

GMS Flash Alert

Immigration Edition

2022-050 | March 9, 2022



Belgium - Entry and Stay Measures for Ukrainian Refugees

Due to the ongoing conflict in Ukraine, the European Union directive¹ was transposed into Belgian law providing minimum standards for granting temporary protection to those individuals that are affected by the invasion in Ukraine and had to flee Ukraine.

Moreover, Belgium has implemented certain measures to simplify the arrival and stay procedures for Ukrainian citizens.²

This *GMS Flash Alert* highlights the key measures that have been taken by Belgium for Ukrainian nationals.

For more coverage of the Ukrainian refugee situation, see [GMS Flash Alert 2022-045](#) (4 March 2022).

WHY THIS MATTERS

The military invasion in Ukraine has a profound impact on the personal and professional lives of Ukrainian nationals. Many Ukrainians have fled the country towards neighbouring European countries and are looking for a place to live and work. On a European level, many European countries, and the European Union, have taken steps aimed at giving Ukrainians special consideration at border crossings and a safe place to live and to work.

These measures are also important for Belgian companies with Ukrainian employees or companies who would like to employ Ukrainian nationals that have fled their home country Ukraine.

Temporary Protection Status

On 4 March 2022, the European Council adopted the entry into force of the European directive 2022/382 introducing a system of temporary protection in case of a mass influx of displaced persons from Ukraine.³ The system of temporary protection was considered more appropriate than an asylum status due to the extraordinary and exceptional situation.

The system of temporary protection should allow them to enjoy harmonised rights across the European Union and an adequate level of protection.

KPMG NOTE

This system is also considered to be beneficial for the member states of the European Union as the rights accompanying temporary protection will limit the need for displaced persons to immediately seek international protection and avoid an overwhelming number of requests for an asylum status.

Who Can Apply for Temporary Protection Status?

The following individuals will be able to benefit from the status of temporary protection:

- a) Ukrainian nationals (residing in Ukraine before 24 February 2022);
 - b) Stateless persons and nationals of third countries other than Ukraine who benefited from the system of international protection or equivalent in Ukraine before 24 February 2022;
 - c) Family members of the individuals under a) and b).
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KPMG NOTE

Please bear in mind that the status of temporary protection does not apply to Ukrainian nationals who were already legally residing in another member state of the European Union or a third country. In this case, the normal procedures need to be followed to obtain the right for residing and working in Belgium.

How to Request Temporary Protection?

As of 7 March 2022, the above-mentioned individuals can present themselves with their identity documents at the registration centre at 121 Boulevard de Waterloo, 1000 Brussels, at 8.30 a.m. to apply for the status of temporary protection. The slots will be distributed in order to spread the arrivals throughout the day.

Anyone wishing to be considered for temporary protection must report in person at the registration centre with their Ukrainian identity documents. After the registration has been carried out, a temporary protection certificate is issued if the conditions for granting temporary protection are fulfilled. With this attestation, the Belgian commune of the place of residence will issue an A-card valid for one year to the individual.

Can the Individual Work in Belgium?

The A-card that will be delivered enables the individual to legally live and work in Belgium. The A-card can be renewed with an additional period of six months up to a total validity of two years. After the two years, an additional European directive may extend the temporary protection status up to three years in total.

General Information Website and Belgian Embassy in Kiev

The Belgian government has launched a website with general information regarding assistance in Belgium for Ukrainian citizens: "Assistance in Belgium" at: <https://info-ukraine.be/en/assistance-belgium> .

The Belgian Embassy in Kiev, Ukraine has been closed since the military invasion. Belgium will continue to provide consular assistance to Belgians still in Ukraine via the call centre of the Ministry of Foreign Affairs and the Belgian consular teams in neighbouring countries.⁴

KPMG NOTE

The ban on travel for non-essential purposes to and from Belgium, aimed to limit the spread of COVID-19, is not applicable to Ukrainian citizens fleeing the country. Given that Ukrainian citizens are coming to Belgium for humanitarian reasons, in practice the Belgian authorities are not imposing the general COVID-19 travel restrictions/formalities. In an informal communication, the authorities already confirmed that even non-vaccinated Ukrainian citizens can enter Belgium.

Any questions or concerns regarding any third-country nationals wanting to work or currently 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 Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between member states in receiving such persons and bearing the consequences thereof, *OJ L 212*, 7.8.2001, pp. 12–23.

2 See Belgium's Immigration Office webpage in English at <https://dofi.ibz.be/en/themes/ukraine> and in Ukrainian at <https://dofi.ibz.be/en/themes/ukraine/ukraina> .

3 Council implementing decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection.

4 See: <https://diplomatie.belgium.be/fr> .

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

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