

Re-thinking approaches to labour migration

Potential and Gaps in EU Member States' Migration Infrastructures

Case Study Summary — **Belgium**



KEY MESSAGES

- The Belgian labour market is experiencing growing shortages in both low- and high-skilled occupations. The most significant shortages are in catering, ICT, professional, technical and scientific jobs, and healthcare. Belgium's vacancy rate is among the highest in the EU, and the availability of skilled workers remains a major concern for employers.
- Pathways to Belgium exist mainly for highly-skilled and medium-skilled workers in bottleneck occupations for which the labour market test does not apply. Access to the labour market for low- and medium-skilled workers is often limited to short term and temporary labour migration pathways that tie the worker to a single function and/or employer. The willingness at federal (or regional) level to facilitate labour migration pathways for low-skilled workers is rather limited, the rationale being that the Belgian labour market already has sufficient low-skilled workers.
- Belgium has experience with skills mobility partnerships and bilateral labour migration projects which it aims to consolidate in the future. Another country that may be relevant to Belgium for a Talent Partnership type approach is India. Regions are also exploring bilateral partnerships on their own.
- Further flexibility in existing migration pathways could include exemptions from the labour market test beyond highly-skilled and medium-skilled workers in shortage occupations, simpler and faster procedures, and lowering of salary thresholds.
- Opportunities for labour migration to Belgium depend on the different levels of competence at the federal (entry and residence) and regional (work) levels. This at times leads to a mismatch between the Regions' labour needs and the federal Immigration Office's priorities.

BACKGROUND AND CONTEXT

Belgium is **one of the most multicultural countries in the OECD**. Several sectors of the Belgian economy depend on labour migrants.

Belgium has a history of labour immigration driven by economic needs. During the period of rebuilding and industrialisation after the Second World War, migrant workers from Southern Europe, North Africa, and Türkiye were recruited. However, by the late 1960s and early 1970s, the government adopted a more restrictive labour migration policy, limiting entry to immigrants with skills in short supply in Belgium. After labour migration was restricted, immigration shifted towards family reunification and asylum. Since the 1990s, asylum seekers and undocumented workers have become more prominent. In the 2000s, the Belgian government promoted work-related immigration, giving preference to nationals of the new EU member states.

Belgium has a positive international migration balance. Family reunification plays a major role while labour migration is the third most important reason for issuing first residence permits. The most prominent nationalities of migrant workers in Belgium are Indian and Moroccan.

Labour shortages and access to the labour market for migrants and asylum-seekers are subject of intense political debate in Belgium. The rise of right-wing parties has led the federal government to adopt stricter policies due to a fear of pull factors (*'appel d'air'*). These **federal policies do not always align with the interests of those of the Regions**, which aim to boost and protect their labour markets. Regions also seek to improve and simplify the existing system to offer employers a coherent legal framework that enhances the attractiveness and competitiveness of the Regions.

CURRENT AND FUTURE LABOUR SHORTAGES

Belgium, like the rest of the EU, faces structural shortages in both low- and high-skilled occupations. The most significant shortages are in catering, ICT, professional, technical and scientific jobs, and healthcare. **Belgium's vacancy rate is one of the highest in the EU**, making the availability of skilled staff a top concern for employers. Employers' federations have indicated that vacancies will continue to increase. The greatest shortages are among

highly-skilled professionals, including engineers, technicians, and ICT specialists. Additionally, there are notable shortages in sectors such as healthcare and construction.

The demand for **ICT specialists** remains high, as evidenced by the vacancy rate in the ICT sector, which already relies heavily on labour migrants. There are also concerns about growing shortages of **healthcare workers**, as the number of doctors has increased at a slow pace (and given the high share of active physicians over the age of 55). Additionally, recruiting nurses remains challenging. Furthermore, the job vacancy rate in **construction** is above the EU average. Labour shortages are reported in particular for occupations such as civil engineering technicians, civil engineers and power plant operators. Employers' federations in the construction sector therefore support increased pathways for labour migration.

LABOUR MIGRATION POLICY IN BELGIUM

In Belgium, access to the labour market for third-country nationals (TCNs) prioritises highly-skilled workers, with fewer opportunities for medium- and lower-skilled individuals. The labour market is more accessible for highly-skilled workers and medium-skilled workers in bottleneck occupations, as they do not require a labour market test. Beyond this, there is no comprehensive policy targeting specific sectors. In critical sectors such as healthcare, there is significant potential for more flexible pathways. However, the opportunities that labour migration from outside the EU could provide to address current labour shortages are not being fully utilised, primarily due to political reasons. Nevertheless, some Regions, particularly Flanders, are beginning to explore pathways with specific countries.

International migration to address the tight labour market is currently not a high political priority in Belgium. At the federal level, legal migration instruments are viewed as tools to actively manage migration and influence the composition of migrants. Meanwhile, the Regions appear more open to exploring labour migration possibilities, such as regularising undocumented migrants (currently a non-starter at the federal level) or forming partnerships with third countries. Interviews with regional authorities highlight **two concurrent crises**: one related to **labour shortages**, for which labour migration is seen as a valuable solution, and another related to **irregular migrants** (viewed as 'migration

crisis'). The scope for more volume or new pathways for labour is likely to remain limited at federal level given the polarised public and political debate on labour migration.

