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EU Single Permit Directive

In December 2011, the so-called Single Permit Directive was adopted after a complicated four years long negotiating process in the European Parliament. The Directive's objective is twofold:

- establishing a simple and common procedure which third country nationals need to go through in order to obtain a work and residence permit in an EU Member State;
- defining a common set of rights for third country workers in order to address the gap between them and EU-nationals relating to the following areas: working conditions, freedom of association and trade Union membership, education and vocational training, recognition of diplomas, social security, tax benefits, access to goods and services including procedures for housing and advisory services by employment offices.

EU members States (excluding the UK, Denmark and Ireland, who have not adopted the Directive) were given 2 years to adapt their national laws in line with this Directive. Belgium should therefore make the necessary changes before 25 December 2013.

Some categories of third country nationals, posted workers and intra-corporate transferees among others, are excluded from the Directive's scope. Seasonal workers are excluded as well.

Furthermore, the member states remain free to decide whether the employer or the employee should apply for the single permit, whether it should be applied for in the current country of residence or in the EU member state and how long the procedure can take (with a maximum of 4 months which can be extended due to the file's complexity or the visa procedure which may be required for initial entry).

Overall, Deloitte Belgium's immigration and social security team (IMSS team) expects the implementation of this Directive to only be a small step towards a fully harmonised EU legal and labour migration.

We will keep you informed on the further implementation of this Directive in Belgium and remain readily available to provide more detailed information.

Contact

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