

**EUROPEAN MIGRATION NETWORK**  
**Belgian Contact Point**

**Conditions of entry and residence of Third Country  
Highly-Skilled Workers in Belgium**



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The current report is the Belgian contribution to an EU-wide investigation on highly-skilled migration and the approach of the Member States towards this issue. This study is being undertaken by the National Contact Points of the European Migration Network (EMN), a network established in order to collect and classify information on migration and asylum, provide access to this information and facilitate the exchange of it. The EMN also analyses this kind of information and has its own research projects. The intention is to identify similarities and differences in the approaches of the EU Member States towards the conditions of entry and residence of Third Country Highly-Skilled Workers by comparing the studies made on the national level, to stimulate the exchange of information, to promote goodwill and understanding between the Member States and, in this way, to contribute to well-founded and well-informed policy making. During one of the EMN-meetings, it was agreed to undertake a study covering the topic of highly-skilled workers, mainly because of its strong relevance to the Policy Plan on Legal Migration (COM(2005) 669) and in particular the proposed development of a directive on conditions of entry of TC Highly-Skilled Workers.

More information about the EMN is available on: [www.european-migration-network.org](http://www.european-migration-network.org)

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## **TABLE OF CONTENTS**

<b>1. Executive Summary</b>	<b>p 4</b>
<b>2. Introduction: third country highly-skilled workers in Belgium</b>	<b>p 7</b>
<b>3. Methodology</b>	<b>p 8</b>
<b>4. National Legislation for migration of TC highly-skilled workers to Belgium</b> p 11	
<b>5. Programmes for attracting third country highly-skilled workers</b> p 19	
<b>6. Rights and Obligations of third country highly-skilled workers</b> p 21	
<b>7. Experience with third country highly-skilled workers</b>	<b>p 25</b>
<b>8. Any other relevant aspects: some considerations concerning the Belgian labour market and the labour migration policy</b> p 28	
<b>9. Data and figures</b>	<b>p 33</b>
<b>10. Conclusions</b>	<b>p 41</b>
<b><u>Annex 1: Relevant institutions</u></b>	<b>p 44</b>
<b><u>Annex 2: References</u></b>	<b>p 48</b>

# Conditions of entry and residence of Third Country Highly-Skilled Workers in Belgium

## 1. Executive Summary

Belgian legislation on labour migration is complex because of the rather unique institutional set-up of the country. Competence in employment policy has been apportioned as follows:

- the federal authority remains responsible for social security, labour law (working time, health and safety at work, undeclared work...) and immigration law
- the communities are responsible for vocational training and further training
- job placement and schemes for returning fully unemployed or equivalent persons to work fall within the competence of the regions.

The regions also execute the federal regulations on labour migration through the issuing of work permits. In 2000 the Walloon Region transferred responsibility for issuing work permits for the German-speaking territory to the administration of the German-speaking Community. Consequently, there are currently four administrations that are authorised to issue work permits, each in their own territory: the Flemish, Brussels-Capital and Walloon Regions and the German-speaking Community.

In addition to this, the labour and residence regulations of foreigners are elaborated in separate regulations. This was expressed in for example the Foreign Labour Force Law (RD of 20 July 1967 on the basis of the mandates law of 31 March 1967 and RD of 9 June 1999 on the basis of the mandates law dating from 30 April 1999). The principle of possible labour migration is not explicitly stated in the residence regulations. Access to the labour market must in principle be obtained by the foreign employee before coming to Belgium. A foreigner who has been granted a work permit but not a residence permit cannot assert his/her right to labour. But there is in any case an interaction and a hierarchy between the two: in practice the residence regulations have natural primacy.

The usual system and criteria used for the selection and the admission of labour immigrants, namely the EU-framework, specific shortages in the local labour market and bilateral agreements does not apply to the selection of highly-skilled (highly-qualified) workers.

In Belgium “highly-skilled (labour) migration” is in fact interpreted as “highly-qualified or highly-trained migration”: In the Belgian legislation regarding work permits the definition is based on two conditions: a minimum salary condition and a condition regarding the duration (limitation in time of 4 years, under certain conditions up to a maximum of 8 years). Anyway, to these conditions the Belgian regional migration offices add (mostly) a third condition regarding the required education level: the prospective foreign employee must also have finished higher education (non-university tertiary education).

Although not transparent (the regulations pertaining to labour migration are an impenetrable maze of exceptions), research shows that the administrative procedures generally run smoothly. The condition of a specific job offer has both advantages, i.e. it guarantees that only valid candidates obtain access, and disadvantages (costs, etc.).

The Belgian (regional) public employment services use data on job vacancies to understand the possible mismatch/changes in supply and demand for labour. Each of the three regions publishes on an annual basis a report on identified labour market bottlenecks. The information from those reports can be used to tailor individual counselling and training for jobseekers, but it has to be noted that none of the initiatives are specifically oriented to high-skilled professions.

Despite the attention that has been paid to the job mobility of workers at both regional and federal policy levels, no specific programmes have been launched to increase the mobility of skilled workers. Nevertheless it is considered that the validation of informal acquired knowledge or competences as well as the systems of training vouchers for employees, career counselling and transparent information about training opportunities have a positive impact on the job mobility of (highly-skilled) workers (within Belgium).

Although the number of highly-skilled labour migrants arriving in Belgium each year is relatively small (a few thousand), numbers are increasing. Compared to the total number of workers in Belgium, however, numbers remain marginal: in 2005 the total number of work permits was 11,187 or 0.35% of the total number of workers in Belgium. Category B work permits for highly-skilled workers and managers (the target group of this study) represented 23% of this total, which is 0.08% of the total number of workers in Belgium in 2005.

The group of non-European highly-skilled workers represented 0.8% (average) of the total highly-skilled living in Belgium during the period 1996-2002 (OECD Peer Review 2004). According to an European Commission brain drain study, 6% of the IT professionals in Belgium were foreign citizens in 2001 (this was one of the highest shares in the EU). At the same time Belgium is confronted with an increasing brain drain of highly-skilled people (especially of top researchers). No official figures appear to be available, but an indication is the share of highly-qualified people in the group of Belgian nationals living and working in the USA (around 26%).

In terms of nationality, Indian IT specialists are on the rise: in 2005 they already represented more than a quarter of the total number of highly-skilled workers from outside the EU. India, Japan and the US together account for approximately 60% of the work permits issued to members of that category. There are also significant differences between the regions in terms of the number of work permits issued: 54% were issued to companies established in the Flemish Region, 36% to companies established in the Brussels-Capital Region and 10% to companies established in the Walloon Region. In recent years, the percentage increase has been sharpest in the Brussels-Capital Region.

Although it proved no easy task to obtain data on gender, the data from the Walloon labour migration office for example showed that migration predominantly involved male workers (+/- 75%).

Some highly-skilled professions are mentioned in (each of) the three Belgian regions as "bottleneck professions", for qualitative and quantitative reasons: engineers, qualified technicians, IT specialists and commercial and managerial/executive positions. The method used to define a bottleneck occupation is based on a combination of qualitative and quantitative criteria. Qualitative criteria include subjective opinions of labour market experts; quantitative criteria include the time needed to fill a vacancy, the percentage of vacancies that is filled, and the number of jobs.

The fact that Belgium wishes to facilitate the immigration of highly-skilled workers is clearly demonstrated by the fact that the legislator has provided exceptions for this category in the framework of the three main conditions that labour migrants normally have to fulfil: exemption from a labour market study; the fact that highly-skilled workers – albeit by way of exception –

can also apply for a work permit when they are already in Belgium, and the fact that highly-skilled workers do not have to come from a country with which Belgium has concluded a bilateral agreement. In the field of taxation, the “foreign executive status” is symbolic of the fact that Belgium wants to remain attractive to foreign investors and knowledge workers.

Although several measures have been introduced over recent years, one of the main concerns of both the labour administration and employers is improved harmonisation of the different regulations (residence regulations; labour migration regulations; tax and social security provisions).

Although in the spring of 2006 Belgium opted to extend the transitional period for opening the borders to workers from the new Member States of the European Union, it also implemented measures to facilitate the recruitment of workers from the new Member States for a group of vacancies that are difficult to fill. These measures are based on lists of so-called “bottleneck occupations” that had been drawn up by the three regions and the German-speaking Community. Since June 2006 a category B work permit for that particular group must be issued within five working days, that is to say without a labour market study having to be carried out. However, for the moment it remains to be seen whether the fact that Belgian companies can now draw on a larger pool of highly-skilled workers (in particular in the ISCO categories 6-8) will have consequences for (the recruitment of) highly-skilled workers from outside the EU.

## **2. Introduction: third country highly-skilled workers in Belgium**

This small-scale study aims to contribute to the development of a proposed directive on the entry of third country highly-skilled workers to the EU by providing an overview of the current status and needs in the contributing Member States. The synthesis report will aim, through a systematic comparative method, to identify the similarities and differences in the approaches of the Member States in this respect using the Country Studies, thus leading to a concise overview of the phenomenon.

This study could also contribute to the Belgian debate on whether its so-called “zero migration policy” – to what degree a zero migration policy is actually in place is a different matter – should or should not be relaxed.

As will become clear later, legislation and procedures for highly-skilled labour immigration have been relaxed in recent years. At the moment there are no further (far-reaching) plans in this respect.

The main reason why there is an increasing demand for highly-skilled workers in Belgium is the lack of skilled personnel in Belgium. We note that an increasing number of companies are involved in cross-border projects, or are part of a multinational group. The necessity of attracting or hosting foreign personnel for a short period in Belgium must also be seen in the light of global migration patterns. The general rule is that these third country nationals do return to their home country when their project in Belgium is completed. Another consideration is the fact that the labour market shows considerable inflexibility in terms of wages and worker movement. Belgium has for certain labour skills a mismatch in supply and demand, which is to be seen between the various regions too.

### **3. Methodology**

Information for the current study was collected mainly by desk research (annual reports and recommendations of public services, community-based opinions, and a number of scientific reports) and by means of individual interviews with a number of experts<sup>1</sup>.

Compatibility between ISCO and Belgian figures:

The main problem encountered is definition-based: the definition or interpretation of the term highly-skilled workers used in Belgium differs significantly from the definition used by Eurostat and ILO. In Belgium highly-skilled workers are defined in terms of pay and in practice also by qualifications – at least for the overwhelming majority of the cases - and consequently Belgium will as a general rule not (or seldom) issue work permits for major groups 6, 7 and 8 (ISCO codes).

A second problem is that the number of work permits issued each year does not give an accurate picture of the total number of non-EEA workers that are employed in Belgium. After all, many foreign workers are exempt from the work permit procedure (recognised refugees, foreign workers who have a residence permit on the basis of family reunification; students who work during holiday periods, etc.). On the other hand, nationals of the “new” EU Member States still need a work permit. It is therefore difficult to give an accurate picture of labour migration of non-EEA nationals purely on the basis of the number of work permits issued.

