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Belgium – Higher Charges for Certain D Visas and Residence Permits

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flash Alert

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Due to recent legislation¹, as from 2 March 2015, the processing of certain Belgian visa type D applications and residence permit applications requires a payment of an additional contribution of up to EUR 215.

Non-European Economic Area (EEA) employees and self-employed individuals applying for a Belgian visa type D for purposes of employment-related migration will have to pay a contribution of EUR 215. This contribution is in addition to the consular fee.

Why This Matters

Employees (or their employers) and self-employed individuals will find employment-related migration to Belgium slightly more costly as they will have to pay the additional contribution for the Belgian visa type D or Belgian residence permit.

Moreover, it should be noted that when initiating the immigration process, the application for the visa type D or residence permit will be inadmissible if the contribution is not paid; but once paid, the applicants can refile the application.

Employers should be aware of this additional contribution as it can affect both the cost as well as the timing of the Belgian immigration process.

Background

Unlike some other countries, Belgium has a dual system of immigration formalities. One part of the formalities to be complied with has to do with granting the right to work in Belgium. As mentioned in our [Flash Alert 2015-016](#) (5 February 2015), non-EEA² or non-Swiss nationals performing professional activities as employees in Belgium have to be in possession of a Belgian work permit or an EU Blue card³. Self-employed individuals require a professional card when exercising professional activities in Belgium⁴.

The right to enter and reside in Belgium, on the other hand, is coordinated under a separate set of rules. Non-EEA or non-Swiss nationals, in principle, will require a Belgian visa when

¹ Program Act of 19 December 2014; Royal Decree of 16 February 2015. *Loi-Programme du 19 décembre 2014 (Programmawet)*, published in the *Moniteur Belge/Belgisch Staatsblad*, 29 December 2014. And *Le décret royal du 16 février 2015, modifiant le décret royal du 8 octobre 1980 relatif à l'entrée sur le territoire, le séjour, l'établissement et l'éloignement des étrangers (Koninklijk besluit tot wijziging van het koninklijk besluit van 8 oktober 1981 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen)* published in the *Moniteur Belge/Belgisch Staatsblad*, 20 February 2015.

² The European Economic Area consists of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, The Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

³ Some exceptions do apply.

⁴ Some exceptions do apply.

travelling to Belgium⁵. If they intend to reside in Belgium for a period longer than 90 days, they will have to obtain a long-term visa (visa type D), before coming to Belgium.

EEA nationals wishing to take up long-term residence in Belgium will have to register at their Belgian commune⁶ to be granted a resident permit.

New Fees

While previously the application for this Belgian visa type D and residence permit was free of administrative contributions (only consular and communal fees applied), according to new legislation, an additional contribution is now charged.

KPMG Note

This policy change aligns Belgium with similar policies and practices in other European countries.

The amount of the contribution will depend on the type of visa type D and residence permit applied for and certain groups will be exempted from the additional contribution (such as under-aged individuals and EEA-nationals). When a visa type D is applied for on the basis of a work permit or professional card, the fee due is EUR 215⁷. A third country national who was granted the status of long-term resident in another EU member state and who submits an application for a stay of more than three months in Belgium, will have to pay a contribution of EUR 60⁸.

In cases of applications for Belgian residence permits based on family reunification (with a non-EEA national), a contribution of EUR 160⁹ will be due.

This contribution is to be paid (in EUR) by the applicant or a third party in a designated bank account in Belgium. The proof of payment will need to be provided at the time of submission of the visa or residence permit application. In the event that an applicant is unable to provide the proof of payment, the visa or residence permit application will be declared inadmissible and will not be processed as long as the contribution is not paid. The applicant can refile the application once payment has been made.

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(KPMG LLP U.S. does not offer immigration services.)

The information contained in this newsletter was submitted by the KPMG International member firm in Belgium. The information contained herein is of a general nature and based on authorities that are subject to change. Applicability of the information to specific situations should be determined through consultation with your tax adviser.

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⁵ Some exceptions do apply.

⁶ "Demografie – administratief bureau voor vreemdelingen"/"Démographie – Bureau administratif des étrangers".

⁷ To be indexed each year.

⁸ To be indexed each year.

⁹ To be indexed each year.