

**Chandrawat
& Partners**



IMMIGRATION TO BELGIUM



**A COMPREHENSIVE GUIDE ON
IMMIGRATION TO BELGIUM.**

enquiries@chandrawatpartners.com | www.chandrawatpartners.com

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THE SYSTEM OF IMMIGRATION IN BELGIUM

Belgium is a small beautiful country known for its wonderful medieval towns, well-preserved Renaissance architecture, and delicious cuisines. It might be small in size, but when it comes to the number of choices, Belgium stands shoulder to shoulder with some of the largest countries in the world.

Generally, a tourist visa is required for visiting Belgium. There are some exceptions for needing a tourist visa to visit Belgium. These exceptions are: -

- If one's country is part of the Schengen Area or the EEA/EU
- If one belongs to the U.S., New Zealand, Australia, Monaco, Republic of Andorra, Japan, or any other country that has reached a visa-free agreement with Schengen.

Belgium is a member of the Schengen Area, a free-travel zone comprised of 27 European countries. If the nationality of a person is not eligible for a visa waiver in the Schengen Area, it will be required to obtain a Schengen C Visa prior to travel. Visa-waivered nationals, as well as those who are required to obtain a visa, are authorized to travel to Belgium and throughout the Schengen Area. The travelers may not spend more than 90 days within any 180-day period inside the Schengen Area.

PURPOSES OF IMMIGRATION

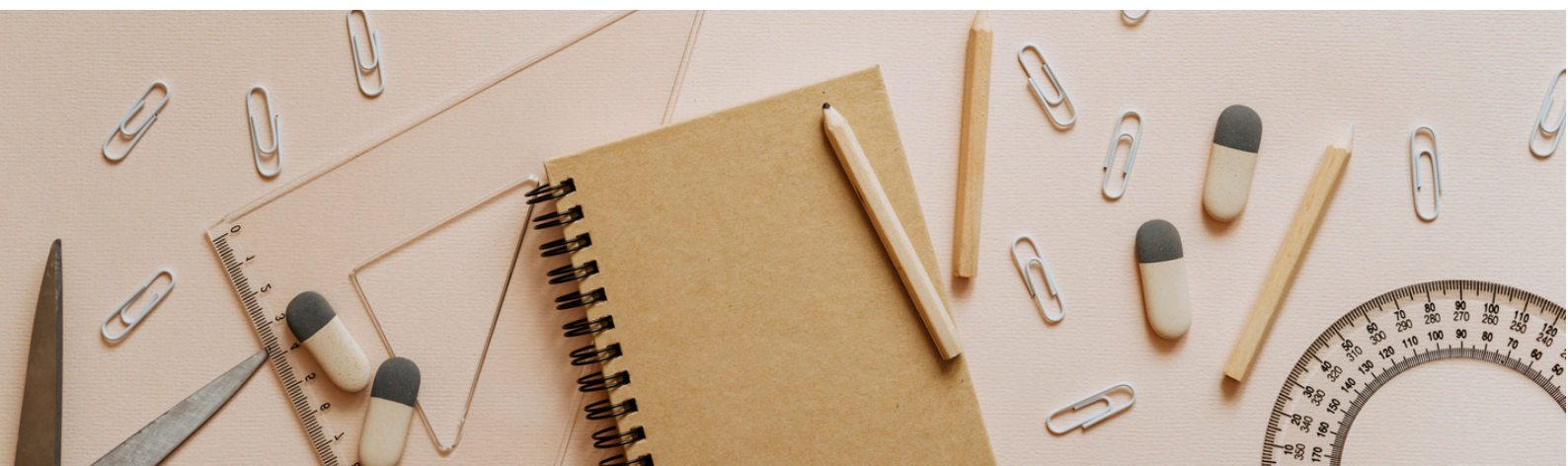


EDUCATION:

- Third-country nationals applying for initial authorization to stay to pursue full-time higher education, or a preparatory year for such education, at an institution of higher education in Belgium from the 2022-2023 academic year. This initial application is usually submitted to a Belgian embassy or consulate abroad. (visa application)
- Third-country nationals who have already been authorized to reside in Belgium as students, and who wish to extend their stay to continue these studies. (second authorization to stay and following)
- Third-country nationals who, at the end of their higher studies, wish to extend their stay in Belgium in order to seek employment or pursue a self-employed activity (search year).
- Third-country nationals enrolled at a private higher education institution – that is, an institution not recognized by the competent authority, may apply for an authorization to stay in Belgium for more than 90 days, but they will not have student status because the diploma or certificate that will be issued at the end of their course will not be recognized.