A third problem encountered is a corollary of the division of powers in Belgium: employment of foreign workers is a so-called “limited competitive power”, which means in practice that standards are defined by the national legislator while regulations are implemented by the competent administrations of the Flemish, Brussels and Walloon Regions (and the Employment Office (*Arbeitsamt*) of the German-speaking Community). Furthermore, this fragmentation, on the one hand, slows down data collection at a national level and, on the other, means that the competent administrations use different databases, making data collection more difficult.

Another, albeit smaller, problem was that the statistical data (of the different regions) requested within the framework of this study sometimes did (sometimes) not fully correspond with the data collected by the FPS Employment, Labour and Social Dialogue.

Finally, there was the effect of several legislative changes on the data, e.g. the legislative change of 1 April 2003; expansion of the exempted categories, etc. Thus we see that the so-called category A work permit has all but disappeared in the statistical data as a result of legislative changes, which of course makes an evaluation over several years rather problematic.

The term highly-skilled workers is interpreted as follows (Annual Report 2003, Flemish labour migration service, p.12): “Persons who have **completed university education, higher education or similar education and** who are employed in that capacity for a minimum salary laid down in the Royal Decree”. On 1 January 2006 this (gross) minimum salary was EUR 33,082 per annum. The remuneration, the limitation in time, and level of education (at least higher education or equivalent) are, the only criteria used in the assessment of work permit applications in this category.

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<sup>1</sup> With particular thanks to Ms H. Thys of the employers’ organisation AGORIA for her useful contributions and comments.

Managers are defined as persons who hold a management position and who are employed in that capacity for a minimum salary laid down in the Royal Decree (EUR 55,193 gross per annum).

The basis for the statistical data used for the production of this report is therefore the number of category B work permits (new migrations) issued to highly-qualified workers and managers. Where possible a distinction is made, on the one hand, between first permits and renewed permits, and, on the other, between persons who in Belgium are subject to the social security regulations and workers on secondment who do not have to pay taxes in Belgium as they remain attached to a company that is based abroad. The question therefore arises to what extent the latter category can be regarded as “labour migrants”, even though they may be living and working in Belgium for years.

The Belgian legislation provides for the possibility of issuing work permits to foreign “specialist technical workers”. This term may be misleading; after all not every specialist worker is eligible for a category B work permit. The term specialist technical worker only covers that category of foreign workers *“who remain attached to a foreign employer by virtue of a contract of employment and who come to Belgium to install and bring into service or repair an installation produced abroad by that employer, for a maximum period of 6 months”* (article 9.9 of the RD of 9 June 1999)<sup>2</sup>. This means that the specialist technical worker must be employed by the said foreign employer who manufactured the installation. This definition was formulated in this particular way because in the past abuses were noted in the outsourcing of such installation work to (cheaper) foreign subcontractors. This category can therefore hardly be classed as “labour migration” (remaining attached to a foreign employer and a stay limited to a few days through to a few months) and was therefore not taken into consideration in the statistical data. Furthermore, this particular category of workers will usually not meet the government (administration) criteria concerning salary and qualification.

Although the number of specialist technical workers has increased sharply since 1999 (with the Flemish Region accounting for 80 to 85% of the total), it fell dramatically in 2004. This is attributed solely to legislative changes as a result of the accession of the new EU Member States: although in theory the Belgian labour market remains closed to nationals of these new Member States, this obligation ceases to be applicable when a person is employed within the framework of a service (e.g. installation and assembly of a production line).

Employment of the categories researchers, visiting professors and trainees also falls outside the scope of this report.

Furthermore, it should be noted that this report relates exclusively to the following categories of labour migration: transfers (a new contract of employment is concluded with the receiving company, which is subject to local conditions and regulations) and secondments (the original contract of employment remains in place, but an additional secondment agreement is usually added to it), but not simultaneous employment (employees who work in different states on a regular basis), business trips and commuting (e.g. cross-border work).

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<sup>2</sup> Annual Report 2003 of the Flemish labour migration service, p. 46.

## **4. National Legislation for migration of highly-skilled (highly qualified) workers to Belgium**

As was stated earlier, labour migration is a shared power: whereas the federal legislator remains in charge of determining legal standards, the three regions (Flemish, Walloon and the Brussels-Capital Region) are responsible for the implementation of those standards. A distinction is made between the legislation regulating the granting of residence permits and the legislation regarding the granting of work permits.

In principle: a foreign person needs two permits (work permit and residence permit) to work legally in Belgium. A work permit is not valid without a residence permit/authorisation to stay in Belgium, and vice versa.

Of course it is the parliament and the competent (labour) ministers who set the legal framework for the selection of labour immigrants. However, the social partners (the employers' organisations and the trade unions) also participate in policy-making through:

the National Labour Council (federal level);

the Advisory Committee for Foreign Workers at the Ministry of Employment and Labour (which is composed of the social partners as well as various government departments - at federal level: the Centre for Equal Opportunities and Opposition to Racism, FPS Economy, FPS Foreign Affairs, Commission on Protection of Personal Privacy, the Immigration Service, Social Affairs, FPS Employment, Labour and Social Dialogue; and community institutions: the Flemish, Brussels-Capital and Walloon regional migration services and the migration service of the German-speaking Community);

at Walloon level the "*Commission pour l'intégration des personnes d'origine étrangère*" and the regional integration centres, and finally at Flemish level: the Flemish Economic and Social Consultation Committee, the Flanders Social and Economic Council and the Management Committees of the regional job placement services.

The core of the legislation concerning the entry, residence, settlement and removal of foreigners (Immigration Act of 15 December 1980) does not contain any specific provisions regarding the entry of third country nationals to Belgium for the purposes of paid employment. A distinction is only made between short-stay entry (less than three months) and long-stay entry. The provisions regulating long-stay entry apply to third-country nationals coming to work in Belgium for more than 3 months. Foreigners coming to Belgium to work for less than 3 months, only need a tourist visa.

A zero immigration policy cannot be absolute as it is partly overridden by European legislation (including the free movement of workers) on the one hand and by Belgian legislation on the other. In principle, foreign nationals are only given permission to come to Belgium to work if a labour market study has shown that no suitable employees can be found in the Belgian (or European) labour market within a reasonable period. However, there are a few important exceptions to this rule (labour market study), of which the exception for highly-skilled workers and managers is the main one (see below).

The key principle is that before coming to Belgium the foreign national has to find an employer who is prepared to apply for an employment authorisation for him or her. The employer has to draw up a contract of employment and submit an application "for employment of a foreign worker". If the employment authorisation is granted after a labour

market study, a category B work permit is also issued for the employee. The foreign national can use this work permit to apply for a type D visa to come to Belgium.

### **Exceptions:**

1. Free movement for EU workers (for the time being not for nationals of the “new” EU countries (with the exception of Cyprus and Malta), except if they want to set up or run an independent business in Belgium).
2. Exemption from a labour market study: Some categories of foreign nationals do have to apply for a work permit (initiated by the employer who applies for a category B employment authorisation), but this will not be subject to a labour market search. This means that they can obtain a work permit without the labour market being taken into consideration. These categories are:
  - **Highly-skilled workers**
  - **Managers**
  - Specialist technical workers
  - Researchers
  - Guest professors
  - Au pairs
  - Trainees
  - Professional sports people

Nationals of the “new” Member States who come to take up a “bottleneck occupation” are also exempt from this requirement.

In practice the department automatically rejects any application for a work permit for a worker who does not belong to one of the categories that is exempt from a labour market search. Only when an appeal is lodged will a labour market search be carried out and can a work permit be granted for certain bottleneck occupations.

3. Self-employed persons: Foreign nationals who do not want to come to Belgium to take up employment but who want to set up in business will not apply for a work permit but for a professional card.

### **Work permit categories in Belgium: types A, B and C**

A category A work permit is valid for an indefinite period and for all employers, professions and sectors and is issued to foreign nationals who already have a right of residence in Belgium; a category B work permit is valid for a maximum period of 12 months and for employment with one employer only; a category C work permit is issued for a definite period to persons who come to Belgium for other reasons than “employment” (e.g. students, asylum seekers whose application has been declared admissible).

It should be noted that as far as category C work permits are concerned, the number of work permits issued is not an indication of the number of persons actually working, as the issue of this particular work permit does not oblige the recipient to actually take up employment. This

means that many foreign nationals may apply for the permit “just in case”, but only a small proportion of this group actually use it.

The issue of **labour immigration is therefore limited to category B work permit applicants**, as foreign nationals who have a category A or C work permit are already in Belgium.

Given the continued increase in the number of exempted categories, the scope of the category A work permit has been reduced to a kind of safety net for some exceptional cases that have fallen foul of residency legislation.<sup>3</sup>

#### **Category B work permit:<sup>4</sup>**

A category B work permit is the work permit that is issued to labour migrants, i.e. people who come to Belgium specifically to work here (as employees). A category B work permit is valid for one specific position with one specific employer. With the exception of certain exceptional categories, the application for a category B work permit has to be submitted while the foreign national is still abroad. This work permit is valid for a maximum of 12 months, but can be renewed. In order for an employer to employ a foreign national with a category B work permit, the employer has to take the initiative and apply for a category B employment authorisation for himself. Once this category B employment authorisation has been granted to the employer, the work permit B for the employee will also be granted.

Employment may not start until the employment authorisation for the employer and the category B work permit for the employee have actually been issued.

#### **Conditions**

In addition to the principle of the labour market study – from which highly-skilled workers are exempt – the employment department (in the various regions) usually only grants a category B work permit if the following four conditions are met:

##### **1. The worker is still abroad**

Generally, an employment authorisation and a category B work permit are not granted if the foreign national is already in Belgium. This is to prevent a situation whereby

foreign nationals come to Belgium to find work, thus by-passing the officially proclaimed immigration halt. As stated previously, the worker is expected to find an employer who wants to employ him or her while he/she is still abroad. This employer can then apply for an employment authorisation and a category B work permit on the basis of which – once the work permit has been issued – the foreign worker can apply for a visa at a Belgian embassy or consulate. Barring a few exceptions, the embassy or consulate will issue a visa upon presentation of the work permit (without consultation with the Immigration Service in Belgium).

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<sup>3</sup> As soon as a category A work permit is granted it loses its meaning: the permit holder automatically obtains the right to indefinite residence and persons who obtain an indefinite right of residence are exempt from the obligation to obtain a work permit. The department therefore argues for the abolition of the category A work permit in order to make the regulations simpler and more transparent (annual report of Flemish labour migration department).

<sup>4</sup> Information obtained from the website of the Flemish Centre for Minorities

However, the category of highly-skilled workers and managers forms an exception to the rule in this context: the categories of foreign nationals who are exempt from a labour market study do not have to fulfil this condition. The employer can submit a work permit application for them even though they are already (legally) in the country.

## **2. International agreement**

There must be an international agreement concerning the employment of foreign nationals between the country of the prospective employee and Belgium.

Such agreements have been concluded with:

- All the countries of the EU / EEA
- Switzerland
- Algeria
- Morocco
- Tunisia
- Turkey
- Croatia
- Slovenia
- Macedonia, and
- Bosnia and Herzegovina.

