



Global Employer Services Immigration

Yearly compliance audit for holders of single permits that are valid for more than 1 year

With the 2019 introduction of the new Belgian immigration legislation, single permits for foreign workers can be issued for a period of up to 3 years, under certain conditions.

As announced in previous communications, the legislation provided Belgium's three regions with an option to introduce "annual compliance checks" for such cases.

Regional Approach

The Brussels and Walloon Regions have each issued a regional Ministerial Decree to implement such formal yearly audit process for each case. The aim is to verify compliance with salary and social law requirements. Both regions have defined that the respective regional immigration authority must be provided with a fixed list of information and documents on an annual basis. Despite similarities, the actual compliance requirements do unfortunately differ between both regions. However, they are less elaborate than the previous annual Work Permit renewal process.

Although the Flemish Region has not set up a formal audit process, they have announced that they will likely apply 'spot-checks'. Companies are therefore encouraged to establish an internal compliance check process.

Timing

Both the Brussels and Walloon Ministerial Decrees are applicable immediately. With the first set of Single Permits soon reaching their first year of validity, the new process will require swift implementation.

Requirements

Documents that will need to be provided consist of the individual account covering the past year of employment, and for seconded employees, copies of the valid certificate of coverage (or equivalent document) and Limosa. Given the existing legal obligation to draft and keep social documents, as well as the new 2019 legislation mandating that all taxes are processed via a local Belgian withholding tax payroll, companies should have most of the information at their disposal.

Points of Attention

The Brussels and Walloon yearly compliance audit will particularly focus on compliance with specific regional salary requirements, which are unique to each region.

Moreover, the notion of salary for “assigned” employees is likely subject to further adjustment in relation to the ‘equal pay for equal work’ concept, as introduced by the revised Posted Workers Directive ([PWD 2020](#)). The implementation of this European Directive is expected in the coming months.

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