

GMS Flash Alert

Immigration Edition

2023-013 | January 19, 2023



Belgium – Increase in Administrative Fee Starting 1 January

The Belgian federal immigration authority (*Dienst Vreemdelingenzaken / L'Office des Etrangers*) communicated an indexation for the administrative fee related to applications for residence (e.g., Single Permit) or a long-term visa D by non-European Economic Area (EEA) nationals, applicable as from 1 January 2023.

The administrative fee is charged per person and per application, with the amount being linked to the purpose of the non-EEA national's residence application or visa D application. Certain categories of applicants are exempted from this fee based on their age or purpose of the application.

WHY THIS MATTERS

Global mobility managers, immigration counsel, and employees assigned to Belgium should be aware of the rise in administrative fees that apply from 1 January. This will raise, slightly, the costs tied to assignees who are non-EEA nationals who need (or wish) to stay in Belgium for more than 90 days.

The administrative fee covers the costs of processing the application and proof of full and correct payment is needed in order for the application to be admissible.

If the administrative fee is not paid, the application of the non-EEA national will be considered inadmissible and will not be processed by the authorities. Furthermore, in case the third-country resident applies for a change of status – i.e., switches from student status to employee status – a new corresponding administrative fee has to be paid to have the application treated by the authorities.

Background

Since 2015, Belgian residence (e.g., Single Permit) or long-term visa D applications of non-EEA nationals in Belgium are subject to the payment of an administrative fee. Any third-country resident wishing to stay in Belgium for more than 90 days must pay an administrative fee. Some applications are not subject to a fee. For instance, Turkish nationals are exempt from paying any administrative fee (*Agreement between the Republic of Turkey and the European Economic Community signed on 12 September 1963*).

The administrative fee is subject to indexation and was modified seven months ago based on a Royal Decree which entered into force on 26 May 2022. This came about because of a new system for determining the updated amounts aimed at fostering reasonable proportionality between the fees and the effective administrative cost carried by the federal authority; this was established on the Standard Cost Model formula. For many applications, this had led to a decrease in the fee, which now has been increased due to the indexation of January 2023. Payments that already were made before 1 January 2023, will still be accepted provided that the date is clearly indicated on the proof of payment.

New Administrative Fee Thresholds

The federal immigration authority has communicated the increased amounts as from 1 January 2023, for applications for stays longer than 90 days in Belgium.¹

The amount of the administrative fee is expected to be indexed annually on 1 January.

The below overview is composed of the most used applications and should not be taken as a conclusive/exhaustive overview. More information regarding different applications can be found on the official website of the federal immigration authority at <https://dofi.ibz.be/en/themes/faq/fee>.

Type of Application	Before 1 January 2023	As from 1 January 2023
Single Permit (employee), seasonal worker Researcher, Intra-Corporate Transferee (ICT)	€126	€138
Professional Card application (self-employed)	€201	€220
Family reunification	€181	€198
Application for a residence permit to stay in Belgium as a student in a public higher education institution	€208	€228
EU Blue Card	€126	€138
Application for family reunification of children under 18 years old	Exempt	Exempt
Turkish nationals	Exempt	Exempt

Source: <https://dofi.ibz.be/en/themes/faq/fee>

KPMG INSIGHTS

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.

If individuals have questions regarding their eligibility, the conditions for making an application, what kinds of supporting documentation are required to support the application, the cost related to that application, how to obtain/demonstrate proof of payment, and what the labour market investigation entails, they should contact their qualified immigration counsel or a member of the Immigration group with KPMG in Belgium (see the below Contact Us section).

FOOTNOTE:

1 See the announcement in English, by clicking [here](#).

RELATED RESOURCE

Article 1/1 of the law of 15 December 1980 (*Loi sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers*) and articles 1/1 to 1/2/1 of the royal decree of 8 October 1981 (*Arrêté royal sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers*). See:

<https://www.ejustice.just.fgov.be/eli/loi/1980/12/15/1980121550/justel> .

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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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