



Global Employer Services Immigration

Stricter control on residency rights

A recently published royal decree changes various residence regulations so that they can be applied more efficiently and rationally to prevent Identity and Domicile fraud. The most important changes are summarised below.

Reporting address changes

When registering in Belgium, an address verification check follows. This is conducted by a local police officer who visits a place of residence to confirm that the registrant actually lives at the address provided. Going forward, an address verification check will also occur when an individual informs the communal authorities of his/her definite departure from Belgium.

In addition, the communal authorities are requested to do more in depth checks on who is currently residing on their territory. The authorities will ensure this by closely monitoring verification checks and conducting more random address verification checks. Residents failing to notify the authorities of their presence will be invited by the commune to fulfil their obligations. Individuals failing to notify their absence from the territory will have their registration removed ex officio after a certain period of time.

Notification of temporary leave

In principle, a person must be registered with the communal authorities of the area where the main residence is located. In exceptional cases, it is possible to temporarily and officially

reside elsewhere without losing an official residence address in Belgium. This 'temporary absence' of minimum 3 months needs to be notified in advance to the communal authorities corresponding to the main residence. This is not to be confused with the right for foreigners to temporarily leave Belgium and return without losing the right to reside in the country.

In practice, this means that a person can declare temporary absence to the communal authorities by completing a declaration at the commune (annex 3) if the following conditions are met:

- He/she remains in possession (rental or owned) of a property where he/she can return at any time
- He/she has a main residence in Belgium, i.e. an unoccupied abode sufficiently equipped and furnished to live in, or where one or more family members, with whom he/she was living before departure, are still living.
- The absence is definite and not longer than 1 year (extendable in exceptional circumstances by 1 year maximum)

In order to avoid an ex officio registration removal, it is recommended to notify the authorities in advance if the temporary leave will exceed 3 months.

Cancelling a Belgian EID card after loss or theft

When declaring the loss or theft of a Belgian ID card, the electronic certificates linked to the card will no longer be suspended during the first 7 days. Previously, this simplified reactivation in case the card was found within 7 days. However, this also meant that the individual needed to wait for 7 days to apply for a duplicate. To avoid Identity theft, the ID card will now be immediately deactivated when the loss/theft is declared, allowing the individual to immediately apply for a duplicate of the ID card.

What does this mean for you?

It is important for people to register correctly and in a timely manner at the Belgian town hall and, if needed, inform the town hall of all absences exceeding 3 months. Employers should monitor their employees' compliance more closely, since additional checks can be expected. If an employee's registration is removed ex-officio, the employee risks losing his/her right to work.

Contacts

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