



# GMS Flash Alert

## Immigration Edition

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## Belgium – Flemish & Brussels Authorities Set New 2021 Minimum Salary Criteria

The Flemish and Brussels regional authorities have recently published the new minimum salary requirements for specific categories of employees working in Belgium for whom no prior labour market investigation is required. These minimum salary requirements are yearly updated and vary per region (see [GMS Flash Alert 2019-184](#) (10 December 2019) for last year's coverage).

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### WHY THIS MATTERS

In order to obtain the appropriate permit allowing employment of non-European Economic Area (EEA) nationals in Belgium, the respective minimum salary requirements must be met.

Employers need to monitor whether salary requirements are met and need to budget for increases in order to help ensure the continued legal employment in Belgium of their workforce.

Non-compliance with these minimum salary requirements may lead to a finding by the authorities of illegal employment by the employer and consequently can lead to the imposition of administrative and/or penal sanctions on the employer.<sup>1</sup>

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### New Minimum Salary Thresholds

The Flemish and the Brussels authorities have communicated the increased amounts for 2021. The Walloon authorities have not yet published their new 2021 minimum salary thresholds. These amounts might deviate from the amounts as applicable for the Flemish and Brussels Regions in 2021.

Amounts for 2021	Brussels Region <sup>2</sup>	Walloon Region	Flemish Region <sup>3</sup>
Highly-skilled employees	EUR 43,395	TBC	EUR 43,524*
Management personnel	EUR 72,399	TBC	EUR 69,638
EU Blue Card	EUR 56,111	TBC	EUR 52,229
Trainee	Min. salary (sector)	Min. salary (sector)	Sufficient means of existence
Medium-skilled employees in bottleneck professions	N/A	N/A	Min. salary (sector)

\* For employees with a local Belgian contract working in the Flemish Region and under 30 years of age, the amount is EUR 34,819.20. The higher amount needs to be met as soon as the employee turns 30.

## Penalties

- Employing a non-EEA national without a legal right to work in Belgium can result in a penalty between €400.00 and €8,000.00 per infraction.
- Employing a non-EEA national without a legal right to work nor a legal right to reside in Belgium can result in a penalty between €2,400.00 and €48,000.00 per infraction. In addition to the fines, in theory, a sentence of imprisonment of six months to three years may be imposed.

## KPMG NOTE

Prior to employing non-EEA nationals in Belgium, companies must obtain a Belgian work permit, or a Single Permit for these employees. The conditions to obtain such a permit are very strict. Except for specific categories of employees above, a labour market investigation is required. Such investigations can be time consuming and can lead to a refusal to grant the permit by Belgium's immigration authorities.

## FOOTNOTES:

1 Article 175 of the Belgian Social Penal Code, “Sociaal Strafwetboek/ Code pénal social”:  
[https://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=nl&la=N&cn=2010060607&table\\_name=wet](https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2010060607&table_name=wet) .

Federal Public Service Employment, Labour and Social Dialogue, Belgian Immigration Office, “Poursuites pénales” at:  
<https://emploi.belgique.be/fr/propos-du-spf/infractions/cheminement-dun-proces-verbal/poursuites-penales> .

2 Minimum salary thresholds for the Brussels Region: dedicated Single Permit page of the official website of the Brussels government will be updated soon.

3 Minimum salary thresholds for the Flemish Region: dedicated Single Permit page of the official website of the Flemish government.

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## You Are Invited to Join Us at Our Annual Forum Conference – Online This Year!

Also, please join us at **our 2020 KPMG Global Mobility Forum virtually!** The online registration for the 2020 KPMG Global Mobility Forum is open! Join us online at the “Virtual KPMG International Airport.” Pre-boarding is available from 19 October and your journey will begin on 27 October. Please [register](#) (we recommend you use Google Chrome, Mozilla Firefox, or Microsoft Edge web browsers for an optimal online experience). We look forward to connecting with you. Details are available [here](#).

## Contact us

For additional information or assistance, please contact your local GMS or People Services professional\* or one of the following professionals with the KPMG International member firm in Belgium



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*\* Please note the KPMG International member firm in the United States does not provide immigration or labour law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

**The information contained in this newsletter was submitted by the KPMG International member firm in Belgium.**

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