Exceptions to the rule:

- Again in certain cases the minister can deviate from this rule and also issue a category B work permit to nationals of other countries. This occurs from time to time, especially for employees from industrialised countries.
- The categories of foreign nationals who are exempt from a labour market study – as already mentioned, among others the category of highly-skilled workers and managers - do not have to meet this condition either, which means that they can come from other countries.

## **3. Conclusion of a model contract**

The employer and the prospective employee must have concluded a contract of employment that includes a number of clear provisions. These are provisions that would

normally not occur in a contract of employment (e.g. the cost of travelling to Belgium will be borne by the employer).

Again, there are a few exceptions to the rule and in individual cases the minister can deviate from the model contract; the categories of foreign nationals who are exempt from a labour market study do not have to meet this requirement either.

In case of secondment a letter of assignment has to be added as well. This is a summary of the assignment agreement in which the contracts of employment and certain conditions are listed. Secondment means that the employing company sends an employee temporarily to another state in order to perform work there for the employing company.

#### **4. Medical certificate**

The application for an employment authorisation for workers who will be employed in Belgium for the first time must include a medical certificate that states that "*there are no indications that in the near future the worker will become incapacitated for work as a result of his/her state of health*".

Exceptions to this rule: this certificate is no longer required for a renewal application or for workers who have legally resided in Belgium for at least two years at the time of the application; new EU nationals in a bottleneck occupation, specialist technical workers and persons applying within the framework of specific vocational training courses do not have to submit a medical certificate.

#### **Other grounds for refusing to issue a category B work permit:**

Even if all four conditions have been met the administration can still refuse the employment authorisation for the following reasons:

- the application contains incomplete or incorrect information;
- the employment is contrary to public order or public safety;
- the employment is contrary to the laws and regulations, international agreements or agreements concerning the employment of foreign workers;
- for reasons of public order or public safety that are based on the personal behaviour of the worker;
- the employer does not comply with the statutory and regulatory obligations concerning the employment of workers;
- the employment does not comply with conditions of pay and other conditions of employment that apply to the employment of Belgian workers;
- the income that the worker will receive for his/her employment will not enable him or her to support himself/herself,
- at the time of submission of the application the foreign worker concerned is the subject of a negative decision concerning his/her right to residence or his/her authorisation to stay, which is not the subject of a suspensory appeal or which has not been suspended by the Court.

#### **Submission of the application**

The application must be submitted to the local employment service of the place of employment, which has to check whether the application includes all the necessary

documents. The employment service then sends the application to the competent immigration department of Flanders, Brussels-Capital, Wallonia or the German-speaking Community (work permit applications for an au pair, trainee, specialist technical worker or a national of a new EU MS for a 'bottleneck occupation' can be submitted directly with the competent immigration department).

The immigration service then checks whether the application meets all the criteria. If no additional information is required, it will normally take a decision within a few weeks of receipt of the application. The immigration service notifies the employer of its decision in writing.

## **Decision**

If the decision is positive, the employment authorisation stating the start date and end date of employment is sent to the employer. Employment cannot start until this authorisation has been issued. The employment authorisation and the category B work permit are granted for a maximum of 12 months, but they are renewable for some categories such as highly-skilled workers and managers. If the worker wants to continue his/her employment beyond the end date of the employment authorisation, he/she must submit an application for renewal no later than 1 month before expiry of the current employment authorisation.

If the **decision is negative**, the employer and the worker will both be informed of this by registered letter. This decision must state the reasons for refusal and list possibilities of appeal.

In practice, the employment service will automatically refuse any request for a work permit for a worker who does not belong to one of the categories that are exempt from a labour market study. A labour market study will not be launched until an appeal has been lodged.

## **Possibilities of appeal following a negative decision:**

### **Lodge appeal with the competent Minister**

Both the employer and the worker (if he/she legally resides in Belgium) can lodge an appeal against a negative decision with the competent Regional Minister. An appeal must be lodged by registered letter within one month of the negative decision. However, the Minister only very rarely overturns a negative decision, as he/she can only grant

dispensation from the applicable conditions in individual cases worthy of interest for valid and relevant economic or social reasons. In any case, the decision of the Minister must be supported by reasons. In the Flemish Region such appeal proceedings usually take about 3 months. If additional information or advice is required they may take longer.

**Lodge appeal with the Council of State:** The only option left after a negative decision on appeal is to lodge an appeal with the Council of State. This must be done within 60 days of this negative decision. However, the Council of State will only examine whether the procedure has been carried out correctly and will never rule on the expediency of the decision to refuse an employment authorisation (i.e. it will not conduct a substantive

examination). The Council of State procedure may take from a few months to, in some cases, a few years.

If the Council of State overturns the decision, the competent Regional Minister must examine the application again; however the Council cannot force the Minister to issue an employment authorisation. This will remain the authority of the competent Regional Minister.

**Revocation of the work permit or employment authorisation:**

Employment authorisations and work permits can be revoked by registered letter.

The administration can revoke a work permit for a number of reasons, including:

- if a negative decision was taken concerning the right of residence of the permit holder, or
- if fraudulent practices have been detected or incorrect statements were made on the basis of which the permit had been granted, or
- if the employer fails to comply with the conditions attached to the employment authorisation.

There is also another, less common way in which a highly-skilled worker can obtain right of residence (and a work permit), namely by changing status while staying in Belgium as a tourist or a student. In this case the highly-skilled worker who has legally entered the country on a short-stay visa will have to obtain an arrival certificate from the municipal council and get the employer to apply for an employment authorisation and a work permit. Once these have been issued, the person concerned can submit an application for authorisation to stay in Belgium to the municipal council on the basis of Article 9.3 of the Aliens Act. The Immigration Service will then decide whether this circumvention of the standard procedure will be accepted.

In its annual report for 2003 the Flemish labour immigration service concluded that various regulations concerning the employment of foreign workers (fiscal, social, residence and employment, etc.) have still not been harmonised. This mainly manifests itself in the employment of seconded highly-skilled workers and managers (also see below).

## **Self-employed:**

The procedure for third country nationals<sup>5</sup> – highly-skilled or not – who want to set up or run a business in Belgium is different: these foreign nationals must have a professional card. The legislation on professional cards aims to find a balance between the expectations of foreign nationals who want to work as a self-employed person in Belgium on the one hand and the economic, social and cultural interests of the country on the other. Applications for a professional card (for foreign nationals who are not yet in Belgium) must be submitted to the Belgian embassy or the Belgian consulate of the country of residence. The embassy or consulate will deliver an opinion on the application and then pass it on, within five days of receipt, to the Economic Permits Department (FPS Economy, SMEs, Self-employed and Energy). If the application is declared admissible, the Economic Permits Department will proceed to examine the application further. This examination is based on three criteria: the right to residence; the fulfilment or non-fulfilment of the regulatory obligations (qualifications required for the planned activity, and does the applicant meet the conditions pertaining to self-employed status?); and the economic benefit of the project (economic need, job creation, promoting exports, etc.)<sup>6</sup>

As the officials of the FPS SMEs have been able since 21 September 2006 to assess independently whether or not an application meets the required criteria, the applicant will receive a decision more quickly. Applicants who do not agree with the decision can lodge an appeal with the Minister, who will transfer the file to the Council for Economic Research for Foreigners. This Council is independent from the administration and is chaired by a magistrate or a lawyer. The Council is composed of officials from the different departments involved. After having heard the applicant or his/her lawyer, the Council will submit its recommendations to the Minister within four months; the Minister then has two months to decide whether or not to follow the recommendations. In the event of a negative decision, the applicant can lodge an appeal with the Council of State within sixty days.

In the event of a positive decision, a professional card is issued for a maximum period of five years (renewable). The validity of the professional card is directly linked to the right of residence. If the right of residence ceases, the card can no longer be used. Applications for a professional card for foreign nationals are subject to a general tax of EUR 125 and an additional tax of EUR 75 for each year the card is valid. Besides obtaining a professional card, the foreign national must also prove – like any person who wants to start up self-employed activities in Belgium – that he/she has the required skills and qualifications and he/she must also register his/her business in the commercial register.

## **5. Programmes for attracting third country highly-skilled (highly-qualified) workers**

See also section 4 above.

<sup>5</sup> With the exception of nationals of the PECO countries (Romania and Bulgaria).

<sup>6</sup> An assessment can also be made in terms of social, cultural, artistic or sporting benefits.

There are no specific programmes to attract highly-skilled workers to Belgium. Belgian legislation is already relatively flexible as regards this category of workers.

On 1 April 2003 a number of changes were made to the conditions under which the categories highly-skilled workers and managers can be employed.

The period for which highly-skilled workers can be employed has been relaxed: Every highly-skilled worker who meets the salary and qualification criteria was in principle eligible for a minimum employment period of four years without having to meet any additional conditions. Pursuant to the RD of 6 February 2003, this period of four years can now be extended on a one-off basis by a further period of four years. This extension can be made subject to the fulfilment of a number of conditions that may be imposed by the competent Regional authority.

A third country highly-skilled worker can be employed for an indefinite period without having to meet special conditions in the following two situations:

The highly-skilled worker comes from a country with which the EU has finalised accession talks or he/she has an annual salary of at least EUR 55,193 (the same salary as for the category managers, but without meeting the other condition that a manager has to meet, i.e. management of other staff).

Although research (Laga etc. - see below) would show that Belgium has one of the most relaxed and flexible systems, the Belgian Federal Council of Ministers, on the initiative of the State Secretary for Administrative Reform, reached a new agreement at the end of December 2005 for further simplification of the rules for foreign employees and self-employed persons. The measures concern four concrete proposals for further simplification of the procedures for foreign knowledge workers:

- Abolition of the work permit and employment authorisation for researchers: this concerns, among other things, the implementation of Directive 2005/71/EC and of two recommendations of the Council (28 September 2005 and 12 October 2005) and would apply to researchers working at 77 approved scientific institutions and 1661 approved research centres of companies (permanent inventory of the R&D potential in Belgium on the basis of the Public Planning Service Science Policy (PPS Science Policy))
- Abolition of the work permit and employment authorisation for an indefinite period for managers of international companies. This exemption would apply to managers of companies that are included in the list of Belgian export companies and headquarters of multinationals established in Belgium (and provided that a certain minimum salary level is met)
- Temporary exemption from the employment authorisation and work permit (for the duration of the project) for foreign experts who are needed in Belgium for company-specific training, crisis management, urgent repairs to machines and equipment (in the case of specialist engineers), prototype testing, international conferences, etc.
- Easier procedure for professional cards for foreign self-employed persons.

In summary, this means that besides expansion of the categories for which no work permit is required, the administrative burden would be reduced, for example by increased harmonisation between the Aliens Act and the Employment of Foreign Workers Act (e.g. via the creation of a unique electronic counter and website).