The citizen of a third country who wishes to undertake full-time higher studies at a higher education institution in Belgium, or a preparatory year for this education, must submit an application for authorization to stay in Belgium for more than 90 days.

As a general rule, applicants must submit their visa application in person, as they will be asked to provide fingerprints and answer a questionnaire designed to assess the coherence of their academic background and study plans in Belgium. By way of exception, a third-country national already residing in Belgium may submit their application to the local authority in the place where they reside before their residence permit or authorization expires. In this case the applicant must already be enrolled in a higher education establishment for full-time study.



WORK AND EMPLOYMENT

A third-country national who wishes to work in Belgium must first obtain a work permit.

- Salaried activity → single permit or work permit
- Self-employed activity → professional card

In some cases, third-country nationals are exempted from the obligation to obtain this work permit. Since 3 January 2019, all residence permits issued by Belgium feature a statement regarding access to the labor market: "Labor market: limited", or "Labor market: unlimited", or "Labor market: no".

A third-country national authorized to work and reside in Belgium may be accompanied or joined by their spouse, registered partner and children. The conditions and modalities for submitting an application for a visa or residence permit are explained in the section on family reunification. (This information on the employment of foreign workers is not exhaustive because, in Belgium, this matter falls within the competence of the Regions.)



FAMILY REUNIFICATION

Certain family members of Belgian or foreign nationals legally residing in Belgium have the right to come and live with their families in Belgium, under certain conditions. The right to family reunification for these family members must be recognized if they prove, with documents, that the conditions for family reunification are met.

The conditions for family reunification are determined by nationality, age, family relationship (marriage, partnership or lineage) and the residence status of the person entitled to family reunification (limited residence, unrestricted residence, beneficiary of international protection, etc.).

Under certain conditions, there is a possibility to come to Belgium for a short stay in order to make concrete plans for a marriage or legal partnership, and then apply for residency in the context of family reunification.



NON-DIRECT ROUTES OF IMMIGRATION



SHORT STAY

A foreigner who travels to Belgium to visit their family, or to visit the country, or for professional reasons, or to attend or participate in a sporting or cultural event, or for any other reason, must prove with documents that they meet the conditions for entering the Schengen Area. These entry conditions are stipulated in Article 6 of the Schengen Borders Code.

One of these entry conditions is to be in possession of a valid visa, unless the foreigner is exempt from this requirement, or unless they hold a residence permit that allows for entry without a visa or a national long stay visa (Visa D) that is valid. A short stay in the Schengen Area cannot exceed 90 days within each 180-day period.

The visa holder must respect this rule. Consequently, a foreigner who travels frequently is advised to count the number of days spent in the Schengen Area during the "mobile" reference period of 180 days that precedes each day of a new stay. In certain circumstances, the extension of a short stay may be granted. This is particularly the case when force majeure prevents someone from leaving the Schengen Area on the scheduled date.

SELF-EMPLOYED VISA:

Non-EU foreign nationals who want to settle in Belgium and work as a self-employed person must be in possession of a professional card, also known as a Belgium Freelance visa, which allows them to exercise their profession. The card can be issued for five years.

The professional card is a form of authorization for self-employed workers and drivers who are not Belgian citizens, are not citizens of a member state of the European Economic Area (the EU member states plus Iceland, Norway and Liechtenstein) or of Switzerland, and are not exempt from the licensing requirement for other reasons.

Applications for professional cards must be submitted to the Belgian diplomatic or consular representation in the country of residence: the application must be submitted in person.



