



Work permit

Information brochure



www.migrantscsc.be

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Work permit regulations are very complex. The content presented here is certainly not exhaustive. You will find the most important elements here. This brochure will be updated as the regulations evolve, following the transposition of European directives on the matter.

This brochure reflects the status of the regulations as of June 2022.

INTRODUCTION

About the brochure

I. Who is it intended for?

This information brochure is primarily intended for foreign workers who are **nationals of non-EU countries**.

Since 3 January 2019, all non-European nationals who wish to reside and work in Belgium for more than 90 days must submit a single application to the competent Region, through their employer. If this request is accepted, they will receive a single document certifying that they are authorized to reside in Belgium for more than 90 days for work purposes. This document is called the single permit.

Note: False information about this new procedure is circulating.

The single permit is not a regularization, but an administrative simplification. The Immigration Office will still check to see whether the conditions of residence are fulfilled.

People who are not eligible for a single permit and must therefore apply for a B work permit or an exemption

The work permit will not disappear completely.

The following non-European nationals remain subject to the regulations on the employment of foreign workers (B work permit or exemption):

- those visiting Belgium to work for less than 90 days;
- au pairs;
- researchers with a hosting agreement;
- workers who are subject to a temporary intra-group transfer (Directive 2014/66/EU of 15/05/2014);
- certain trainees, when the competent region is the Flemish Region.

II. What is it for?

This brochure will provide you with practical information on the different permits, the administrative steps to take to obtain or extend a single permit/work permit in Belgium, where to look for help, etc.

CHAPTER 1

General rule for the work permit

For any **foreign worker** who wishes to come and work in Belgium as an employee, it is the employer who must **apply for an employment permit** from the competent region (Brussels, Flanders, Wallonia). If this request is accepted, the foreign worker may obtain a (temporary) residence permit to travel to Belgium. They will obtain a **work permit** later. Work permits are issued by the municipal administration of their place of residence.

Apart from exempted cases, all salaried workers from third countries (white- or blue-collar employees) are subject to a work permit. Foreigners who want to work as a self-employed person must apply for a professional card. This will not be covered in this brochure.

Unlike Belgian employees, foreign employees must have a work permit or be exempted from the work permit requirement. Foreign employees are employed under the same conditions as Belgian workers, in every respect. However, the social security rules are different if the employee is in Belgium as a seconded employee for the purpose of providing services.

The foreigner must be a **legal resident** to be able to work in Belgium.

Therefore, it is the residence permit that grants someone the right to a work permit, with the exception of the B permit where it is the right to work that grants someone the right to a residence permit.

There are many different types of residence permits. The Immigration Office is competent in this matter. The table below will help you identify your type of residence permit:

Type A registration certificate	Orange card	temporary*
Certificate of Registration in the Foreigners Register (CIRE)	A card	limited
Certificate of Registration in the Foreigners Register (CIRE)	B card	unlimited
Foreigner's identity card (establishment)	C card	unlimited
EC/EU long-term resident card (in Belgium)	D card	unlimited
EU citizen card (certificate of registration)	E card	unlimited
EU citizen card (certificate of permanent residence)	E+ card	unlimited
EU citizen's family member card, RPT	F card	unlimited
EU citizen's family member card, RPT	F+ card	unlimited

*The temporary residence lasts as long as it takes for the procedure that the foreigner has initiated to be completed.

CHAPTER 2

Work permit exemption

There are various categories of foreign workers who are exempt from the work permit requirement. These are foreign workers who have an unlimited residence or who are established in Belgium (B to F+ card). In these cases, their employer does not need to obtain a work permit.

THE MOST COMMON CATEGORIES ARE :

- a national of a member state of the European Economic Area (EEA)
(the 27 EU countries plus Iceland, Norway and Liechtenstein)
- the spouse of a Belgian national and certain members of their family, namely :
 - children under 21 years old
 - children or grandchildren dependent on the family member
 - the parents of the family member if the family member is a minor
- the spouse and family of a person who has a single permit, namely:
 - children under 18 years old
 - disabled children or grandchildren dependent on the family member
- foreign nationals holding a settlement permit
- foreign nationals authorized or admitted with unlimited residence
- recognized refugees in Belgium
- students legally residing in Belgium only for work services during the school vacations of Christmas, Easter and summer vacation
- students on mandatory internships, etc.

