

Corporate Immigration - Belgium

European blue card: a new work permit for foreign highly qualified workers

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Introduction

The Belgian government recently amended the regulations governing the employment of foreign workers in order to transpose EU Directive 2009/50/EC, which provides for the establishment of the European Blue Card to attract and retain highly qualified workers from foreign countries.

The European Blue Card has the distinction of combining an authorization to reside and an authorization to work; effectively a resident and work permit in one.

Provisional work authorization

In order to obtain the European Blue Card, an employer must first apply to the competent regional Belgium authority to acquire a provisional work authorization. The competent regional authority will grant a provisional work authorization when the following conditions are met:

- The employer must have concluded with the worker an employment contract of indefinite duration or for a period of at least one year.
- The gross annual compensation paid by the employer to the employee must be at least €49,995.
- The worker must hold a diploma of higher education from a post-secondary course program of at least three years. The diploma or certificate must be issued by a higher education institution recognized by the state in which it is located.

Procedure

The employer must apply for a provisional occupation authorization from the competent regional authority with a completed form that includes:

- a copy of the written contract, drafted in accordance with the Act on Employment Contracts (July 3 1978) and signed by the employer and the employee;
- a copy of the employee's passport if he or she is not present in Belgium or a copy of the document issued by the relevant local authority attesting the residence of the employee if he or she is already in Belgium; and
- a legalized translation of a copy of the employee's diploma certifying that he or she completed a post-secondary course. In any of Belgium's three official languages: German, French or Dutch.

The provisional work authorization is granted within 30 days. The employer then provides a copy of the authorization to the employee, upon which the employee can begin work.

Within 90 days of the issuance of the provisional work authorization, the employee must apply for a European Blue Card, either in Belgium or abroad.

Duration and renewal

The European Blue Card is valid for 13 months and renewable for a period of 13 months. The renewal is again preceded by a provisional work authorization under the same conditions as the initial authorization.

After two years the local authority will issue a European Blue Card valid for a period of three years if the employee can provide proof of employment. After five years, the employee will be able to apply for the status of 'long-term resident' and receive the Residence Card.

Comment

The European Blue Card is a new tool for employers to employ highly skilled foreign employees. It is a response to the desire to harmonize the different national work and residence permits of EU member states. It does not replace the existing Belgian work and residence permit system, which already provides exemptions for foreign skilled employees.

The European Blue Card is issued by the EU member states. It presents a dual advantage: the employer must request a work authorization only for the first two years, and the worker receives a single document with dual residence and work authorization. Moreover, with the European Blue Card it becomes easier for the worker's family to obtain residence authorization.

About the author:

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