The same Council of Ministers' meeting of 23 December 2005 also decided to set up a Monitoring and Control system for foreign workers. The regulatory framework for this system, the LIMOSA project, was approved by the Council of Ministers' meeting of 28 April 2006. LIMOSA is short for 'cross-border information system for migration research at social security

level' (*Landenoverschrijdend Informatiesysteem ten behoeve van MigratieOnderzoek bij de Sociale Administratie*). The aim of this project is to provide government bodies with a better insight into the employment of foreign workers in order to prevent abuse (pseudo-entrepreneurship; social dumping, etc.). The project consists of three stages:

- initially a prior notification obligation will be introduced for all foreign workers before taking up employment.
- in the second stage, a central register will be set up with data from different services: regional employment services (work permits) and inspectorates, the FPS SMEs (professional cards) and the Immigration Service (residence permits).
- finally, a unique electronic counter will be set up to deal with the notification obligation as well as requests for workers, professional cards, residence certificates and residence permits.

This is an ambitious project that forms part of the measures to simplify the employment of foreign workers and of the attempt to combat abuse and fraud more proactively. It will also provide statistical information about the volume and characteristics of foreign activities and foreign workers.

In a recommendation of 15 February 2006 the Advisory Council for the Employment of Foreign Workers delivered an opinion on the draft Royal Decree. Although the Council approves the object of the draft, it has several reservations about the plan. First of all, it doubts whether the planned simplification (certificate of exemption) will really be a simplification; indeed, it fears that it will increase the administrative burden of both the authorities and the clients. Furthermore, the trade unions have ethical reservations and disagree with both the increase in the number of exemptions and the multiplicity of the legal status of the workers concerned. The Council of State still has to deliver its opinion.

## **6. Rights and Obligations of third country (highly qualified) workers**

Within eight days of arrival in Belgium the worker concerned must report to the municipal council for his/her place of residence which will issue a temporary Certificate of Registration in the Aliens Register (temporary residence permit).

In the event of early termination (within one year) of the contract of employment (liquidation, dismissal), the third country worker will in principle be allowed to stay in Belgium, as the Immigration Service will not be informed of the termination of the contract of employment. Nevertheless, an employer who fails to notify the (regional) administration of the early termination of the employment is in breach of the regulations (Article 12.2 of the Law of 30 April 1999).

Pursuant to Article 10 of the Aliens Law, the family members (spouse and underage children) are also entitled to residence for the duration of the employment of the worker concerned. The spouse must also comply with certain formalities (legalised birth certificate and marriage certificate; certificate of good character, etc.).

According to Article 20 of the Aliens Law, the Minister of the Interior can deport a third country national who does not have permanent residence in Belgium if he/she has violated public order or the security regulations of the country or if he/she has failed to comply with the conditions pertaining to his/her residence as provided for by the law.

In the field of social security there are no special provisions for highly-skilled workers and/or managers. All workers who are subject to the Belgian social security regime have the same rights and obligations. However, this has to be qualified somewhat: Belgium has concluded a bilateral agreement relating to social security with certain countries which entitles nationals of these countries to certain additional rights.

Such agreements have been concluded with the following countries: Algeria, Australia, Canada, Chile, Croatia, Israel, Morocco, the Philippines, Poland, San Marino, Switzerland, Tunisia, Turkey, the US and the independent states that used to form the former Yugoslavia. Under these bilateral agreements workers who are transferred temporarily to Belgium by their employer (secondment) can continue to pay social security contributions in their regular country of employment. If social security contributions have to be paid in Belgium after all, the rights accrued can be exported: the Belgian insurance periods can be taken into account in the worker's own country, a (pro rata) Belgian pension can be paid abroad (nationals of third countries without a bilateral agreement who have accumulated pension rights through the payment of social security contributions on earnings received in Belgium will normally only receive a pension if they stay on in Belgium) and they are entitled to family benefits (child benefit, maternity grant, adoption grant) for children that are being raised in the country of origin (restrictions: usually only up to the age of 14, or 25 for students, and for a maximum of 4 children).

It is important to note that these privileges do not arise from the fact that the person concerned is highly-skilled or not, but from the existence of international agreements that aim to mitigate the disadvantages of migration for workers in general. Another known exception is formed by the provisions arising from the Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third country nationals for the purposes of scientific research. As employees pay social security contributions, they have to join a health fund of their choice.

However, an important exception to the “Lex Loci Laboris” principle (each worker is subject to the legislation of the country in which he/she works) is secondment, whereby the worker remains subject to the social security system of the country where he/she resided before being sent abroad. Secondment is time-limited, depending on the bilateral agreement. Usually the maximum period is 24 months, but for some countries such as in the case of the bilateral agreement with the US the maximum period is 5 years. In 2005, 51% and 37% of the total number of highly-skilled workers were employed under this system in Flanders and Brussels respectively.

In practice, this means that the employer does not have to make a “DIMONA – report” (DIMONA is short for “*Déclaration Immédiate – Onmiddellijke Aangifte*”, or immediate report): since 1 January 2003 all employers have had to immediately report to the National Office for Social Security of a (new) employee by means of an electronic report as part of the effort to combat social fraud and administrative simplification. Failure to comply with this requirement is subject to heavy penalties.

In principle third country workers are not subject to a specific taxation regime different from their EU national peers. However, Belgium has introduced the third country manager status or expatriate status:

This is a special assessment system concerning the tax liability of some managers and specialists of foreign companies or of Belgian companies that come under a foreign tax regime. The basic principle of this system is to support the retention and expansion of investments in Belgium and to stimulate exports by making Belgium more attractive for foreign investment. This is achieved by granting the employer a reduction in labour costs (the reduction of the tax burden is limited to a maximum amount of EUR 11,250 or in exceptional cases to a maximum of EUR 29,750). Managers who are temporarily transferred to Belgium will not have to pay tax on any reimbursement received for certain additional costs (relocation, education, furnishing, etc.) that are incurred as a result of a stay or employment in Belgium. Consequently, the manager will not have to pay tax on these amounts, even though the employer can deduct these amounts as operating expenses. In order to be able to benefit from this system a number of conditions have to be met: nationality (not applicable to Belgian nationals); managers or workers with qualifications and/or experience that are very difficult to find in the Belgian labour market (this has to be demonstrated by the employer); the worker has to be recruited abroad or transferred from abroad; the application must show that the person concerned has no intention to take up permanent residence in Belgium; the company must form part of an international group.

The advantages of this system, which is based on a circular of 8 August 1983, apply to both the employer and the manager. For example, the tax authorities will regard the manager concerned as a non-resident, which means that only earnings from a Belgian source will be taxed in Belgium.

This is therefore an exception to the principle that transferred workers are regarded as residents of Belgium. As third country labour migrants obviously live in Belgium (due to the geographical distance), there are no further differences between transferred workers and workers on secondment from a tax perspective.

According to paragraph 15 of the Royal Decree of 28 December 1944 on the social security of workers (amended by the law of 2 August 2002, published in the Belgian Official Gazette of 29 August 2002) “*foreign or stateless workers who want to receive benefits have to conform to the legislation on foreigners and on the employment of foreign workers. The unemployed worker’s right to benefits will cease sixty days after expiry of his/her work permit*”. Thanks to a bilateral agreement, nationals of Algeria, San Marino and the independent states that used to form the former Yugoslavia can, after a period of employment in Belgium, also have periods of employment or equivalent periods in their

native country taken into account. The same principle therefore applies to unemployment benefit (the existence of privileges depends on a bilateral treaty but not on qualifications and experience).

## **Flemish civic integration policy**

Labour migrants (managers<sup>7</sup> and workers who have obtained a work permit after a labour market study has been carried out) from outside the EEA who recently registered with a municipality in the Flemish Region or the Brussels-Capital Region for the first time as well as their adult family members fall within the target group of the Flemish civic integration policy (barring some exceptions: e.g. researchers, seconded staff, trainees). This means that to date they have been obliged to complete a so-called “civic integration programme”<sup>8</sup>. The civic integration programme consists of an educational programme and individual support for the newcomer. The educational programme can consist of three components: Dutch as a second language, social orientation and career orientation. Migrants who fail to complete the civic integration programme may be fined. As from 1 January 2007, the civic integration programme will no longer be compulsory, but optional, for the category of managers/highly-qualified.

A criticism of some employers is, or was, that occasionally they organise or have a specialist relocation agency organise introduction courses for their foreign workers and sometimes also for their family members. In those cases the actual benefit of the civic integration programme for foreign managers (which is run during working hours) is doubtful.

The Walloon Region does not operate a compulsory civic integration programme.

Obligation of the employer regarding the length of stay:

Any extension of the employment for highly-skilled workers by a second period of 4 years will be made dependent on the personnel policy that the employer concerned pursued during the first employment period of four years. This personnel policy must be geared towards proactively combating shortages in the labour market and aiming to achieve proportional representation of minority groups (disabled workers, ethnic minority workers, etc.) in the company. This additional condition has been imposed by the Flemish Region, but not by the Brussels-Capital Region, the Walloon Region or the German-speaking Community. However, this additional condition does not apply to nationals of the new Member States or to third country workers who satisfy the minimum pay requirement stipulated in the conditions for managers. The Flemish administration expects the effect of these additional conditions concerning the personnel policy of the employers involved that have been in effect since the beginning of 2003 to be limited.

Workers who cannot or do not want to renew their work permit once it has expired have to leave Belgium (however, this rule is not part of any brain circulation programme or similar programmes).

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<sup>7</sup> The other category of highly-qualified are excluded from the target group because they only reside temporarily in Belgium.

<sup>8</sup> Labour migrants who settle in the Brussels-Capital Region can but are not obliged to attend the civic integration programme.

## **7. Experience with third country highly-skilled workers**

A comparative study of Belgium and its neighbouring countries (the Netherlands, France, Germany and the United Kingdom) conducted by law firm Laga & Philippe showed that the procedure for granting work permits to highly-skilled workers from outside the European Economic Area is quickest and cheapest in Belgium (at least, at the time of the study carried out: year 2003). In Belgium the work permit is issued (i.e. the entire procedure has been completed) after just one month. The processing of work permit applications by regional labour migration departments usually takes between one and two weeks and costs between EUR 750 and EUR 1000 if the company uses a lawyer or consultant to handle the application file. In other countries the cost is between twice and four times as much. According to the Head of the Migration Department of Laga & Philippe, the cost of obtaining a work permit in Belgium is low due to the fierce competition. Companies that take care of housing, removal, registration and other obligations of foreign workers offer a package that also includes the application for an employment authorisation.

Of course, employers are not obliged to use a lawyer or a consultant and in that way the actual cost of obtaining an employment authorisation/a work permit can be limited to EUR 12 (article 8.3 of the Law of 30 April 1999).

This rapid delivery is due to thorough preparation of the application file and proper functioning of the administration. Whereas in Belgium a work permit is granted as soon as all the required conditions have been met, in other countries this decision is made on a more discretionary basis (Financieel Economische Tijd, 5 July 2003). The study shows that in Flanders a work permit is issued after two to three weeks; in the Brussels-Capital Region and the Walloon Region it is issued after 3 to 4 weeks.

