no decision is issued by that time), and they will be required to wait for the authorities to issue a positive decision.

Right of residence after expiry of work authorization

Seasonal workers and intra-corporate transferees will be required to leave Belgium immediately upon the expiry of their work authorization. Currently, all third-country nationals can remain in Belgium for up to 90 days after the expiry of their work authorization.

Duty to actively provide information

The Agreement states that federal and regional authorities must keep applicants actively informed about relevant updates, including application requirements and processing status. For example, seasonal workers who apply for Single Permits and are issued a positive decision must be issued a written document that explicitly outlines their rights and obligations in Belgium. Currently, these types of updates are sent to employers or immigration service providers, and not to applicants. It is not yet known how this measure will be implemented in practice.

Regional implementation

All the changes above are being, or will be, adopted into regional law. The Flemish Region has already partially implemented some changes. In the Brussels Region, changes are expected to be implemented by Autumn 2024. The Walloon Region has not yet announced an implementation date.

Impact on employers

Some of these changes are likely to benefit employers by reducing application processing times and administrative requirements. The decision to stop issuing the Annex 47 could potentially have the opposite effect.

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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