

# GMS Flash Alert



## Immigration Edition

2021-261 | October 19, 2021

# Belgium - Flemish and Brussels Authorities Set New 2022 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 2020-435](#) (21 October 2020) for last year's coverage).

## 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>:

- Employing a non-EEA national without a legal right to work in Belgium can result in a penalty between EUR 400.00 and EUR 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 EUR 2,400.00 and EUR 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.

## New Minimum Salary Thresholds

The Flemish and the Brussels authorities have communicated the increased amounts for 2022. The Walloon authorities are still to publish their new 2022 minimum salary thresholds. These amounts might deviate from the amounts as applicable for the Flemish and Brussels regions in 2022.

<b>Amounts for 2022</b>	<b>Brussels Region<sup>2</sup></b>	<b>Walloon Region</b>	<b>Flemish Region<sup>3</sup></b>
Highly-skilled employees	EUR 44,097	TBC	EUR 45,096*
Management personnel	EUR 73,570	TBC	EUR 72,154
Intra-Corporate Transferee (specialist)	EUR 45,616	TBC	EUR 45,096
Intra-Corporate Transferee (trainee)	EUR 28,509	TBC	EUR 45,096
Intra-Corporate Transferee (Management)	EUR 57,019	TBC	EUR 72,154
EU Blue Card	EUR 57,019	TBC	EUR 54,115
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 36,076,80. The higher amount needs to be met as soon as the employee turns 30.

### 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.

3 Minimum salary thresholds for the Flemish Region: dedicated Single Permit page of the [official website](#) of the Flemish government.

\* \* \* \*

## You Are Invited to Join Us at Our Annual GMS Forum – Being Held Virtually This Year

Register and get ready for the 2021 KPMG Global Mobility **Virtual** Forum! Pre-Event: 27 September – 22 October 2021; Main Event: 26 – 28 October 2021. One global event delivered at three different times each day:

- \* Asia Pacific: 13:00–15:30 (China Standard Time)
- \* EMA: 12:00–14:30 (Central European Time)
- \* Americas: 11:00–13:30 (Eastern Standard Time)

We've crafted an exciting program around a daily theme with impactful plenary speakers. Get ready to discuss the keynote content with fellow Forum participants in small break-out groups!

Learn ways to practically apply your learnings from you, your work, your world, with stories from leading global mobility professionals.

Following the conference, we will provide a certificate of attendance letter to eligible attendees that you may use to apply for CPE (or equivalent) credit.

For more information, [click 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:



**Nele Godefroid**  
**Executive Director**  
Tel. +32 (0)2 708 38 46  
[ngodefroid@kpmg.com](mailto:ngodefroid@kpmg.com)

**Saâdia Abdi**  
**Senior Manager**  
Tel. +32 (0)2 708 36 50  
[sabdi@kpmg.com](mailto:sabdi@kpmg.com)

\* Please note that KPMG LLP (U.S.) does not offer immigration services 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.**

© 2021 KPMG Central Services, a Belgian Economic Interest Grouping ("ESV/GIE") and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved.

[www.kpmg.com](http://www.kpmg.com)

[kpmg.com/socialmedia](http://kpmg.com/socialmedia)



© 2021 KPMG LLP, a Delaware limited liability partnership and a member firm of the KPMG global organization of independent member firms affiliated with KPMG International Limited, a private English company limited by guarantee. All rights reserved.

The KPMG name and logo are registered trademarks or trademarks of KPMG International. The KPMG name and logo are trademarks used under license by the independent member firms of the KPMG global organization.

KPMG LLP is the U.S. firm of the KPMG global organization of independent professional services firms providing Audit, Tax and Advisory services. The KPMG global organization operates in 147 countries and territories and has more than 219,000 people working in member firms around the world.

Each KPMG firm is a legally distinct and separate entity and describes itself as such. KPMG International Limited is a private English company limited by guarantee. KPMG International Limited and its related entities do not provide services to clients.

*Flash Alert* is a GMS publication of KPMG LLP's Washington National Tax practice. To view this publication or recent prior issues online, please click [here](#). To learn more about our GMS practice, please visit us on the Internet: click [here](#) or go to <http://www.kpmg.com>.