According to the Federation of Belgian Enterprises (Perscontact, 29 June 2001), significant progress has been made since the new law of 1999 and the streamlining of the implementation decrees of this law:

the rules have become less strict;

the application rules in the different regions have become less diffuse;

and the efficiency and speed of handling applications by the government administration have improved significantly.

However, the Federation of Belgian Enterprises (FEB) believes that, despite this flexibility, not all the problems have been resolved. For example, certain categories of workers that companies need will never be eligible for a category B work permit. Furthermore, the FEB is of the opinion that, provided the Belgian conditions of pay and employment are respected, it should be possible to grant a category B work permit to all the members of the personnel of a multinational company that have already been transferred or to all the members of the personnel of a group of companies that are in this situation and not only to managers.

The FEB considers further simplification and speeding up of the procedures for company applications (both for granting residence permits and work permits) to be essential as well. This would involve fewer documents, the use of e-government, more rapid follow-up of applications, a different organisation of government services, and making speedy delivery of category B work permits a priority (as long as the draft texts of the agreement of December 2005 have not been implemented, these requirements will remain pertinent to the FEB).

In summary, the FEB focuses on two aspects:

- a. amendment of immigration legislation to deal with certain bottleneck issues concerning highly-skilled and semi-skilled workers, of which there are shortages in the Belgian labour market at the relevant time;
- b. a number of related measures to activate the existing labour reserve among migrants and among the unemployed.

According to the FEB, the current debate too often focuses on two different issues: either on a more open migration policy or on activating and giving preference to the existing domestic labour reserve. The FEB's viewpoint transcends this paradox through an "and/and" approach. However, the FEB believes that the introduction of a "green card" system must be rejected, as this goes hand in hand with quotas and could therefore lead to a quantitative restriction. The trade unions are also opposed to the introduction of a green card system, as under such a quota system residence of foreign workers (job seekers) will not depend on a specific offer of work. Furthermore, the trade unions want to place a possible relaxation of the labour migration policy within the framework of a general view of development cooperation which does not focus exclusively on economic considerations.

The Flemish Economic Union believes a green card system would offer three major advantages (Odenthal, 2004 pp. 84-85):

- the employer and worker would no longer have to "find" each other before the worker can come to Belgium;
- in certain circumstances permanent residence permits could be obtained;
- a system of green cards with a quota system would make it easier to gear immigration policy to the needs of the labour market.

The Belgian trade union ABVV has noted that the rules and regulations concerning the migration of highly-skilled workers and managers were already relaxed considerably in 1997 and 1998 for the former category (lower income limit; period of employment of up to 4 years instead of 1 year; no prior Belgian labour market study required; no bilateral agreement with the country of origin required) and that the regulations concerning managers are stricter, but that employers bypass that hurdle with the support of the administration by including that category in the category of highly-skilled workers for whom the criteria are more flexible.

Finally, a few years ago the three Belgian trade unions (ACV, ABVV, ACLVB) expressed their position on special categories of labour migration:

They object to relaxation of the regulations concerning highly-skilled workers and actually argue for tightening the rules. According to the trade unions, international comparative research conducted by Deloitte & Touche shows that viewed in an international perspective Belgian regulations and procedures are extremely flexible. In this context the Higher Council for Employment stated in its recommendations of May 2001 that in terms of the upper income limit "*a very flexible criterion with regard to annual pay is used, which in 2001 must not be more than BEF 1,186,000 gross, whereas the OECD estimates the average salary for a worker in Belgium for 1998 to be BEF 1,117,819 gross*". Similar observations were made in the annual reports for 1999 and 2000 of the competent administration of the Flemish Community, warning that as a result of the low income limit in the long term "*(more expensive) Belgian or European workers will have to make way for cheaper foreign workers, or that the former will have to moderate their wage demands*". According to the trade unions, other countries use significantly higher income limits (e.g. EUR 51,129 in Germany). Abolition of the condition of a bilateral agreement with the country of origin would also result in it no longer being possible to take into consideration in any way possible brain drain effects on the country of origin.

The trade unions are prepared to enter into a debate on the possibility of providing security of residence in the long term to highly-skilled workers who were allowed to enter the Belgian labour market, but only:

- if the income limit is raised substantially, so that the balance of the RD of 9 June 1999 is protected (in 1999 the lowering of the income limit was linked to the 4-year time limit); the employers' organisations propose an increase in the actual income limit for managers (EUR 50,554), which is comparable to the German income limit;
- if, as a result of the introduction of the condition of a bilateral agreement, solutions are found for possible brain drain effects;
- if this type of immigration is also placed under the control of the sectoral social partners;
- if no tax and social benefit concessions are used for temporary managers.

The unions do not see any reason to further relax existing rules in respect of trainees. According to the trade unions, the regional administrations have already drawn attention to the potential risk that the trainee system regulations may be abused to prepare for relocation, whereby workers from the country to which operations will be moved are brought to Belgium in advance to train them for these operations. Finally, the employers' organisations do not see any reason either to relax the definition of managers. They point out that the competent administration of the Flemish Community noted in its annual report for 2000 that the bottlenecks that are highlighted by employers are usually easy to resolve in administrative practice.

## **8. Some considerations concerning the Belgian labour market and the labour migration policy<sup>9</sup> (any other relevant aspects)**

This section discusses a number of theoretical considerations regarding labour migration in general, which are not just related to highly-skilled workers but which may also be relevant to labour migration of ISCO groups 6, 7 and 8.

In a recommendation of April 2002, the National Labour Council<sup>10</sup> delivered an opinion on the desirability of promoting selective immigration of skilled workers. Some of the main observations of the National Labour Council were that:

- the principle of zero immigration must be strongly qualified in reality (Belgium actually pursues a policy of controlled immigration);
- an assessment of the impact of an increase of foreign workers on the funding of the social security system must take into consideration the number of unemployed people among the native population;
- OECD studies have shown that migrants quickly adapt to the birth rate of the native population and that immigration does not solve but does put off the pension problem in the long term;
- in a number of sectors there are shortages of skilled and unskilled workers.

The National Labour Council stresses that the current interaction between the national and European levels (e.g. harmonisation of the immigration policy with the European employment strategy and an increase in intra-European mobility), the complexity of the brain drain phenomenon and the importance of integration (not only in the labour market but in society as a whole) has to be taken into consideration. Efforts will therefore have to be made on the demand side of the labour market, focused on a change in recruitment and selection procedures, to increase the chance of recruiting long-term unemployed, and members of ethnic minorities in particular. Furthermore, the Council refers to the complexity of the Belgian labour market (regional differences and poor national mobility).

As regards more technical proposals, the Council stressed the importance of the role that has to be assigned to the joint committees for determining any shortages of workers in a specific sector and the reliance on economic migration, so that the existing balance is taken into account. It also focused on the procedures for measuring sectoral shortages of semi-skilled workers and made a number of proposals to improve these procedures, as it believed that the current regulations were not in line with reality. What it comes down to is the joint committees drawing up a list of bottleneck occupations rather than conducting a prior labour market study. On the basis of that list, which is valid for a maximum of 2 years, the social partners select professions for which they believe that the shortage of workers can only be resolved relatively quickly by bringing in workers from outside the EEA.

Drawing up a list of bottleneck occupations by the sectors concerned could replace any prior and individual labour market study, provided that:

- the sectoral social partners can present an action plan that includes their own commitments to prevent and/or solve the issue of sectoral bottleneck professions in the future;

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<sup>9</sup> These are more relevant if the ISCO-88 classifications for “highly-skilled” are followed, i.e. including Major Groups 6, 7 and 8.

<sup>10</sup> The National Labour Council, which was founded in 1952 and which is composed of employer and employee representatives, is sometimes referred to as “the House of the Belgian social partners”.

- the sectoral social partners undertake to make an effort to promote rapid integration of the new migrants;
- after a quick and simple procedure, for example by means of a certificate that is issued by one of the public employment services, the employer can prove that he has made the necessary effort, but without success, to fill vacancies with workers from within the EEA (in particular through the public job employment services and the EURES network).

The other conditions of the current regulations should be retained, i.e.:

- a bilateral agreement with the country of origin. In this respect the Council insists that efforts be made to promote the conclusion of bilateral agreements with candidate countries, without losing sight though of non-EU countries.
- migrant workers must undergo a medical examination upon arrival.
- the obligation to seek advice from the joint committee if at least 15 workers are involved.

For sectors that do not have an active joint committee the current system of individual labour market study will remain in place given the impossibility of linking a possible supplementary list of bottleneck occupations to an action plan that aims to prevent and/or resolve labour shortages and that promotes the integration of migrant workers.

Odenthal (2004, pp. 28-29) argues that in reality the labour market cannot simply be regarded as a big market that aims to achieve a balance; each professional class should be considered as a separate market in which supply and demand have to be attuned. It is very important to give appropriate stress to this in the debate on labour migration, as there may be economic circumstances in which there is high unemployment in some sectors and a labour shortage in other sectors. In such circumstances it may not be appropriate to argue for a more open migration policy.

According to some authors, (Ive Marx et al, 2002), the strength of the current labour migration policy is that its implementation and regulations in most EU countries are adjusted to current needs as and when required. In other words, labour migration policy correlates directly with the economic situation (feedback mechanism that is based on a prior labour market study). There are also clear weaknesses: the application of the labour market study [which under Belgian law does not apply to highly-skilled workers and managers], especially for work permit renewals, creates uncertainty for the labour migrant (which can be demoralising), and such studies require time, manpower and resources. Additional problems are that shortages are becoming increasingly structural and that sometimes a big gap exists between the presence of favoured labour supply and the actual willingness to work of those people, as a result of which the labour market study does not offer a solution for the lowest echelons of the labour market.

According to a recent report of the High Council for Employment, the trend in the shortage of skilled workers in the processing industry is similar in Flanders and Wallonia. Despite an ample reserve of workers, a large number of Walloon employers in the processing industry have also indicated that they have difficulty recruiting workers, which restricts their production possibilities. Structural problems occur mainly in the machine construction sector and to a lesser degree in the “other means of transport” and graphic sectors. The High Council for Employment believes that there are three explanations for these recruitment problems.

- problems of a quantitative nature: there are just not enough candidates for the number of vacancies. Examples in Belgium: builders, nurses, technical engineers.
- problems of a qualitative nature: besides the required qualification/diploma, candidates have to meet other requirements (bilingualism, experience), e.g. IT specialist, accountants.
- certain jobs are considered to be too unappealing, e.g. service personnel, catering, truck drivers.

Nevertheless, there are big differences in the situation in the labour market within the different Regions, both in terms of supply and demand. The harmonised unemployment percentage (as a percentage of the labour force) in Flanders is 5.4%, in Wallonia 12% and in Brussels-Capital Region 15.7% (source: High Council for Employment, January 2006).

If employing external workers can resolve the shortage of workers in certain regions and for certain occupations, this is based on the assumption that the incomers meet the profile specified by the employers. This is of course much easier under the current system than it would be under a quota or Green Card system.