AU PAIR WORK FOR YOUTH:

In order to stay as an au pair worker in Belgium, young foreigners must have a valid work permit in their possession. This condition does not apply to nationals of a Member State of the European Economic Area (the countries of the European Union plus Iceland, Norway and Liechtenstein) and Switzerland.

Belgian host families, on the other hand, have to apply for an employment authorization and a B work permit if they want to host an au pair. On the basis of this employment authorization, the young person can apply for a visa. Nationals of all countries (except the European Union States, Iceland, Monaco, Norway, Liechtenstein and Switzerland) who wish to stay in Belgium for more than three months are subject to a visa requirement.

They must expressly apply in advance for a special type of visa (the temporary residence permit): the Schengen visa type D. The application must be made at the Belgian diplomatic or consular posts of the country in which the visa applicant is domiciled.

A foreigner wishing to work as an au pair in Belgium must be in possession of a passport valid for at least one year, a recent certificate of good conduct covering the last five years, a medical certificate obtained from a doctor approved by the embassy and an employment authorization.

This employment authorization must be applied for by the Belgian host family and is issued together with the B work permit. In addition, the application must be submitted in time to allow the Immigration Office to carry out a possible investigation.





HIGHLY SKILLED MIGRANT SCHEME:

The European Blue Card is a work and residence permit available for highly skilled workers in Belgium one can apply to stay and work in Belgium as a highly-qualified worker if they hold a degree of higher education (or equivalent), have concluded an employment contract for at least 1 year and earn at least 100% of the average gross annual salary (in Flanders reduced to 80% if they are under 30 or employed as a nurse).

If the conditions are fulfilled, a single permit for residence will be issued and work and a long stay visa type D.

RESEARCHER VISA:

Belgium offers specific schemes to attract international researchers and scientists. These schemes aim to encourage research collaborations and innovation. One can apply to carry out research activities in Belgium if they have concluded a hosting agreement with an approved research organization in Belgium.

A hosting agreement can be concluded if the host institution has approved the research project and has assessed one's qualifications as a researcher. If a research grant is received, this grant is equal to those received by Belgian nationals.

If the conditions are fulfilled, a single permit for residence, work and a long stay visa will be issued. Please note that one can also apply for a single permit as guest professor or postdoctoral scholar provided, they fulfil the required criteria. They can apply for EU long-term resident status after 5 years of uninterrupted legal stay in Belgium, provided they have sufficient, regular and stable means of subsistence and health insurance.

INTRA-COMPANY TRANSFERS:

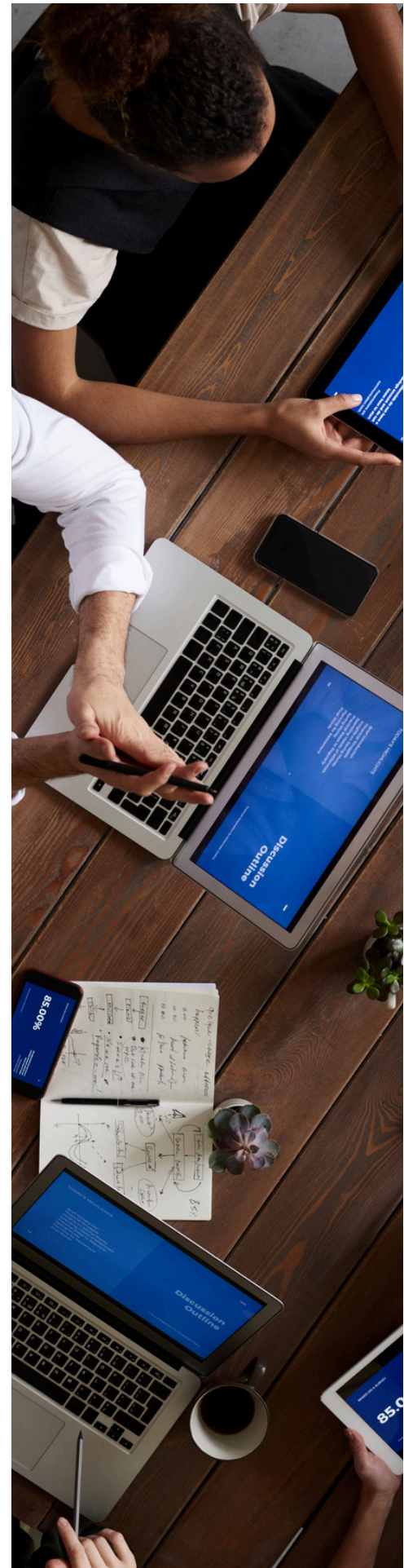
The new regulation seeks to make it easier for multinational companies based outside of the Union to temporarily post certain members of their staff, for professional activities or training, to an entity of the same undertaking or an undertaking belonging to the same group, based in the Union. To this end, two possible transfers are foreseen:

