

Mobility: Immigration alert

April 2024

Belgium

Immigration policy changes in the Flemish region effective 1 May 2024

Executive summary

Effective 1 May 2024, several changes will go into effect in the Flanders region of Belgium that impact employers and third-country nationals who seek to apply for work permits, including Blue Cards and the “Other” work authorization category.

Work authorization - “Other” category

Effective 1 May 2024, employers in Flanders will be able to sponsor third-country nationals for a Single Permit or Work Permit under the “Other” category if:

- ▶ The job is on the list of shortage occupations for Flanders, which is revised every two years. Currently, employers may sponsor candidates for any job, and not just those on the shortage occupations list.
- ▶ The applicant provides proof that they meet minimum educational criteria (e.g., diplomas or statements of qualification). Currently, applicants are not required to meet any specific educational criteria.
- ▶ The applicant is hired in a role that offers at least 80% of a full-time working schedule. Currently, applicants are eligible under this category even if they receive an offer for part-time employment (i.e., at least 50% of a full-time working schedule).
- ▶ The job vacancy is posted in the public employment service’s (VDAB’s) occupations study and the EURES platform for at least nine weeks. Currently, employers are required to post the vacancy on the VDAB occupations study and EURES platform for only six weeks.
- ▶ The employer is unable to find candidates who are nationals or residents of EEA Member States and are qualified and willing to fill the position.

Work permit exemptions

The Flemish authorities also provided greater clarity and detail regarding work permit exemptions for third-country nationals who enter Flanders as business visitors on or after 1 May 2024. Specifically, the authorities noted that third-country nationals will be permitted to perform the following activities in Flanders without first obtaining a Belgian work authorization document, using only their valid passport, or their passport and a Schengen C Visa (depending on their nationality), provided they limit their stay as visitors in Flanders (and the Schengen Area as a whole) to no more than 90 days in any 180-day period:

- ▶ Attending conferences and seminars
- ▶ Attending trade fairs and exhibitions
- ▶ Exploring business opportunities
- ▶ Engaging in sales or marketing activities
- ▶ Negotiating business agreements
- ▶ Attending internal business meetings (i.e., with employees of the Flemish affiliate/branch of their home country employer) and external business meetings (i.e., with clients and customers in Flanders)
- ▶ Conducting internal audits or customer audits
- ▶ Conducting or attending training courses

The current rules (which will continue to apply to the regions of Brussels-Capital and Walloon on and after 1 May 2024) state that third-country business visitors are limited to “attending business meetings in limited circles” for up to 20 days per trip, and no more than 60 working days (i.e., Monday to Friday) per calendar year. All third-country nationals entering Flanders or other regions within Belgium may still be required to make a [Limosa](#) declaration.

EU Blue Cards

The following changes will apply to EU Blue Card applicants and holders working in Flanders effective 1 May 2024:

- ▶ The salary threshold will increase to EUR 60,621 (i.e., 130% of the average income) from EUR 55,958 (i.e., 120% of the average income). This will impact only individuals filing new (first-time and renewal) applications, and not current holders of valid Blue Cards.
- ▶ Applicants will be required to present an employment contract with a minimum duration of six months, down from 12 months currently.
- ▶ EU Blue Card holders will be able to change employers after 12 months without applying for a new EU Blue Card, provided their Blue Card has not yet expired. Currently, this is possible only after 24 months. Holders who change employers in the initial 12 months will be required to notify the regional employment authorities.
- ▶ EU Blue Card applicants who are employed in the IT sector as either managers or specialists will no longer be required to provide proof that they have received higher education degrees. Instead, they will be able to provide proof of their professional experience (e.g., statements of achievement, confirmation of specific training) as well as relevant experience of three years during the seven years preceding the Blue Card application.

EU Intracompany Transferees (ICT)

Third-country nationals who seek to obtain ICT Permits and work as managers or specialists in Flanders will no longer be required to provide proof that they have received higher education degrees for two specific IT functions, provided they present proof of sufficient experience (e.g., statements of achievement, confirmation of specific training) and relevant experience of three years during the seven years preceding the Blue Card application.

Other changes

The immigration authorities in Flanders will have new grounds for rejecting work permit applications and revoking existing work permits based on the financial situation of companies and their compliance status (i.e., if they are found to be non-compliant with current rules). Additionally, the medium-skilled shortage occupations list for Flanders will be updated more frequently. Further details are expected to be released in the future.

Impact on employers

These changes are expected to benefit employers in Flanders by simplifying Blue Card and ICT Permit application criteria and expanding the applicability of exemptions from the requirement to obtain work authorization. On the other hand, these changes will reduce the possibility of obtaining new work permits or Single Permits in the "Other" category unless the job is in the list of shortage occupations.

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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