The important restrictive condition that the employer and prospective employee must already be in contact with each other before an employment authorisation can be applied for and that an application for a work permit can only be made for a specific worker for a specific job, i.e. the current system, would be to the detriment of smaller companies that do not have foreign establishments or networks which they can use to recruit foreign workers (Marx, De Maesschalck, Mussche, 2002).

In their paper "Immigration and aging in the Belgian Regions", the authors (Debuisson, Docquier and Nantcho) evaluate, among other things, the demand for skilled immigration in the Belgian regions created by domestic population changes. They demonstrate that replacement immigration is a sustainable policy in Flanders but not in Wallonia and Brussels, where it would jeopardise demographic stability. Using a projection methodology that takes into account the changes in the demand and supply of labour, they then show that an additional flow ranging from 500 to 9000 skilled immigrants would be necessary to stabilise the Flemish dependency ratio. Compared to the UN report on replacement migration (2000), the following elements were incorporated in their analysis:

- Analysing replacement immigration requires considering the human capital characteristics of natives and immigrants, because the immigrants' level of education determines their contribution to the national economy. According to the authors, replacement migration only makes sense if new immigrants are selected according to their skills;
- Secondly, they argue that a consistent measure of immigration needs should take into account the potential rise in natives' participation rates on the labour market (especially female participation rates) as well as the evolution of their employability;
- Thirdly, dealing with the relative skills of immigrants requires a projection of the demand for skilled and unskilled workers. In this perspective, it is relevant to evaluate immigration needs with regard to the potential changes in technology;

Finally, replacement immigration should not jeopardise the demographic stability of receiving regions. Demographic constraints must be introduced.

It is generally considerably more difficult for third country nationals to legally obtain employment in Belgium. The exceptional provision for specialist technical workers is insufficient (Marx et al, 2002) to meet all the existing needs: many applications are rejected because there is an enormous labour potential in the EU for jobs that require fewer qualifications. The sticking point is that being "available to the labour market" is not always equal to "willing to work" because of unattractive employment conditions and limited career prospects. However, the employers' request for the rules to be relaxed for these sectors as well is rejected with the argument that a relaxation of the migration policy could slow down the improvement of employment conditions in the sectors concerned.

A study of a major bank (Vandecloot: *Loont immigratie economisch?*) shows that the overall economic effects of immigration on the labour market are very limited and that they are not outweighed by major socio-economic developments such as the influx of baby boomers into the labour market and the increased participation of women in this market. In practice, the Belgian immigration policy does not prove to be as restrictive as the official line makes out, although the fact remains that in particular for workers who are not highly-skilled but are

qualified there is insufficient flexibility to resolve labour shortages by means of migration. From the point of view of the Belgian economy, there is little reason to significantly relax the migration policy: the domestic economic benefit as a result of immigration turns out to be very limited, although the positive effect of immigration of highly-skilled workers on the income per head of population will of course be much bigger. Nevertheless the bank concerned does not have any illusions that the pressure to allow more immigration (of both highly-skilled and semi-skilled/unskilled workers) will increase when labour supply becomes relatively scarcer. According to the same researcher, the cost-benefit ratio for guest countries may also become more favourable as a result of deregulation of national labour markets in combination with an appropriate European policy.

In the autumn of 2006 the employers federation AGORIA has carried out an inquiry among its members (in the technological sector) about the competency needs of the labour market (both in quantitative and in qualitative respect) during the evolution towards 2015.

Quantitatively, the inquiry report mentions that there are already today great shortages in skilled employees. This regards scientific and technological qualified staff, engineers, ICT-profiles (according to Agoria, there are some 14,000 vacancies in this area in Belgium) and technical professions. An additional remark is that clearly a gender problem exists: there is indeed an underused feminine potential in these "hard sectors".Enterprises in the technology industry confirm that shortages will continue to increase, especially for technical professions, engineers and ICT-profiles. There is an urgent need for a co-ordinated strategy to enhance the input of technical and technological staff. The labour market and the permanent vocational training play a crucial role. Image building of the industry also remains a point of particular interest.

On the quality level, the "Skills for the Future Inquiry" shows that knowledge will remain the basic condition for availability in the industry also in 2015. Besides knowledge or "hard skills", the soft skills are emphasized more and more. Not only transfer of knowledge is important, education should also see to it that young people develop the required skills and attitudes. Entrepreneurs participating in the inquiry also attach great importance to the knowledge of languages as a boost for business growth. In this context, however, Chinese is severely hyped up and it is still English that is regarded as decisive.

To convey to non-Belgians the feeling for the Belgian corporate culture and the necessary knowledge of the local industrial configurations is a difficult matter, according to a lot of employers.

## 9. Statistics

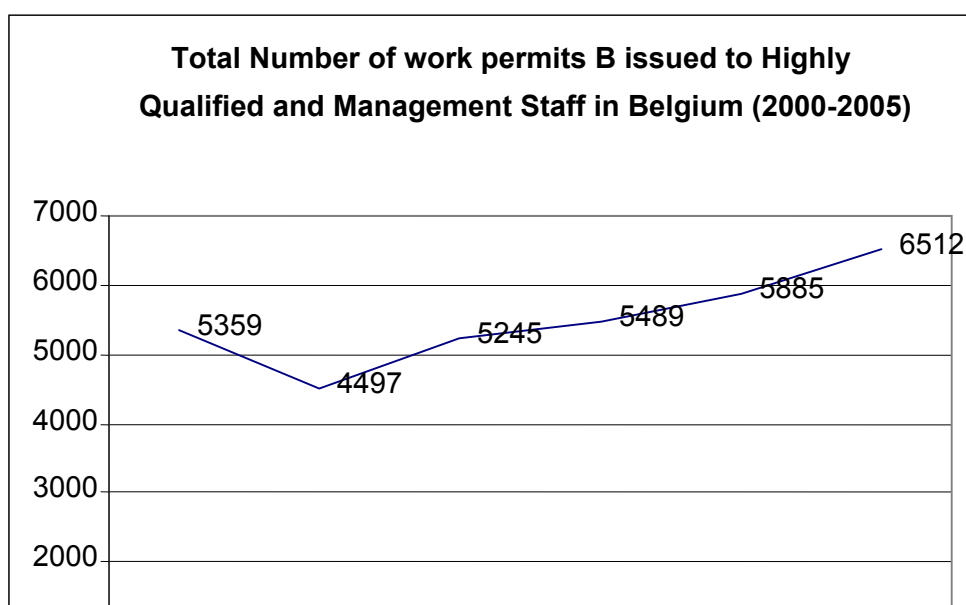
As was stated before, a number of factors have to be taken into account when considering an overview of the Belgian statistics: incompatibility with the ISCO codes, the effect of statutory changes on the analysis of the statistical data, the use of different databases by the regional authorities, the division between first work permits and renewed work permits, and whether or not the highly-trained worker or manager has been seconded to Belgium.

Consequently, it is not easy to provide an accurate picture of the evolution over the years. For example, in order to determine the annual number of new highly-trained labour migrants, work permit renewals must be taken out of the regional statistics. Where possible, we only give an overview of the number of new work permits issued to highly-skilled workers and managers:

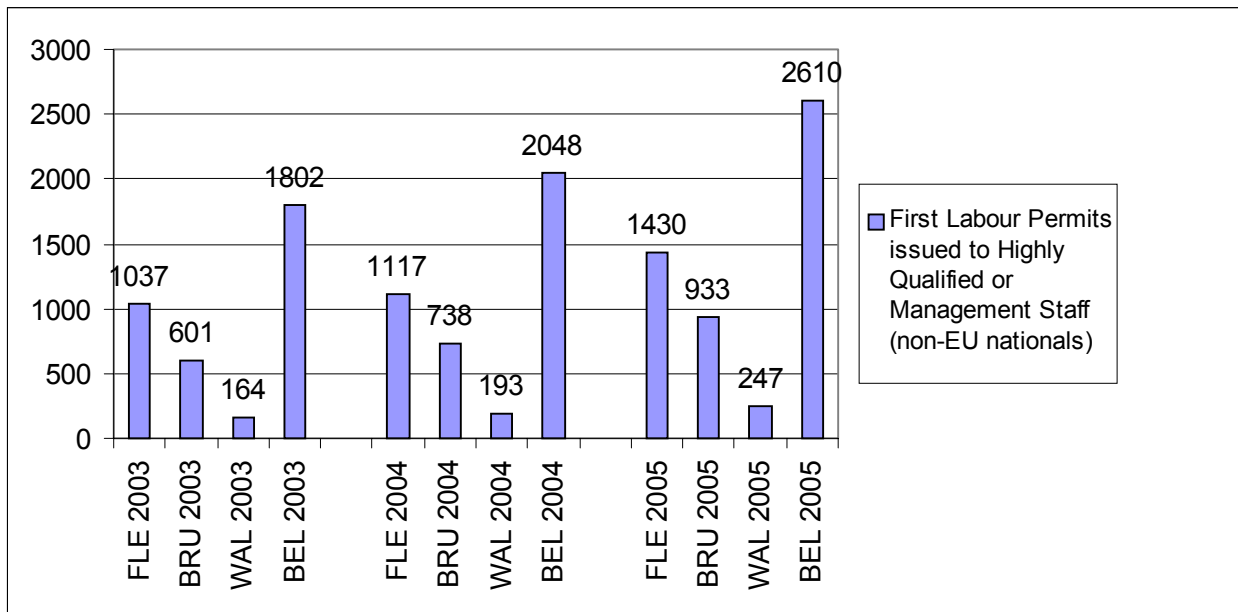
Total number of work permits issued by the different labour administrations to highly qualified workers and managers (EU included; first permits + renewals). (Source: FPS Employment, ...):

	2000	2001	2002	2003	2004	2005
<b>Brussels</b>	?	901	1469	1818	2177	2359
<b>Flanders</b>	2792	2923	3169	3073	3077	3487
<b>Walloon Region</b>	?	670	602	594	629	666
<b>German-speaking part</b>	?	3	5	4	2	?
<b>Totals Belgium</b>	<b>5359</b>	<b>4497</b>	<b>5245</b>	<b>5489</b>	<b>5885</b>	<b>6512</b>

Note: The figures for the Brussels-Capital Region for 2001 are incomplete (management positions were not included, which partly explains the dip in 2001).