- **Direct posting to Belgium:** This refers to the possibility for third country nationals who reside outside the territory of the Union at the time of application to apply to reside and work in Belgium for more than 90 days in the framework of an intra-corporate transfer as managers, specialists or trainee employees. Belgium is the first Member State, or the Member State responsible for issuing the intra-corporate transferee permit, when the third country national comes to work in Belgium the longest. The maximum total duration of the transfer is 3 years for a manager or a specialist and 1 year for a trainee.
- **Mobility via another Member State:** When a third-country national has obtained the status of intra-corporate transferee in another Member State, he can exercise his right to mobility to come and work in Belgium. He can only come to work in Belgium for an entity of the same undertaking or an undertaking belonging to the same group of undertakings as the one established abroad to which he is already bound by a work contract. Mobility in Belgium can be either for a short-term (up to 90 days) or a long-term (more than 90 days).

VOLUNTEERS:

Third-country nationals who want to participate in a voluntary service scheme recognized by the European Union (European Voluntary Service) can come to Belgium. To come to Belgium as a volunteer, an authorization for volunteer is needed. This authorization should be applied for by the concerned volunteer organization to the competent regional government in the form of an application for authorization to work, which will then be considered as an application for a authorization for volunteer.

Hence, by exploring the comprehensive immigration purposes and the corresponding visa options, individuals can identify the most suitable pathway to immigrate to Belgium.



TYPES OF VISAS



Short-stay visas (category C)

- A short-stay visa (type C) allows the holder to travel and stay freely between all of the Schengen area member countries. This visa, also known as the Schengen visa, is only applicable to a short stay of maximum 90 days (in any 180-day period).
- Students, staff members and visitors who hold a residence card issued by another Schengen country, which is still valid until after their return to their country of residence/home country, may enter and stay in Belgium without a visa for maximum 90 days (in any 180-day period).
- Belgium Transit Visa- The transit visa is a permit for travelers who have to enter the Schengen zone only to switch their means of transport.

Work Visas (category B)

- Foreigners who wish to gain employment and reside in Belgium for more than a year, need to secure a work contract and apply for a work visa- type B.
- As Belgium is a part of the Schengen Union, it is authorized to travel to another Schengen State for a total period not exceeding 3 months in a 6-month period, starting from the date of first entry on to the Schengen territory.
- This visa is valid for a period of 1 year. The employer needs to get authorization to employ the foreign employee, prior to the work contract and visa application.

Long-stay visas (category D)

People who want to stay in Belgium for more than 90 days have to apply for a long-stay visa (visa D), depending on the purpose of travel:

- **Student visa**- This type of visa can be applied if one wants to study in Belgium; usually, it is valid for six months, but it may last until the study program is over.
- **Work visa**- A work visa can be applied if one wants to work in Belgium. An employer is usually needed in Belgium who will sponsor for this type of visa, but this requirement may vary.
- **Dependent visa**- Also referred to as a family reunion visa, this visa is issued if there exists a family member, usually a partner, living in Belgium, and one wants to join them. The dependent visa is usually issued for the same duration as the visa of the partner



