



Immigration: Update on the single permit scheme

The Single Permit immigration process introduced in 2019 has created a number of challenges for Japanese companies seeking to employ foreign employees in Belgium. Most importantly, longer processing times led to delayed start of employment jeopardizing efficient human resources and business planning. The BJA Tax and Legal Committee, in collaboration with the BJA Investment Committee, took a number of actions to address the issues with governments at federal and regional levels. This article provides an update on progress made over the last few months.

The Single Permit is a combined work and residence permit, which is delivered as result of a single application process. Before 2019, a work permit application was followed by a residence permit application and resulted in two documents. In our Belgian context, regional employment authorities approve the work authorization and federal authorities approve the residence authorization. In the single application process the regional and federal authorities take their respective decisions and inform the applicant of the final decision combining both authorizations. Upon a positive decision, a foreign employee can relocate and start working in Belgium, or renew the permit in case of a renewal application.

The introduction of the combined work and residence application resulted in much longer processing times, which increased from 4 weeks up to 4 months last year. Moreover, the lack of transparency with respect to the status of an application led to uncertainty and impeded planning efforts. It prevented timely start of employment, hugely impacting both business planning and personal planning for relocation, start of schooling etc.

These issues have been a particular concern throughout 2019 and the BJA Tax and Legal Committee, in collaboration with the BJA Investment Committee, took decisive actions to address these issues with governments at federal and regional levels. In a common effort with JETRO and Nihonjinkai, a letter to the competent ministers at both federal and regional levels was sent on 3 December 2019 to highlight the issues and to make several recommendations to streamline and shorten the process of issuing single permits.

In February 2020, Mrs. Maggie De Block, Federal Minister of Immigration, announced certain reforms reflecting some of recommendations in the letter and which will positively contribute to the improvement of the processing time of single permits. The main reforms are:

- 20 additional staff at the Federal level (Ministry of Internal Affairs), which will spread the workload and decrease the processing time;
- Internal streamlining of the process at the Federal level (Ministry of Internal Affairs), which will also decrease the processing time;
- Building a digital platform that will link applicants and their proxy holders with the Regional & Federal authorities; and,
- Allowing to continue employment upon the approval by the Regional authorities without waiting for the approval by the Federal authorities.

On 9 March 2020, Tax & Legal Committee and Investment Committee had a meeting at the Cabinet of the Flemish President-Minister Jan Jambon as follow-up on the letter sent on 3 December 2019. The Cabinet recognized the importance of Japanese investments and emphasized the commitment of the Flemish Government to cooperate and secure more efficient processes for business-friendly migration for Japanese nationals. Since the start of the discussions, some progress has already been made. Expatriates, who renew their permits, can continue working upon approval of their work authorization while the final approval decision is being processed. Similarly, the digitalization of the process, which would be a welcome and positive development, has been on the agenda of the regions and Flanders is taking steps to complete it. During our meeting the Cabinet mentioned that Flanders is open to consider same fast track treatment for new applications as for renewals as Japan is included in the Visa Waiver Countries. The Cabinet of the Flemish President-Minister Jan Jambon furthermore mentioned that they will collaborate constructively with the federal level in view of streamlining and shortening the process of issuing single permits in order to reinforce the attractiveness and competitiveness for Japanese investment.



Further meetings have been planned with the Cabinet of federal Minister Maggie De Block and the Cabinet of Brussels Capital-Region Minister Bernard Clerfayt. We will keep you informed on the outcome of these meetings.

In practice we noted that the processing times reduced significantly following the measures already taken. We furthermore noted that currently during the COVID-19 pandemic crisis, which creates severe restrictions and uncertainty on international business travel, the Belgian authorities continue processing the applications with a further reduction of processing times. This further reduction of processing times is arguably related to a lower volume of applications in current COVID-19 times. We hope that this positive trend of shorter processing times can be sustained in future. The COVID-19 pandemic also generates continuous questions and challenges as to how to strike the balance between public and personal health interests, on the one hand, and business and economy needs on the other hand.

The BJA remains in dialogue with the federal and regional authorities on this important matter and will keep its members updated on further developments. The need for simplification of processes and certainty for businesses and expatriates has never been greater than in these times of crisis.

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