The above graph shows that after a temporary dip in 2001 the figures have been increasing again in recent years. This is confirmed by the figures on the issue of new work permits (renewals and EU excluded):

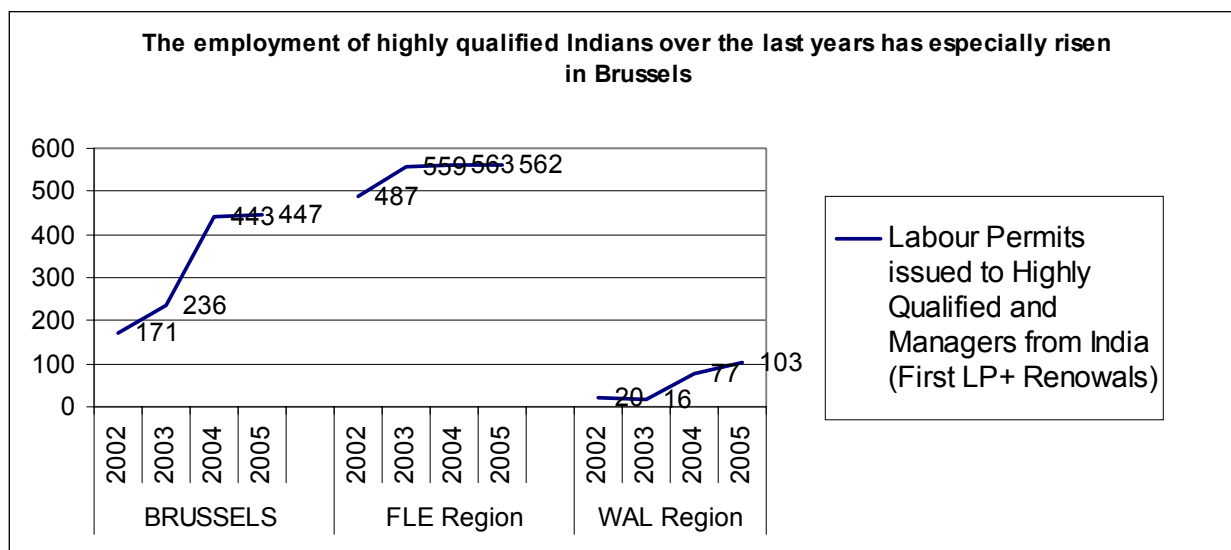


Approximately 60% of highly-qualified workers and managers from outside the EU come from only three countries: India, Japan and the US. In particular the number of highly-skilled workers from India is increasing.

Top 12 countries of origin, first permits, EU excluded, 2005 (source: regional labour administrations/own calculations):

India	726	27.80%
USA	427	16.36%
Japan	423	16.20%
Turkey	146	5.60%
Canada	83	3.20%
China	82	3.14%
Romania	78	3%
Russia	77	2.95%
Brazil	57	2.18%
Australia	46	1.76%
Morocco	38	1.46%
South Korea	35	1.34%
Total top 12	2218	85%
Total Belgium	2610	100%

The increase in the number of people from India is particularly noticeable in the Brussels-Capital Region (source: regional labour administrations/own calculations):



Percentage of work permits issued to Indians compared to totals of work permits issued to highly-qualified workers and managers:

	2002	2003	2004	2005
<b>Brussels</b>	11,60%	13%	20,30%	20,60%
<b>Flanders</b>	15,40%	18,20%	18,30%	19,20%
<b>Wallonia</b>	3,30%	2,70%	12,20%	15,50%

**In addition, annual reports and data from the regional labour migration services provided the following relevant information:**

**Flanders:**

In 2003 approximately 50% of the work permits issued in Flanders to highly-skilled workers and managers were for employment in the region of Flemish Brabant, which can be partly explained by the proximity of Brussels (as the main seat of various international institutions) as well as the proximity of the national airport where many foreign companies (mainly American and Japanese) are based.

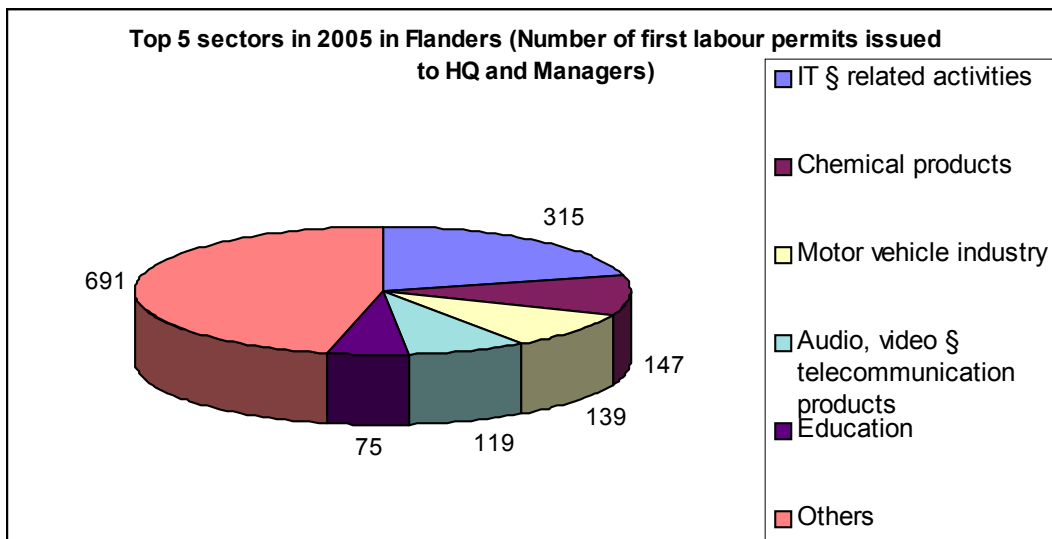
In the same year the three main nationalities together represented 52.4% of the number of work permits issued to highly-skilled workers and managers: Japan (20%), India (18.2%) and the USA (14.2%). In 2004 they represented 53.4%. The largest “qualification”/occupational group by far is IT specialists: approximately 20% of the highly-skilled third country nationals

work in the IT sector, while quite a few third country IT specialists are employed in other industrial sectors under the qualification of highly-skilled workers.

The internationalisation of the labour market is also clearly reflected in the number of work permits issued to highly-skilled workers and managers: in the Flemish Region this number doubled in less than 10 years.



In 2005 the main sectors employing these foreign workers were:



### **The Brussels-Capital Region:**

The following can be derived from the annual reports for 2003, 2004 and 2005 of the Immigration Unit of the Employment Policy Directorate of the Brussels-Capital Region:

There have been no sharp fluctuations in the annual number of work permits issued to highly-skilled workers and managers since 1999, except in the years 2000 and 2001 in which 549 and 902 work permits were issued respectively (+61%).

The number of highly-skilled workers (excluding researchers, professors and university trainees) among the holders of category B work permits remains significant: 68% in 2003; 80% in 2004, 75% in 2005. Although the total number of category B work permits issued is decreasing – partly due to the introduction of the category C work permit on 1 April 2003 – it is increasing for the category of highly-skilled workers and managers. This group includes some 400 Indian IT specialists (of whom 50% have been seconded to Belgium), who are sought after in particular in the banking and telecommunications sectors. According to the Brussels Employment Inspectorate, this category of workers is particularly attractive to employers because of their conditions of employment (working hours, etc.), although in principle Belgian employment and pay conditions have to be applied for all workers working – even temporarily – in Belgium.

Like in the Flemish Region, other highly-skilled workers in the Brussels-Capital Region come from Japan, the US as well as from Morocco, Poland and Romania where they also work in for example the management, consultancy, IT, finance and telecommunications sectors. The “education and training” sector is also strongly represented (mainly universities), with work permits being issued to professors and assistants as well as IT specialists. In 2005, 65% of managers were seconded and therefore not subject to Belgian social security regulations, whereas 72% of highly-skilled workers were subject to Belgian social security regulations. Furthermore, in 2005 some 80 work permits were issued for nurses in a move to combat labour shortages in Brussels hospitals and homes for the elderly.

In 2004, 452 non-nationals in the Brussels Region could be classed as “genuine, new highly-trained labour migrants” (not seconded, first application): a first work permit was issued to 68 managers and 384 highly-trained workers who were also subject to Belgian social security regulations. In 2005 this figure rose to 623 (92 managers; 531 highly-skilled workers). The 2004 figures for Flanders were 335 highly-skilled workers and 116 managers, i.e. a total of 451.

In 2005, 133 (first) work permits for highly-skilled workers and managers were issued to persons from the new (“EU-8”) Member States. Of these, 38% were issued to Polish nationals and 26% to Hungarian nationals.

### **Wallonia**

The data from the Walloon Region also show that in this region the majority now works in the “IT and associated activities” sector: 30% in 2004 and 23% in 2005. In 2003 the percentage for those working in the IT sector was as low as 10%. Other important sectors are “Other professional services”, Chemical Industry, Post & telecommunications, and Research & Development.

Between 2003 and 2005 the proportion of women fluctuated between 23% and 30%. With 18.3%, in Flanders the proportion of women among highly-trained workers or managers recruited abroad was even smaller.

In 2005 the Walloon Region issued 20 first work permits to highly-trained workers or managers from the EU-8, with 14 of these being issued to Polish nationals.

## **Skill Structure of the Population aged 25-64 (average 1996-2002)**

<b>Belgium - All regions</b>		<b>In percent of the population</b>				<b>In percent of the group</b>			
Citizenship	Low	Medium	High	Total	Low	Medium	High	Total	
National	87.7	92.7	93.5	90.8	40.6	32.3	27.1	100	
European Union	7.6	5.7	5.0	6.3	50.5	28.5	21.0	100	
including recent immigration	0.8	1.0	1.8	1.1	29.6	28.3	42.1	100	
Other	4.7	1.6	1.4	2.9	68.7	18.1	13.2	100	
including recent immigration	1.1	0.6	0.8	0.9	54.1	22.9	23.0	100	
Total	100	100	100	100					
<b>Wallonia</b>		<b>In percent of the population</b>				<b>In percent of the group</b>			
Citizenship	Low	Medium	High	Total	Low	Medium	High	Total	
Nationals	84.0	89.5	94.4	88.3	42.1	31.1	26.8	100	
Other EU	13.5	9.4	4.5	10.0	59.8	28.8	11.4	100	
Other	2.6	1.1	1.1	1.8	64.5	20.0	15.5	100	
Total	100	100	100	100					
<b>Flanders</b>		<b>In percent of the population</b>				<b>In percent of the group</b>			
Citizenship	Low	Medium	High	Total	Low	Medium	High	Total	
Nationals	94.0	96.2	96.0	95.2	40.6	33.4	26.0	100	
Other EU	3.0	2.9	3.2	3.0	40.3	32.0	27.7	100	
Other	3.1	0.9	0.8	1.8	71.8	16.4	11.8	100	
Total	100	100	100	100					
<b>Brussels</b>		<b>In percent of the population</b>				<b>In percent of the group</b>			
Citizenship	Low	Medium	High	Total	Low	Medium	High	Total	
Nationals	60.2	76.5	79.5	71.1	33.7	27.9	38.5	100	
Other EU	15.7	13.3	15.1	14.9	42.0	23.2	34.8	100	
Other	24.1	10.1	5.5	14.1	68.0	18.7	13.4	100	
Total	100	100	100	100					

Source: Labour Force Survey/Brussels Economic Review

(Note: Recent immigrants = less than 11 years of residence)

## **10. Conclusions**

The debate concerning the abolition of the zero immigration policy is in fact a spurious one, as no zero migration policy actually exists. There appears to be a discrepancy between the declared zero immigration policy and the regulatory framework that is applied in reality. The main exception is indeed that for highly-skilled workers and managers. Under the present regulations it is possible to issue a category B work permit for a number of well-defined categories of third country workers, irrespective of whether workers are available in the local or European labour market and irrespective of whether a bilateral agreement concerning foreign workers has been concluded with the worker's country of origin (Article 9 of the RD of 9 June 1999).