CHAPTER 3

The single permit

An application for a single permit (submitted by the employer) must be accompanied by documents relating to residence and work. The employer must send the complete file to:

- the FPS "Emploi-Formation" (for the Walloon Region) or
- "Bruxelles Economie et Emploi" (for the Brussels Region).

A COMPLETE FILE MUST CONTAIN THE FOLLOWING DOCUMENTS:

- a standard employment contract
- the employer's signed application
- a copy of the passport or valid travel document
- proof of sufficient means of subsistence, duration of employment as an employee and, if applicable, the employer's VAT number
- proof of payment of the fee
- an extract from the criminal record or an equivalent document, provided that the non-European national is over 18 years old
- a medical certificate
- proof that the non-European national has health insurance covering all risks in Belgium for themselves and their family members

The Immigration Office may request additional information and documents while examining the case.

Information about the single permit:

www.international.socialsecurity.be/working_in_belgium/fr/permis-unique.html

Source: Immigration Office

<https://dofi.ibz.be/fr/themes/ressortissants-dun-pays-tiers/travail/permis-unique>

I. Admissibility of the application

If the application is not complete, the Region will inform the employer and the non-EU national. The applicant has 15 days to submit the missing information. If they fail to submit this information, the Region will declare the application to be inadmissible.

If the application is complete when it is submitted, or if the missing information is added within 15 days, the Region will declare the application to be admissible.

II. Application review time

The date on which the Region declares the application to be admissible is the starting point of a double deadline.

There is an initial period of 15 days during which the Region must send a copy of the application to the Immigration Office.

Then there is a second period of 4 months during which the Region and the Immigration Office must make a decision. This second deadline may be extended by the Region or the Immigration Office in exceptional circumstances related to the complexity of the application.

III. Procedure and decision

The annexes mentioned in this text are the annexes to the Royal Decree of 08/10/1981 on access to the territory, residence, settlement, and removal of foreigners.

The Region will examine whether the worker can be authorized to work and the Immigration Office will examine whether the worker can be authorized to reside in Belgium for more than 90 days.

There are 4 possible cases:

1. **Region denies the work permit** → it notifies the worker of its decision and informs the employer and the Immigration Office. The procedure has then been completed.
2. **The Region grants the work permit** → it informs the Immigration Office of its decision. The procedure continues.
3. **The Immigration Office refuses the residence permit** → it communicates its decision to the worker using an Annex 48 and informs the employer and the Region. The procedure has then been completed.
4. **The immigration Office grants the residence permit** → the work permit and the residence permit are included in a single administrative document, in accordance with Annex 46, and the decision is communicated to the worker, the employer and the municipal administration, or the Belgian diplomatic and consular post indicated in the application.

Procedure for obtaining a single permit of limited duration

1. The employer submits an application via the 'working in Belgium' one-stop shop

The prospective employer or their agent submits an application for a work permit under the single permit.

The one-stop shop sends the file to the competent Region:

- SPW Emploi-Formation (Walloon Region)
- Bruxelles Economie et Emploi (Brussels Region)
- Dienst Economische Migratie (Flemish Region)

2. The competent Region verifies that the application is complete

The application is not complete > The Region requests the missing

The application is

3. The Region analyses the application > The Region examines the employment-related aspects of the application

The application is denied

If the application for a work permit is denied, the Region will notify the employer.

The worker or employer has 30 days to object to the decision (from the

The application is accepted (employment aspect)

If the Region accepts the application for a work permit, it will transmit the application to the Immigration Office >

4. The Immigration Office analyses the 'residence' aspect of the application

The single permit is refused

The worker or employer has 30 days to object to the decision (from the notification of the refusal).

The single permit is granted

If the worker is abroad, the diplomatic post will issue a visa. In Belgium, the worker can pick up their single permit at the municipality of his place of residence.

What if no negative decision is taken before the 4-month period (and possible extensions) expires?

