



Global Employer Services Immigration

Immigration formalities when employing foreign trainees and students

With summer approaching, employers start to think about hiring foreign nationals for a traineeship or student job. This alert provides a summary of the immigration rules to be observed when hiring a foreign trainee or student.

Work permit exemption for EEA and Swiss nationals

EEA and Swiss nationals have the same rights and obligations as Belgian nationals. Even if they do not reside or study in Belgium, they are allowed to work in Belgium without immigration formality prerequisites.

Example: A Swiss national studying in China can start a six-month traineeship in Belgium without having to complete immigration formalities. Since the traineeship is foreseen for a period of more than three months, the Swiss national will need to register at the local Belgian commune of his/her place of residence within eight days of arriving in Belgium.

Work permit exemption in view of a mandatory traineeship

Foreign students studying in Belgium or in another EEA country or Switzerland are not required to obtain a work

permit, as long as the traineeship is mandatory within the framework of their studies.

Example: a Japanese student following studies in France and completing a mandatory traineeship with a company located in Belgium does not require a work permit.

Since such a traineeship is not considered as an actual performance of professional activities, a salary payment to the foreign student is not required; expenses are usually reimbursed.

Work permit exemption for foreign students

Third country students with a legal residence in Belgium should generally obtain a work permit type C to work in Belgium. However, such work permit is not required for employment during the legal school holidays.

The allowances and remuneration, which are subject to Belgian social security, cannot be less than the legal minimum (applicable in the company's joint committee).

Example: A Chinese national studying in Belgium needs a work permit type C in order to work legally during the school year. During the summer holidays, a work permit is not required.

Work permit exemption in view of an international agreement

If the foreign student is employed as part of an international agreement that has been approved by the Belgian authorities, a work permit should not be obtained.

Example: An Indian student enrolled in the Erasmus Programme can be employed in Belgium for a period confirmed in a statement prepared by the international organisation.

Trainee work permit type B

A last option would be the specific work permit type B for trainees. Such a permit is valid for individuals who perform a traineeship in continuation of recently finished studies. Several restrictions apply with respect to age, salary, type and duration of contract.

Deloitte comment

When hiring a foreign student, the employer will need to consider any immigration formality prerequisites. If a work permit is required, the processing times for obtaining this document should be taken into account.

Furthermore, the employer will also need to consider the foreign national's social security status as well as payroll obligations. The possible tax impact of such a traineeship should also be considered.

Contacts

If you have any questions concerning the items in this alert, please contact your usual tax consultant at our Deloitte office in Belgium or:

- Matthias Lommers, mlommers@deloitte.com, + 32 2 600 65 44
- Joke Braam, jbraam@deloitte.com, +32 2 600 62 86

For general inquiries, please contact:
bedeloittetax@deloitte.com, + 32 2 600 60 00

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