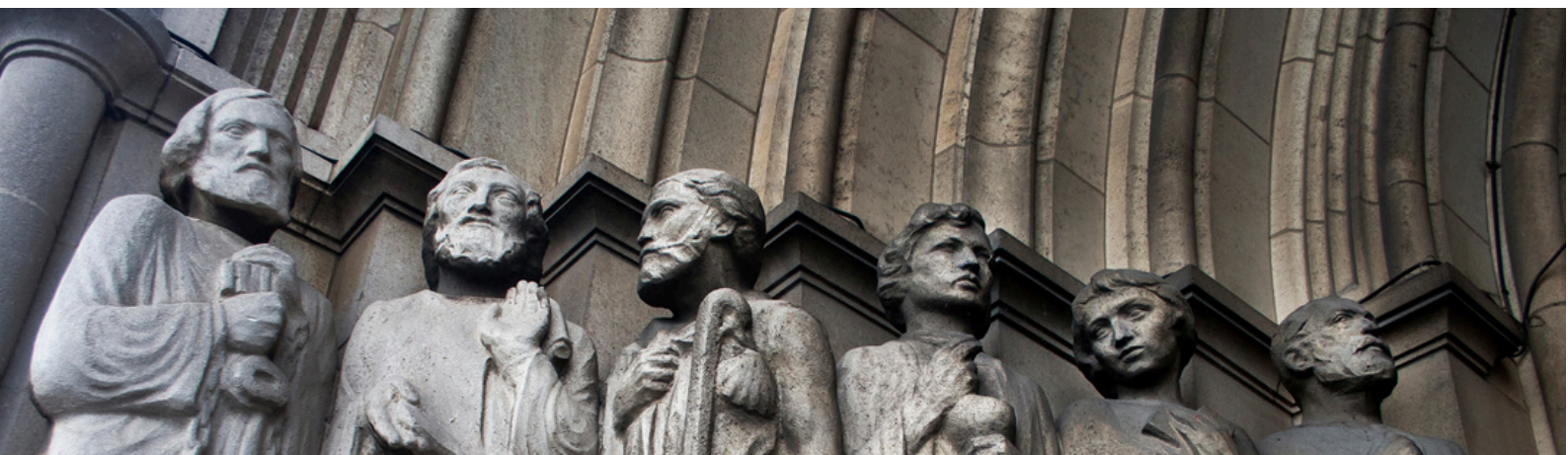
LICENSES AND DOCUMENTATION



TYPE-C (SCHENGEN) VISA:

The following documents must be submitted to the Belgium embassy/consulate when applying for any short-term Belgium visa:

- **Belgium visa application:** A Fully completed, printed and signed at the end, form is needed.
- **Two identical photos:** The photographs should be no older than three months and taken according to the Belgium visa photograph requirements & specifications.
- **Passport:** It should contain at least two blank pages in order to be able to affix the Belgium vis sticker. It must be valid for at least 3 months beyond the date of exit from Belgium (Schengen territory). It must be no older than 10 years, as well.
- **Copies of previous visas** (if applicable).
- **Language Preference Form:** Belgian authorities offer the opportunity to choose from three of the national languages of Belgium, the application is to be treated (French, German or Dutch).
- **A cover letter:** In which explanation of the reason to visit Belgium and further details on the trip will be given.
- **Round-trip Flight Itinerary:** It should contain the dates and flight numbers specifying entry and exit from Belgium (Schengen area).
- **Proof of accommodation:** A document proof showing the details of stay in Belgium i.e., Hotel reservation for the whole duration of the intended stay in Belgium.
- **Proof of civil status:** This could be a marriage certificate, birth certificate of children, death certificate of spouse, etc.
- **Proof of sufficient financial means** for the period of stay in Belgium- According to the Belgian Immigration Office, a traveler has to attest possessing €95 per day if staying in a hotel and €45 when planning to get accommodated by cheaper means.
- **Schengen Travel Insurance:** It is required to submit a document which confirms that traveler have purchased travel insurance for Belgium and the whole territory of Schengen, with a minimum €30,000 coverage for medical emergencies, and repatriation in case of death.
- **Travel health insurance** policies for foreigners travelling to Belgium that fulfil Belgium Visa requirements can be purchased online from Europ Assistance or Mondial Care. Both companies are accepted by Belgian Embassies and Consulates worldwide.