The Belgian definition of highly-skilled workers is not compatible with the ISCO 88 code. In cases where the legislator does not impose a diploma requirement, the migration services do impose in general this additional condition. In Belgium "highly-skilled" is actually taken to mean "highly-qualified": without a higher education qualification it is almost impossible for third country nationals to obtain a work permit for Belgium. In practice this means that almost only ISCO categories 1 – 3 are eligible for a work permit. In addition to a time limit for the category B work permit for highly-skilled workers, the Belgian legislator imposes a second condition in the form of a specific minimum pay limit before a work permit can be issued. Most employers are in favour of (partly) dropping the qualification requirement if the condition of a minimum pay limit is met, and including experience or acquired competencies in the assessment of whether or not the applicant is eligible for a work permit. The minimum (gross) pay limit currently is EUR 33,082 for highly-skilled workers and EUR 55,193 for managers.

For a number of decades Belgium, as a country that has to contend with high labour costs, has had a special fiscal status for foreign managers, aimed at minimising the disadvantages of high taxes for both employers and the expatriates. However, it proved impossible to obtain data on the percentage of managers who come under this rule.

The importance of labour migration in Belgium must be put into perspective. The total of just over 11,000 work permits issued in 2005 represented less than 0.5% of the active labour force (approximately 3,184,000 persons). However, highly-skilled workers and managers form a high proportion of the work permit holders: together they hold well over a quarter of the work permits issued.

Although it was not possible to derive from the data obtained what positions these highly-trained workers hold (it was only possible to determine the sector in which they work), a significant proportion of them nevertheless appear to work as IT specialists or in related positions.

The majority of third country highly-skilled workers come from industrialised countries (US, Japan, Canada) and increasingly from India (IT specialists). However, even with a total of approximately 700 work permits issued to Indian nationals, we can hardly claim that Belgium is guilty of encouraging a brain drain.

The LIMOSA project will make it possible to formulate clear statistical information in the future. LIMOSA is short for 'cross-border information system for migration research at social security level'. The aim of this project, which consists of three stages, is to provide government bodies with a better insight into the employment of foreign workers in order to prevent abuse (pseudo-entrepreneurship; social dumping, etc.).

Compared with other EU countries, Belgium's labour migration policy would be already reasonably flexible and efficient.

The debate on labour migration, including labour migration of highly-skilled workers, proves to be more or less directly related to the economic situation. Furthermore, the oversupply of workers with few qualifications appears to be determining the debate on labour migration. The main priority for employers appears to be the implementation of a clearer and more transparent system. The demand for amendment of the regulations is therefore mainly a demand for administrative simplification.

Naturally, there are divergent opinions about labour migration policy. However, there appears to be consensus on one issue: labour migration should not be regarded as a cheap substitute for other policy measures but as complementary to them. A more open labour migration policy must not result in reduced investment in education and training of the native population or put native workers at a disadvantage.

The debate must emphasise that (increased) labour immigration is only an option if other measures fail to resolve shortages in the labour market. If they fail to do this and the general public gets the impression, rightly or wrongly, that relaxation of the policy is leading or could lead to a massive influx of workers, it is no longer possible to conduct an objective debate.

Employers believe that a large pool of unemployed people does not really provide a solution for shortages in certain occupations. In fact, they regard migration mainly as an additional measure. In recent years the labour market for highly-skilled workers has become increasingly international as a result of the global economy. In that sense, relaxation of national regulations corresponds with the reality. Some of the employers' organisations do not regard a quota system as a real improvement of the system and go so far as to say that such a system could disrupt the market. The Flemish Economic Union and the Federation of Belgian Enterprises, for example, have opposite opinions about a possible quota system (and therefore there being quantitative restrictions or not). The trade unions are also opposed to the introduction of a green card system, as under such a quota system residence of foreign workers (job seekers) will not depend on a specific offer of work.

The largest Belgian employers' organisation (FEB) points to the desirability of a European coordinated policy that lays down a number of principles. It assumes that, given the existence of the European internal market, it will require a European rather than a national approach to address the issue of immigration. However, the FEB believes that the Member States must have sufficient room to manoeuvre in the implementation of these European principles, especially as regards procedures.

Belgian employers also believe that the labour shortage problem relates mainly to (the recruitment of foreign) semi-skilled and unskilled workers and not so much to highly-skilled workers. Indeed, it appears to be mainly the oversupply of semi-skilled and unskilled workers that has made the subject of immigration more difficult. Opinions also differ about the question of to what extent labour migration policy has to be incorporated in the country's general migration policy.

The principle of redeploying "native workers" would be advisable, but for highly qualified workers – who generally speaking will always get only a work permit – this would not be easy to achieve. On the other hand, although there are quantitative shortages for some highly-skilled professional categories (engineers, IT specialists), increasing interregional mobility could offer a partial solution to resolving shortages for other categories.

Belgium stresses the increasing importance of the availability of knowledge workers and the importance of forming a recruitment pool of highly-skilled experts in the future (knowledge economy as opposed to high labour costs). Attracting knowledge workers should not be guided by economic factors alone, but should be a structural effort.

As an employer and a prospective employee must have paired up with each other before a work permit can be applied for, the present system is thought to be disadvantageous to smaller companies for which this is more difficult to achieve. Although admitting that certain sectors,

subsectors or companies are faced with labour shortages, UNIZO (the Organisation for the Self-Employed and SMEs) doubts the universality of the demand for foreign workers. The debate on labour migration is of no great interest to its members. Furthermore, UNIZO believes that priority must be given to the integration of workers from ethnic minorities, all the more because recruitment of an employee abroad is a major effort for an SME.

An inventory of bottleneck occupations is very important, as by definition there is little or no competition between Belgian and foreign workers for those occupations. However, it is important to note that this inventory of bottleneck occupations does not have a direct impact on the policy concerning third country highly-skilled workers as this group is exempt from a prior labour market study.

A draft for a new Royal Decree was approved by the government in late 2005 with the aim of making it easier to employ researchers and knowledge workers and at the same time tightening up the checks on abuses, with the resultant tightening up of labour migration controls. All workers arriving in Belgium will be required in future to register with the regional services in charge of labour market policy. The registration requirement will apply to all foreign national workers and to foreign nationals who arrive to undergo training or take up an internship or to stay in Belgium for a short period as part of a business trip. However, this requirement will be removed for a restricted group of scientists and researchers.

One of the problems for third country highly-skilled workers is apparently that employment opportunities in Belgium are time-limited, making Belgium less attractive compared with the US and Canada for example. The government has already partly resolved this problem by increasing the maximum employment period from 4 years to 8 years. On the other hand, the advantage of such system is that it promotes so-called brain circulation. However, this is partly a theoretical problem, because when dealing with a work permit renewal application the Immigration Office will usually issue a residence permit for an unlimited period, allowing the third country worker concerned to work in Belgium for as long as he/she wishes.

# Annex 1: Relevant Institutions

## Federal Institutions

National Labour Council (Nationale Arbeidsraad)

Blijde Inkomstlaan 17-21, 1040 Brussel

Tel: +32 (0)2 233.88.11

<http://www.cnt-nar.be/>

Immigration Office (Dienst Vreemdelingenzaken)

WTC II, Antwerpsesteenweg 59b, 1000 Brussel

[www.dofi.fgov.be](http://www.dofi.fgov.be)

Federal Public Service Employment, Labour and Social Dialogue (FOD Werkgelegenheid, Arbeid en Sociaal Overleg)

Immigration Unit

Ernest Blerotstraat 1, 1070 Brussels

<http://meta.fgov.be/pa/fraff.htm?../pc/pce/pcee/frcee07.htm&1>

Ministry of Foreign Affairs (FOD Buitenlandse Zaken, Buitenlandse handel en Ontwikkelingssamenwerking)

Kleine Karmelietenstraat 15, 1000 Brussel

[www.diplomatie.fgov.be](http://www.diplomatie.fgov.be)

## Regional labour migration offices:

Ministry of the Flemish Community

Employment Department – Migration Unit

Koning Albert II laan 35 bus 21

1030 Brussel

<http://www2.vlaanderen.be/ned/sites/werk/arbeidskaart.htm>

Ministry of the Brussels-Capital Region (Ministerie van het Brussels Hoofdstedelijk Gewest)

Direction Economy and Employment, Unit Work Permits (Bestuur Economie en Werkgelegenheid, Directie Werkgelegenheidsbeleid en Meerwaardeneconomie, Cel arbeidskaarten)

Vooruitgangstraat 80, 1035 Brussel

[http://portail.irisnet.be/en/citoyens/home/travailler/travailler\\_comme\\_ressortissant\\_etranger.shtml](http://portail.irisnet.be/en/citoyens/home/travailler/travailler_comme_ressortissant_etranger.shtml)

Ministère de la Région Wallonne  
Division de l'emploi et de la formation  
Place de Wallonie 1, 5100 Namur  
Tel: +32.(0)81/33.31.11  
<http://emploi.wallonie.be>

Ministerium der Deutschsprachigen Gemeinschaft  
Abteilung Ausbildung, Beschäftigung und Europäische Programme  
Hostert 15, 4700 Eupen  
Tel: + 32. (0)87/59.64.86  
<http://www.dglive.be>

### **Employers' organisations and trade unions:**

Federation of Belgian Enterprises (Verbond van Belgische Ondernemingen; Fédération des Entreprises de Belgique)  
Ravensteinstraat 4, 1000 Brussel  
Tel: +32 2 515 08 11  
<http://www.vbo-feb.be/index.html?page=2&lang=en>

AGORIA asbl/vzw, The multisector federation for the technology industry  
Diamant Building, BD. A. Reyerslaan 80, 1030 Brussel  
<http://www.agoria.be/s/p.exe/WService=WWW/webextra/Prg/izContentWeb?SessionLID=3&vUserID=999999>

Vlaams Economisch Verbond  
Brouwersvliet 5, bus 4B  
2000 Antwerpen  
Tel.: +32/(0)3. 202.44.00  
[www.voka.be](http://www.voka.be)

Algemeen Belgisch Vakverbond/Fédération Général des Travailleurs Belges  
Hoogstraat 42  
1000 Brussel  
[www.abvv.be](http://www.abvv.be)

Algemeen Christelijk Vakverbond/Syndicat Chretien  
Haachtsesteenweg 579  
1030 Brussel  
Tel: +32.(0)2/246.31.11

<http://www.acv-online.be/>

ACLVB, Liberale Vakbond/CGSLB (Syndicat Libéral)

Poincarélaan 72-74 - 1070 BRUSSEL

Tel.02/558.51.50

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