

GMS Flash Alert

Immigration Edition

2022-190 | October 19, 2022



Belgium - Flemish, Brussels, and Walloon Authorities Set New 2023 Minimum Salary Criteria

The Flemish, Brussels, and Walloon Regions have communicated the new minimum salary requirements for individuals working in the respective region, applicable as from 1 January 2023. In order to obtain the appropriate permit allowing employment of non-European Economic Area (EEA) nationals in Belgium, minimum salary requirements must be met. (For our coverage of last year's setting of minimum salary criteria, see [GMS Flash Alert 2021-261](#), 19 October 2021.)

WHY THIS MATTERS

Acquiring a permit that allows the employment of non-EEA nationals in Belgium entails meeting the respective minimum salary requirements.

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 employer¹:

- 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.

New Minimum Salary Thresholds

The Flemish, Brussels, and Walloon authorities have communicated the increased amounts for 2023.

© 2022 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. Printed in the U.S.A. NDPPS 530159

Amounts for 2023	Brussels Region ²	Walloon Region ³	Flemish Region ⁴
Highly-skilled employees	€47,174	€47,175**	€45,984*
Management personnel	€78,704	€78,704**	€73,574
Intra-Corporate Transferee (specialist)	€48,798	€48,799**	€45,984
Intra-Corporate Transferee (trainee)	€30,499	€30,499**	€45,984
Intra-Corporate Transferee (Management)	€60,998	€60,998**	€73,574
EU Blue Card	€60,998	€60,998	€55,181
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 €36,787.20. The higher amount needs to be met as soon as the employee turns 30.

** Will be confirmed by Decree.

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 .

© 2022 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. Printed in the U.S.A. NDPPS 530159

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 Walloon Region: dedicated Single Permit page of the [official website](#) of the Flemish government.

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

* * * *

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:



Ferdy Foubert
Partner
Tel. + 32 2708 3817
ferdyfoubert@kpmg.com

Saâdia Abdi
Senior Tax Manager
Tel. +32 (0) 2708 3650
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.

© 2022 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

kpmg.com/socialmedia



© 2022 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>.