TYPE-D (LONG STAY) VISA:

- **Registration Certificate of work:** It is required to get this from the local authorities (Municipality).
- Applicants will have to go in person to the center and register their biometrics.
- **Passport valid of at least 12 months** and application will be accepted only within three months before the date of arrival.
- **Visa Application form for long stay**, completed and signed.
- **Two recent Photographs** (as specified)
- **Civil status:** It is a must bring any civil status documents that are required of the traveler like Birth certificate, Marriage certificate etc.
- **Proof of sufficient financial means** to support oneself during the stay
- **Copies of any previous visa**, if applicable
- **Language preference form-** One may choose the application to be treated in English, German, Dutch or French
- **A medical certificate** attested from a authorized personnel
- **Police and Character Certificate**, attesting to the lack of any convictions for crimes or offences under common law
- **Proof of payment** of the visa application fee

TYPE-B (WORK) VISA:

- **Visa application form:** Completed and signed with copy of the same.
- **Copies of valid passport** (like the bio page, past visas, etc.), with validity for at least a year. (12 months)
- **Two recent Photographs.** (as specified)
- **Proof of applicant 's exemption** from the obligation to hold a work permit (if applicable).
- **A medical certificate** attested from authorized personnel.
- **Police and Character Certificate**, attesting to the lack of any convictions for crimes or offences under common law.
- **Proof of sufficient financial means** to support oneself during the stay
- **Civil status:** It is a must to bring any civil status documents that are required of traveler like Birth certificate, Marriage certificate etc.
- **Proof of payment** of the visa application fee

RECENT CHANGES IN IMMIGRATION POLICY



- Effective from 1 January 2023, the minimum immigration salary threshold for foreign employees will increase in Belgium. This increase will impact new and pending applications, as well as valid permit.
- A number of Belgian work and single permits specify an immigration salary threshold required for an individual to qualify, some of which are reviewed annually.
- Valid permit holders: Employers must ensure that the salary of foreign workers already legally employed in Belgium will meet the updated threshold as from January 2023.
- Initial and renewal applications: Employers looking to obtain or renew a work authorization as from 1 January 2023 must ensure they meet these new thresholds. Applications that do not meet the minimum salary threshold will not be approved.
- Pending applications: Employers with pending work authorization applications with a foreseen start date as from 1 January 2023 must increase the salary as from 1 January 2023 to ensure compliance with this updated rule.



HOW WE CAN HELP?



