

WORK PERMIT

Information Brochure



The regulations concerning work permits are very complex. The content presented here is far from exhaustive. Nevertheless, it allows you to get acquainted with the most important elements concerned. This brochure will be updated according to the evolution of the regulations after the transposition of several EU Directives on this issue

This brochure reflects the state of regulation in October 2012



For what targetgroup ?

This information brochure is primarily intended for foreign workers, third-country nationals (TCN's) in the European Union (EU). The brochure is also meant for Romanians and Bulgarians, citizens of a Member State of the EU, who are subject to the requirement for a work permit until 31 December 2013. The brochure can also be useful for shops stewards and for the staff of the Trade Federations and the regional federations of the ACV-CSC, in order to better assist our affiliates.

What for ?

In this brochure you will find practical information on the various work permits, administrative procedures necessary to obtain or extend a work permit in Belgium, where to go for help etc

Generally

For every foreign workers who wants to work in Belgium as an employee, his employer must apply for an **employment authorization** from the competent region (Brussels, Flanders, Wallonia). When this request is accepted, the foreign worker can obtain a residence permit (temporary), enabling him to travel to Belgium. Thereafter he will obtain his work permit. **Work permits** are issued by the municipal authority of his place of residence.

Except in cases of exemption, all employees, third country nationals (white or blue collar workers) are subject to a work permit. Foreigners who want to work as a self-employed must request a professional card. This point will not be discussed in this brochure.

- 1 Through a social secretariat :
<http://www.socialsecurity.fgov.be/en/index.htm>

The table below will help you to identify your type of residence permit.

Entitled to a card

Registration Certificate type A

Certificate of registration with the Register of foreign nationals (C)

Certificate of registration with the Register of foreign nationals (C)

Aliens Identity Card (settled)

Lon-term resident's EC resident permit (in Belgium)

Residence card for a EU citizen (certificate of inscription)

Residence card for a EU citizen (certificate of permanent residence)

Residence card for family member of a Union citizen

Residence card for family member of a Union citizen

- The temporary stay lasts as long as the procedure is going.

What distinguishes a Belgian worker and a foreign worker from the perspective social law, is that the latter must have a work permit (A,B,C) or be exempt from a work permit. The foreign worker works under exactly the same conditions as a Belgian worker, in any point of view. Regulations regarding social security however are different, when the concerned worker works in Belgium as a seconded employee under the framework of service delivery.

The foreign worker always has to reside legally in Belgium in order to be able to work in the country. Only legal residence entitles the worker to obtain a work permit, except in the case of Permit B where the right to work entitles the worker to obtain a residence permit. Residence permits are numerous. The Immigration Office is competent for those matters.

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Type of card	Type of residence permit
Orange Card	Temporary
Card A	limited
Card B	unlimited
Card C	unlimited
Card D	unlimited
Card E	unlimited
Card E+	unlimited
Card F	unlimited
Carte F+	unlimited

Exemption from work permits

There are several categories of foreign workers who are exempt from the obligation to obtain a work permit. Those are foreign workers who have an unlimited residence or who are settled in Belgium (card B till F+). In this case, their employer does not have to obtain an employment authorization.

Categories the most frequently encountered are:

- A citizen of a member state of the European Economic Area (EEA) (the 27 EU member states plus Iceland, Norway and Liechtenstein) , with the exception of Romanian and Bulgarian citizens until December 2013
- The spouse of a Belgian and certain members of his family
- The foreign citizen in possession of a permit of settlement
- The foreign citizen authorized or allowed to an unlimited stay
- The recognized refugee in Belgium
- The student legally residing in Belgium but only for jobs during the school vacations (Christmas holidays, Easter and summer holidays)
- The student performing compulsory internship.



Types of working permits :

Permit A

The **permit A** can be granted to a foreign worker, who justifies 4 years of work covered by a B permit for a maximum period of 10 years of uninterrupted legal residence, immediately preceding the application.

The permit is of unlimited duration and is valid for any kind of salaried employment.

The holder of a work permit A can work anywhere in Belgium, regardless of the region that issued the permit.