If the Region and the Office do not take a negative decision within the 4-month period (including possible extensions), the residence permit and the work permit are deemed to have been granted. The Office will inform the applicant with a document in accordance with Annex 47. The Office will inform the employer and send a copy of Annex 47 to the local authority or to the Belgian diplomatic or consular post indicated in the single

IV. Single permit granted to a third-country national who is living abroad

a. D visa (national long-stay visa)

The Immigration Office will send a copy of the decision to grant a single permit (Annex 46) or the certificate of granting a single permit (Annex 47) to the Belgian diplomatic or consular post of the place of residence indicated in the single application.

The post will issue a D visa without delay to the non-European national, upon presentation of a valid passport and the Annex 46 or 47 sent by the Immigration Office. The decision submitted by the non-EU national must be identical to the decision sent by mail by the Immigration Office.

The foreign national must also provide fingerprints and a photo. The national endorsement B34 (Single permit) is affixed to the visa.

NOTE: Non-European nationals who are exempt from visa requirements for residences of up to 90 days are not required to apply for a D visa.

Non-European nationals who apply for a single permit must state their place of residence on the application form. If the applicant indicates that they are domiciled abroad, the Immigration Office will send a copy of the decision to the diplomatic/consular post indicated on the form. However, if they indicate that they have their place of residence in Belgium, the Immigration Office will send this copy to the municipality indicated on the form.

Diplomatic/consular posts and municipalities are responsible for verifying that the decision presented by the worker is identical to the decision sent by the Immigration Office, before issuing a visa or residence permit. If a worker who is exempted from a short-stay visa indicates that they are living abroad, but are not applying for a D visa, neither the diplomatic/consular post nor the municipality will be able to verify the authenticity of the decision. The diplomatic/consular post will not be able to verify it, because the worker will not visit their offices, and the municipality because it did not receive a copy of this decision.

The D visa is therefore a guarantee that the check has been carried out by the diplomatic/consular post. A municipality will therefore probably refuse to consider the residence permit application of workers who do not have a D visa. The Immigration Office has decided not to send a copy of the decision to the municipality when the application form indicates that the worker's place of residence is abroad. Priority is given to the processing of applications, not to sending decisions.

The Immigration Office therefore strongly advises non-European nationals who are exempted from the visa requirement for a short stay to apply for a D visa as soon as they receive the decision (Annex 46 or 47). If their place of residence in Belgium is already known, another option is to state this place of residence in the single application, even if the non-EU national is still abroad when their employer submits this application.

b. Issuance of the single permit

Non-European nationals must apply for registration in the Foreigners Register of their place of residence, and for a single permit, within 8 working days of their entry into Belgium.

They must present their passport, Annex 46 or 47, and the two documents sent by the Immigration Office with the Annex (decision on work permit or work certificate, and residence permit or residence certificate).

Pending the residence check and the single permit being issued, the municipality will provide a document certifying that the person has presented themselves (Annex 49). This document ensures that the person can reside for 45 days, and this can be extended twice for 45 days (2 x 45 days).

If the result of the residence inquiry is positive, the local administration will issue a single document authorizing the non-European national to work and stay in Belgium for more than 90 days (single permit). This document takes the form of an A card, containing a reference to access to the labour market.

c. Family members

Non-European nationals authorized to reside in Belgium for a limited period of time may be accompanied or joined by their spouse, partner, and children, provided they meet the conditions for family reunification.

When the family unit has already been constituted at the time the single permit is granted, the family members can apply for their visa at the same time.

The conditions and procedures for applying for a visa for family reunification are explained on this site: <https://dofi.ibz.be/fr/themas/onderdanen-van-der-de-landen/regroupement-familial>

V. Single permit granted to a non-European national who is living in Belgium

The Immigration Office will send the decision to grant a single permit (Annex 46), or the certificate granting a single permit (Annex 47), to the non-European national, with a copy to the municipality of the place of residence indicated in the single application.

Non-European nationals must apply for registration in the Foreigners Register and the issuance of a single permit within 8 working days of receiving Annex 46 or 47.

They must present their passport, Annex 46 or 47, and the two documents sent by the Immigration Office with the Annex (decision on work permit or work certificate, and residence permit or residence certificate).