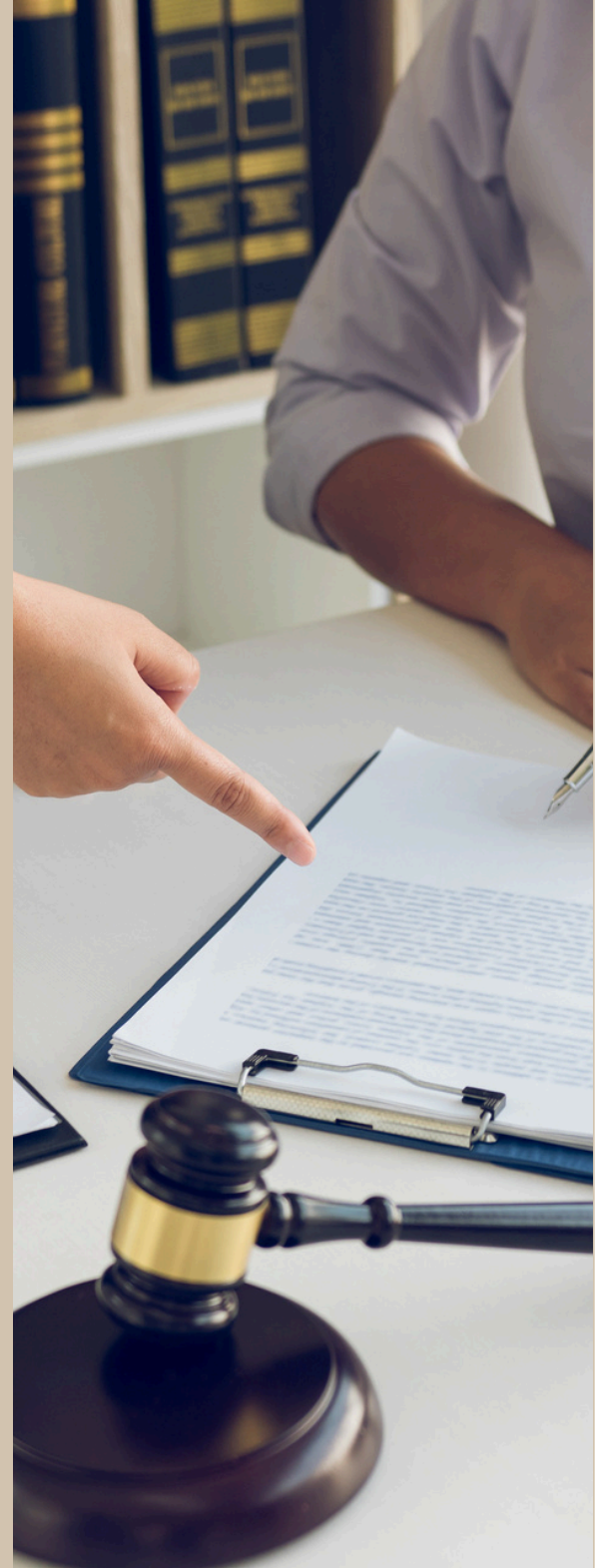
Our team of dedicated immigration experts understand the complexities and challenges that individuals face when it comes to the immigration process and are committed to providing comprehensive support and supervision to ensure a smooth and hassle-free immigration experience for our clients who are interested in relocating. Here are some of the specific services our team offers for immigration.

Visa application assistance: Our team guides clients through the entire visa application process, ensuring that all necessary documents are prepared and submitted accurately and on time. Our team provides step-by-step guidance to help individuals navigate through the complexities of the application process, whether it is for a tourist visa, business visa, social visa, or any other category applicable to their situation.

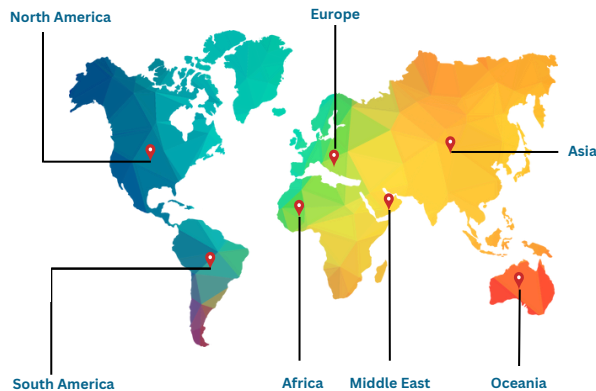
Expert advice on visa types: There are various visa categories, each with its own set of requirements and conditions. Our immigration professionals have a comprehensive understanding of the different visa types and can provide expert advice on choosing the most suitable visa category based on the client's purpose of visit, whether it is for employment, study, investment, or other purposes.

Work permit applications: For individuals seeking employment, we provide assistance in obtaining the necessary work permits. Our team understands the specific requirements and procedures involved in obtaining work permits and strive to make the process as smooth as possible.

Post-arrival support: Our services extend beyond the visa application process. Our team provides post-arrival support to help individuals settle into their new lives. This includes assistance with accommodation, healthcare, education, and other essential aspects of relocation.



SERVING CLIENTS WORLDWIDE



The information contained herein is of a general nature. Although we endeavor to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. The information is not offered as an advice on any matter, and no one should act or fail to act based on such information without appropriate legal advice after a thorough examination of the particular situation. The information does not make us responsible or liable for any errors and/or omissions, whether it is now or in the future. We do not assume any responsibility and/or liability for any consequences.

Key Contact



Surendra Singh Chandrawat

Managing Partner

✉ surendra@chandrawatpartners.com

Connect Surendra on

[LinkedIn](#)

[WhatsApp](#)

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