Permit B

The **permit B** is primarily intended for a foreign worker, a Belgian employers wants to bring to Belgium in order to engage him. It is the Belgian or in Belgium settled employer who must apply for the employment authorization of a worker who still resides in his home country (or a country which is not his country of origin)

The permit B is limited in time with a maximum of 1 year and is renewable.

It is valid for a specific employer and a specific function.

For the permit to be granted, 4 conditions have to be met beforehand:

- Nationality of the worker (countries Belgium has concluded international agreements with : Algeria, Morocco, Tunisia, Turkey and the countries of the former Yugoslavia(Bosnia-Herzegovina, Croatia, Kosovo, Macedonia, Montenegro and Serbia) The condition also applies to Bul-

garian and Romanian workers until 31 December 2013.

- Review of the Belgian Labor Market
- Request made from the country of origin
- Medical examination of the worker and standard work contract

The citizens of other foreign countries cannot benefit from a permit during the first examination of their request. The permit can only be granted on the occasion of an appeal against the refusal, introduced in the regional ministry.

The rule for foreign workers who are subject to the review of the Belgian labor market is as follows: The authorization to engage a foreign worker will not be granted in case anyone else on the Belgian labor market is able to perform this job, even after training.

Some workers are not subject to the review of the labor market:

- The Romanian and Bulgarian citizens only in trades where there is a shortage of labor
- Highly qualified workers
- Persons who come to occupy a leadership position
- Specialized technicians
- Workers who receive a specific vocational training in a Belgian firm
- Professional athletes aged 18 and trainers
- Sports trainers
- Etc.

The employment authorization is not granted to a foreign worker who has entered the Belgian territory to be occupied already before his employer has obtained the authorization. However certain





Permit C

foreigners that sojourn in Belgium may apply for a permit B:

- The spouse of a foreign citizen allowed to stay in Belgium as a student
- The spouse of a foreign citizen whose right to sojourn in Belgium is limited to the validity of his work permit.

The **permit C** is granted due to the situation of the applicants' stay, a situation that is not yet stabilized. The loss of legal residence automatically entails the loss of validity of the work permit.

It allows certain categories of foreigners in situation of authorized temporary residence, to work in any kind of profession. The worker himself must initiate the process to obtain the permit.

The permit C is limited in time, for a maximum of one year and renewable.

The main categories of workers who benefit from permit C are :

- The asylum seeker, who at least 6 months after the introduction of his request, has not received a negative response from the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) to his request or who has received after six months or more a negative response to his request, but has launched an appeal against this decision in the Aliens' Appeal Council (AAC).
- The holder of a certificate of arrival (CA), a certificate of registration type A (CRA) or a certificate of registration with the Register of foreign nationals (CIRE) issued in the framework of measures taken against human trafficking.
- The foreign citizen authorized to reside under

article 9bis of the law of 15 December 1980, provided that the extension of the residence permit is subject to the condition of being employed.

- The foreign citizen authorized on the basis of article 9ter of the law of 15 December 1980 on the basis of a recognized medical condition and who therefor is in the possession of an identity card for foreigners type A (CIRE limited)
- The foreign citizen admitted in the framework of family reunification.
- The legally residing student, for services that do not exceed 20 hours per week outside school holiday periods.

The holder of a work permit C can work anywhere in Belgium, regardless of the region that issued the permit.

Renewal, conditions and deadlines

To renew his work permit a request has to be made, at least, one month and a half before its expiration.

If you have a permit B, it is your employer who must make the request for extension. Before extending the permit B, the administration of the competent region checks whether the employment contract has been well respected by the employer at the time of working time and remuneration and the employer is in order payment of social security contributions.

If you have a C permit, you must apply for an extension.

For the C permit to be renewed, you have to be in order with your residence permit

Other useful information

We recall that any discrimination committed against a person on the basis of race, color, ancestry, origin, nationality in work is punishable under the law of May 10 2007.

The employer who illegally employs foreign workers is subject to penal sanctions (fines, imprisonment)

The mission of the social inspectors is to fight against undeclared work, ensure regulatory compliance, conduct inspections and hearing to fight against fraud and offenses. They draw up the official reports and send the cases to the labor court.

Where to get information ?

- The Trade union officers in your regional federation in charge of New Migrations and Diversity or write us at the email address: nouvelles-migrations@acv-csc.be
- The legal department in your regional federation.