The decision submitted by the non-EU national must be identical to the decision sent to the municipality by the Immigration Office.

Pending the residence check and the single permit being issued, the municipality will deliver a document certifying that the person has presented themselves (Annex 49). This document ensures that the person can reside for 45 days, and this can be extended twice for 45 days (2 x 45 days). If they are in possession of a document or a residence permit, they will

return this when the Annex 49 is issued.

If the result of the residence inquiry is positive, the local administration will issue a single document authorizing the non-European national to work and stay in Belgium for more than 90 days (single permit). This document takes the form of an A card, containing a reference to access to the labour market.

VI. Single permit renewal

Several scenarios are possible:

a. Residence and work permits are granted for a limited time only

The non-European national must apply for the renewal of the work permit to the competent Region, through their employer, no later than 2 months before the single permit (A card) expires. This request is considered as an application for a renewal of the residence permit.

If the Region and the Immigration Office have not taken a decision before the single permit expires, the municipality administration will issue a document certifying that they have presented themselves (Annex 49), provided that they submit a document issued by the Region certifying the admissibility and completeness of their renewal application.

This document ensures that the person can reside for 30 days, and this can be extended twice for 30 days (2 x 30 days). However, this document does not allow the person to work [*Labour market: no*]

b. The residence permit is granted for a limited period of time, and the work permit is granted for an unlimited period of time

The residence permit granted by the Immigration Office is limited to 5 years. Therefore, when the Region grants a work permit for an unlimited period of time within this 5-year period, the non-European national only needs to apply for the renewal of the residence permit.

He/she must apply for the renewal of the residence permit to the municipality of their place of residence, at the latest 2 months before the single permit expires.

The administration will issue a document certifying that the application has been filed and temporarily covering the residence (Annex 50), provided that the applicant presents the following documents:

- a copy of the passport or travel document in lieu of a valid passport;
- proof of sufficient means of subsistence, duration of employment as an employee and, if applicable, their employer's VAT number
- proof that he/she has health insurance covering all risks in Belgium for themselves and their family members
- the Region's decision to authorize him/her to work for an unlimited period.

Annex 50 is valid for 30 days and can be extended twice for 30 days (2 x 30 days).

The municipality will forward the application and the documents to the Immigration Office, which will make a decision within 4 months (which may be extended).

If the applicant does not submit the documents, the municipality will not consider the application for renewal and will notify the applicant of its decision by means of an Annex 41. It will forward a copy to the Immigration Office.

When the Immigration Office renews the residence permit for a limited or unlimited period of time, it will transmit its decision to the municipal administration (Annex 46), which will issue the applicant with a single permit for a limited period of time (A card=) or an unlimited period of time (B card), as the case may be, with an indication that this person has (unlimited) access to the labour market.

When the Immigration Office has not taken a negative decision within the four-month period, which may be extended, it will transmit its decision to the municipality (Annex 47), which will issue the person concerned with a single permit of limited duration (A card) or unlimited duration (B card), as the case may be, with an indication that this person has (unlimited) access to the labour market.

When the Immigration Office **refuses** to renew the residence permit, it shall notify the third-country national of its decision with a document in accordance with Annex 48.

Information for the renewal of the single permit:

www.international.socialsecurity.be/working_in_belgium/fr/permis-unique.html

c. residence permits granted for an unlimited period

The validity of the status is unlimited, which means that the residence permit (i.e. the card that proves the right to stay) is granted for a period of 5 years. After these 5 years, the renewal of the title will be automatically accepted, provided that the non-European national:

- is not subject to one of the conditions mentioned in article 3, and 5° through 10° of the Act of 15 December 1980: This mainly applies to persons registered in the SIS (EU database for protecting the EU's external borders) for the purpose of non-admission: persons considered to be a threat to public order and persons who have been returned or expelled from Belgian territory within the last 10 years;
- does not place a burden on the Belgian welfare system;
- is not residing here for purposes other than those for which he/she was authorized to stay.

The non-European national authorized to reside for an unlimited period of time will receive a B card, which states "*Labour market: unlimited*".

