



GMS Flash Alert

Immigration Edition

2021-030 | January 19, 2021



Belgium – Brexit: Further Updates on Immigration Impact

This *GMS Flash Alert* provides an update on the Belgian immigration status of U.K. nationals who have been performing economic activities in Belgium prior to 31 December 2020 (for prior coverage, see the following issues of *GMS Flash Alert*: [2020-478](#) (2 December 2020) and [2021-015](#) (12 January 2021)). This *Flash Alert* reflects the latest status for the pertinent categories of employees.

WHY THIS MATTERS

Individuals and companies need to be aware of the new immigration framework that is in place following the end of the free movement of British citizens into the European Union (EU) as of 31 December 2020. Appropriate actions need to be taken to foster business continuity within this new reality.

British citizens who had been working in Belgium prior to the end of the transition period will not experience any major changes post-Brexit. However, certain action points need to be taken to help ensure their right to continue to work in Belgium.

U.K. Nationals Already Performing Economic Activities in Belgium before 31 December 2020

Those Residing in Belgium prior to 31 December 2020

U.K. nationals and their family members who are already residing and working in Belgium prior to 31 December 2020 should have obtained their Belgian residence permit prior to 31 December 2020 in order to be in compliance.

Their current residence permits will have to be exchanged for an “M-card” by 31 December 2021 at the latest. In any case, the current residence permits will only remain valid until 31 March 2022.¹ The application for an “M-card” will not need to be initiated by the concerned individuals themselves; they will receive an invitation with instructions to file the application at their commune of residence.

When applying for the “M-card” the concerned individuals, in addition to their current residence permit, will need to submit a copy of their valid passport or ID-card and an extract of their criminal record (maximum six months old).²

The validity period of the “M-card” is five years; in case it covers a permanent residence, the validity period is 10 years.³

Frontier Workers / Business Travellers

The Royal Decree of 24 December 2020, amending the Royal Decree of 8 October 1981 regarding access to Belgian territory as well as residence and establishment rights and conditions, and the removal of foreign nationals⁴ did not entail any changes to the draft Royal Decree, which was the subject of our previous [GMS Flash Alert 2021-015](#) regarding frontier workers and business travellers.

The broad definition of frontier workers remains intact.⁵ This has as a consequence: U.K. business travellers already having business travel into/out of Belgium prior to 1 January 2021, can also qualify as frontier workers. U.K. nationals already performing economic activities in Belgium prior to 1 January 2021, will thus be able to continue working in Belgium.

These categories of employees should have obtained the Belgian Annex 15 for frontier workers prior to 31 December 2020, to help ensure compliance. This Belgian Annex 15 for frontier workers will need to be exchanged for an “N-card” by 31 December 2021 at the latest, in order to safeguard their right to work in Belgium. In any case, the current Annex 15 for frontier workers will only remain valid until 31 March 2022.⁶

In addition to the Belgian Annex 15 for frontier workers, a copy of their valid passport or ID-card and an extract of their criminal record (maximum six months old) will have to be provided as well.⁷

In case the Belgian Annex 15 for frontier workers was not timely obtained, other additional supporting documents may be provided by the concerned employee, when applying for the N-card, proving that he exercised his right to free movement and that he was economically active in Belgium as an employee prior to 31 December 2020.⁸

The N-card will have to be obtained at the Belgian commune of the place of employment and will have a validity period of five years.⁹

KPMG NOTE

Any questions or concerns regarding the status of British citizens working in Belgium should be directed to your qualified professional services contact or a member of the team (see Contact Us section) with the KPMG International member firm in Belgium.

FOOTNOTES:

- 1 Art. 6 of the Act of 16 December 2020 concerning the beneficiaries of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, *B.S. 23 December 2020 (loi de 16 Décembre 2020 relative aux bénéficiaires de l'accord sur le retrait du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord de l'Union européenne et de la Communauté européenne de l'énergie atomique)*.
- 2 Art. 3 of the Royal Decree of 24 December amending the Royal Decree of 8 October 1981 regarding the access to the territory, residence, establishment and removal of foreign nationals, *Belgisch Staatsblad/Moniteur Belge* 31 December 2020 (*Arrêté royal modifiant l'arrêté royal du 8 octobre 1981 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers relatif aux bénéficiaires de l'accord sur le retrait du Royaume-Uni de Grande Bretagne et Irlande du Nord de l'Union européenne et de la Communauté européenne de l'énergie*).
- 3 Art. 2 of the Royal Decree of 24 December amending the Royal Decree of 8 October 1981 regarding the access to the territory, residence, establishment and removal of foreign nationals, *Belgisch Staatsblad/Moniteur Belge* 31 December 2020.
- 4 The Royal Decree of 24 December amending the Royal Decree of 8 October 1981 regarding the access to the territory, residence, establishment and removal of foreign nationals, *Belgisch Staatsblad/Moniteur Belge* 31 December 2020.
- 5 Art. 3 of the Royal Decree of 24 December amending the Royal Decree of 8 October 1981 regarding the access to the territory, residence, establishment and removal of foreign nationals, *Belgisch Staatsblad/Moniteur Belge* 31 December 2020: "From a Belgian point of view, and in the context of relations with the U.K. post-Brexit, frontier workers are defined as citizens of the United Kingdom exercising an economic activity in accordance with Article 45 or Article 49 of the Treaty on the Functioning of the European Union, in one or more states in which they are not resident."
- 6 Art. 6 of the Act of 16 December 2020 concerning the beneficiaries of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, *Belgisch Staatsblad/Moniteur Belge* 23 December 2020.
- 7 Art. 3 of the Royal Decree of 24 December amending the Royal Decree of 8 October 1981 regarding the access to the territory, residence, establishment and removal of foreign nationals, *Belgisch Staatsblad/Moniteur Belge* 31 December 2020.
- 8 Art. 3 of the Royal Decree of 24 December amending the Royal Decree of 8 October 1981 regarding the access to the territory, residence, establishment and removal of foreign nationals, *Belgisch Staatsblad/Moniteur Belge* 31 December 2020.
- 9 Art. 3 of the Royal Decree of 24 December amending the Royal Decree of 8 October 1981 regarding the access to the territory, residence, establishment and removal of foreign nationals, *Belgisch Staatsblad/Moniteur Belge* 31 December 2020.

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Contact us

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

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