Useful addresses

WORK AUTHORISATION AND WORKPERMIT A, B AND C:

The regional administration competent for the work permit A and C is that of the place of residence of the foreign workers temporarily staying in Belgium. For the work permit B is it the place of work.

Ministry of the Brussels Capital

Direction de la Politique de l'Emploi et de l'Economie Plurielle, (Directorate of economy and employment)

Cellule Permis de travail (cell work permit)

C.C.N., Gare du Nord, Rue du Progrès,

80 à 1035 Bruxelles

Tél. : +32 (0)2 204 13 99

E-mail : travail.eco@mrbc.irisnet.be

<http://www.bruxelles.irisnet.be>

Public Service of Wallonia

Direction générale opérationnelle Economie, Emploi et Recherche (Directorate of Economy, Employment and Research)

Département de l'Emploi et de la Formation professionnelle (Department of Employment and Vocational Training)

Direction de l'Emploi et des Permis de Travail (Directorate of Employment and work permit)

Place de Wallonie, 1 à 5100 Jambes

Tél. : +32 (0)81 33 31 11

E-mail : permisdetravail@spw.wallonie.be

<http://emploi.wallonie.be>

Dienst Migratie en Arbeidsbemiddeling Vlaanderen (Department of Migration and Labour counselling of Flanders)

Boulevard du Roi Albert II, 35 boîte 21 à 1030 Bruxelles
Tél. : +32 (0)2 553 39 42
E-mail : arbeidskaart@vlaanderen.be
<http://www.werk.be>

Ministerium der Deutschsprachigen Gemeinschaft Abteilung, Beschäftigung, Gesundheit und Soziales (Ministry of the German speaking Community, Department of Employment, Health and Social Affairs)

Gospertstrasse, 1 Community Ministry of the German department, employment, health and social
4700 Eupen
Tél.: +32 (0)87 59 64 86 - fax : +32 (0) 87 55 64 73
Site Internet : <http://www.dglive.be>

REGIONAL EMPLOYMENT INSPECTION

Ministère de la Région de Bruxelles-Capitale (Ministry of the Brussels Capital Region)

Administration de l'Economie et de l'Emploi (Administration of Economy and Employment)
Direction de l'Inspection régionale de l'Emploi (Directorate of the regional Employment inspection)
Boulevard du Jardin botanique, 20 à 1035 Bruxelles
Tél. : +32 (0)2 800 35 00
Fax : +32 (0)2 800 38 07
E-mail : ire@mrbc.irisnet.be

Public Service of Wallonia

Direction générale opérationnelle Economie, Emploi et Recherche
Département de l'Inspection (Department of Inspection)
Direction de l'Inspection du Travail (Directorate of the Labor inspection)
Place de Wallonie, 1 à 5100 Jambes
Tél.: +32 (0)81 33 44 21
Fax: +32 (0)81 33 44 22
E-mail : pierre.burton@spw.wallonie.be

Flemish government Public Service of Flanders

Département Emploi et Economie sociale (Department of Employment and Social Economy)

Section Inspection, Emploi et Economie sociale (Section Inspection, Employment and Social Economy)

Bâtiment Ellipse

Boulevard du Roi Albert II 35 boîte 20

1030 Bruxelles

Tél.: +32 (0)2 553 08 88

Fax: +32 (0)2 553 42 71

E-mail: werkgelegenheid.inspectie@vlaanderen.be

ACCESS, RESIDENCE AND SETTLEMENT OF FOREIGNERS IN BELGIUM:

Ministry Home Affairs

Office des Etrangers (Immigration Office)

Chaussée d'Anvers, 59B à 1000 Bruxelles

Tél. : +32 (0)2 206 13 00

<http://www.dofi.fgov.be>

For more detailed legal information :

Association pour le Droit des Etrangers (ADDE)
(Association for the Rights of Foreigners)

<http://www.adde.be>

Legal references :

- Law of 30 April 1999 concerning the employment of foreign workers.
- Royal Decree of 9 June 1999, executing the law of 30 April 1999 concerning the employment of foreign workers.
- Social penal code

Notes



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Service
Nouvelles Migrations
& Diversité

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