VII. End of a residence permit granted for a limited period of time

The Immigration Office may terminate the residence of a non-European national for the following reasons:

- he/she is subject to one of the conditions mentioned in article 3, 5° through 10° of the Act of 15 December 1980;
- he/she places a burden on the Belgian welfare system;
- he/she is residing here for purposes other than those for which he/she was authorized to stay.

This decision will be notified by the Immigration Office with a document in accordance with Annex 52.

When the Immigration Office terminates the residence permit, the work permit will expire automatically. After all, the work permit is only valid if the residence permit has been granted.

VIII. End of a work permit granted for a limited period of time

If the Region terminates the work permit, the residence permit is automatically terminated 90 days after the end of the work permit, unless the Immigration Office decides to terminate it earlier.

After all, the work permit is only valid if the residence permit has been granted.

If the single permit expires within the 90-day period, the municipality will issue the third-country national with a temporary residence document in accordance with Annex 51. This document does not give access to the labour market.

Family members will receive the same document, with the same validity period.

CHAPTER 4

Resources

I. Reference texts

- Act of 30 April 1999 on the employment of foreign workers.
- Directive 2011/98/EU of the European Parliament and of the Council of 13/12/2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in another Member State;
- Cooperation Agreement between the Federal State, the Walloon Region, the Flemish Region, the Brussels-Capital Region and the German-speaking Community on the coordination of policies around granting work permits and residence permits, as well as on standards relating to the employment and residence of foreign workers (Coordination Agreement of 2 February 2018 and Implementation Agreement of 6 December 2018).
- Act of 15/12/1980 on the access to the territory, residence, establishment and removal of foreigners;
- Royal Decree of 12/11/2018 amending the Royal Decree of 08/10/1981 on access to the territory, residence, establishment and removal of foreigners.

II. External links

- Walloon Region <http://emploi.wallonie.be>
 - Flemish Region <http://www.werk.be>
 - Brussels-Capital Region <http://werk-economie-emploi.brussels>
 - German-speaking community www.dglive.be
 - List of Belgian diplomatic and consular posts www.diplomatie.fed.be
 - Link to Forem's single permit (Wallonia) :
<https://emploi.wallonie.be/home/travailleurs-etrangers/permis-de-travail.html>
 - Link to Actiris' single permit (Brussels) :
<https://economie-emploi.brussels/permis-unique-permis-travail>
- For more information about the list of bottleneck professions, contact the permanent staff in your region.

III. Other useful information

Any discrimination committed against a person because of their race, skin colour, ancestry, origin or nationality in the area of employment is punishable under the Act of 10 May 2007.

Employers who illegally employ foreign workers are subject to criminal sanctions (fines, imprisonment).

The social inspectors' mission is to fight against undeclared work, to ensure compliance with the regulations, to carry out checks and hearings to fight against fraud and infringements. They will draw up an official record and will forward the cases to the Labour Court for prosecution.

IV. Where to get information

Staff competent for Migrants in your ACV-CSC federation

ACV-CSC Confédération - Migrants CSC

Chaussée de Haecht 579 • 1030 Brussels
0499 48 48 65

CSC Brabant wallon

Rue des Canonniers 14 • 1400 Nivelles
067 88 46 47

CSC Brussels

Rue Pléтинckx 19 • 1000 Brussels
02 557 80 69

CSC Charleroi-Sambre & Meuse

Rue Prunieu 5 • 6000 Charleroi
071 23 09 87

CSC Mons-La Louvière

Rue Claude de Bettignies 10-12 • 7000
Mons 065 37 25 57

CSC Namur-Dinant

Chaussée de Louvain 510 • 5004
Bouge 081 25 40 72

CSC Hainaut Occidental

Avenue des Etats-Unis 10 bte 1 • 7500
Tournai

CSC Liège-Verviers-Ostbelgien

Boulevard Saucy 10 • 4020 Liège
0474 44 42 48

CSC Luxembourg

Rue Pietro Ferrero 1 • 6700
Arlon 063 24 20 34

ACV-CSC stands for “**C**onfédération des **S**yndicats **C**hrétiens” (Confederation of Christian Trade Unions Belgium).

As a trade union, **ACV-CSC** is a movement of workers (employed or unemployed / documented or undocumented) that defends the interests of its members, individually and/or collectively, in terms of work, wages, social security, etc.

Don't wait until you have problems with your employer to join **ACV-CSC**!

If you want to join **ACV-CSC** there are no conditions related to your status or administrative situation: undocumented workers, asylum seekers, recognized refugees, seconded workers, migrant workers, foreign students, foreigners arriving for family reunification, regularized, etc. can all join.

Your **ACV-CSC** membership entitles you to a number of personalized services.

Do you have a problem with your employer: unpaid salary, incorrect salary bracket, breach of employment contract, etc.?

>**ACV-CSC** can help you and negotiate with your employer on your behalf.

Do you have a question about your residence permit, work permit, getting your degree recognised, training, etc.?

> **ACV-CSC** can help you, inform you or refer you to other specialized organisations.

ACV-CSC informs workers
and migrant workers about their rights.

ACV-CSC provides information which is
available in several languages.

ACV-CSC supports the organization of migrant
workers, documented or undocumented, and
integrates them into the trade union

MEMBERSHIP FORM

Last name

First name

Date of birth / /

Phone number

E-mail address

Street + number

Postal code + City

Nationality

Marital status **Single - Married - Cohabiting - Separated -**

Industry.....

Form must be returned to :

Migrants CSC

Chaussée de Haecht 579 • 1030 Brussels

USEFUL ADDRESSES

WORK PERMIT AND SINGLE PERMIT

Service Public Régional Bruxelles, Direction de la Migration économique

Place Saint-Lazare 2 • 1035 Brussels

+32 2 204 13 99

travail.eco@sprb.brussels

<https://economie-emploi.brussels/permis-unique-permis->

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Service public de Wallonie, Direction de l'Emploi et des Permis de Travail

Place de Wallonie 1 • 5100 Jambes

+32 81 33 31 11

permisdetravail@spw.wallonie.be

<http://emploi.wallonie.be>

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Dienst Migratie en Arbeidsbemiddeling Vlaanderen

Boulevard du Roi Albert II, 35 boîte 21 • 1030 Brussels

+32 2 553 39 42

arbeidskaart@vlaanderen.be

www.vlaanderen.be/als-buitenlander-in-vlaanderen-

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Ministerium der Deutschsprachigen Gemeinschaft Abteilung, Beschäftigung, Gesundheit und Soziales

Gospertstrasse 1 - 4700 Eupen

+32 87 59 64 86

ministerium@dgov.be

www.ostbelgienlive.be

USEFUL ADDRESSES

INSPECTION RÉGIONALE DE L'EMPLOI

Ministère de la Région de Bruxelles-Capitale, Direction de l'Inspection régionale de l'Emploi

Place Saint-Lazare 2 • 1035 Brussels
+32 2 800 35 11
ire@mrbc.irisnet.be
<https://economie-emploi.brussels/inspection->

Service public de Wallonie (SPW) – Emploi et formation Direction de la coordination et du support de l'inspection économique et sociale

Av. Gouverneur Bovesse 103-106 • 5100 Jambes
+32 81 32 36 47
pierre.burton@spw.wallonie.be

Flemish Government Departement Werk en Sociale Economie

Ellipsgebouw
Boulevard du Roi Albert II 35 boîte 20 • 1030 Brussels
+32 2 553 09 62
administratievegeldboeten@vlaanderen.be
www.vlaanderen.be/departement-werk-sociale-economie

ACCESS, RESIDENCE AND SETTLEMENT OF FOREIGNERS IN BELGIUM

FPS Interior Immigration Office

Boulevard Pacheco 44 - 1000 Brussels
+32 2 488 80 00
<http://www.dofi.fgov.be>

FOR LEGAL AND MORE DETAILED INFORMATION

Association for the Rights of Foreigners (ADDE)
<http://www.adde.be> [Navigation: Tools / Fact Sheets / Work]

*Contact details, information,
membership :*

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Migrants CSC

Deposit number D/2022/0780/07

Editor

Dominique Leyon
Chaussée de Haecht 579 • 1030 Brussels