Labour migration policy in Belgium is thus characterised by a degree of autonomy at regional level (work) within the parameters set at federal level (entry and residence). Flanders has been particularly proactive in recent years addressing labour market bottlenecks as part of a broader post-pandemic labour migration policy, and with a focus on highly-skilled profiles. However, a key aspect of Belgium's labour migration policy is prioritising the domestic workforce before considering foreign workers. Consequently, even if regional policies become more relaxed, they must align with more restrictive federal policies. This division, as noted in interviews, hinders Belgium from developing a comprehensive political vision or an integrated national labour migration strategy.

LEGAL LABOUR MIGRATION PATHWAYS

The **work permit B or "arbeidskaart" (labour card - in Flanders)** is an authorisation to work for up to 90 days. It is also issued to certain categories of workers, such as cross-border workers, workers staying in hotels, au pairs or trainees, in which case it is valid for more than 90 days and up to 1 year (renewable). 3.931 work permits B were issued in **Flanders** in 2022 (2.600 for seasonal work and 1.331 for other types of employment). The sharp rise in the number of work permits B granted in the Flemish Region is largely due to the increase in the number of seasonal workers. Agriculture and horticulture are by far the main sectors of seasonal work in Flanders, accounting for 94% of the total in 2022. In addition, the vast majority of seasonal workers are of Ukrainian nationality (73%). Other important nationalities are Moldova and Georgia. In **Wallonia**, in 2022, 369 work permits B were issued. In almost half of the cases, work permits were granted to specialised technical profiles, a considerable increase on previous years. On the other hand, highly-skilled workers accounted for a quarter of the total, and almost one in five work permits was issued to a young au pair. In **Brussels**, 233 work permits B were issued in 2022. The main nationalities are the United Kingdom, India, the United States, Madagascar and the Philippines. In three quarters of cases, these are highly-skilled workers or au pairs. Recently, more specialised technical profiles

have been more frequently employed with a B work permit.

The main overarching long-term labour migration pathway to Belgium is the single permit, which grants access to work and residence for foreign nationals who come to Belgium for more than 90 days. The single permit is open to all TCNs and issued via a single application procedure. In 2022, 19.721 permits were issued to TCNs by all Regions combined (first applications and renewals). This is an increase of 75% compared to 2021. The single permit procedure, along with its criteria and requirements, varies based on the worker's category and the Belgian Region where the application is submitted.

In principle, a single permit is granted for the duration of the employment contract. In case of an open ended contract, a single permit is granted for up to 3 years and can be renewed. Generally, after 5 years of uninterrupted work and residence in Belgium, workers can apply for (or be granted by the Immigration Office autonomously) a permanent residence permit. With this permit, the individual can work for any employer in any capacity without needing to submit a new application. Employers must apply for the single permit on behalf of the employee, submitting it to one of the three competent Regions of Belgium (Flanders, Wallonia, and Brussels) to secure initial approval for working rights. The application is then sent to the federal level for residence rights approval. In principle, employment is limited to one employer, preventing the worker from changing jobs freely. This dependency can lead to exploitation, abuse, and precarious working conditions.

Labour migration pathways are simplified through **exemptions from a labour market test** for certain categories of applicants whose gross annual earnings exceed a specified minimum amount. The exempted categories vary by region and include highly-skilled workers, executives, professional athletes, and performing artists. The transposition of European directives into Belgian law is complex, requiring coordination between regional and federal entities, resulting in differing admission conditions across the Regions. Reforms of the single permit regime are ongoing in the various Regions, following an inter-ministerial conference on labour migration in July 2023. While these reforms aim to improve the current system and, in some cases, better protect migrant workers, they are unlikely to increase opportunities for medium- and low-skilled workers to enter Belgium.

Highly-skill segment

Historically, labour migration to Belgium has favoured highly-skilled workers. In the various Regions, highly-qualified workers (highly-qualified persons, managers, IT specialists, professors, researchers, international lecturers, persons with an EU Blue Card, intra-group transfers [ICT], trainees and post-doctoral researchers) are exempt from the labour market test. Highly-qualified workers were already easily admitted to the labour markets of the various Regions before 2019, due to a general presumption of a shortage of these profiles. Access to the labour market is thus easier, but it is linked to a salary threshold and a diploma requirement (bachelor's or master's degree), among other requirements. This salary threshold is determined by each regional entity and adjusted annually. 77% of single permits were issued to highly-skilled workers in the Brussels Region in 2022, while this figure stood at 63% for Wallonia and 52% for Flanders.

Medium-skill shortage professions

In the various Regions, there is another exception to the labour market test for shortage occupations in medium-skilled positions and especially skilled workers in the technical field (secondary diploma).

In the Brussels-Capital Region and the German-speaking Community, these positions are only open to third-country nationals residing on a long-term basis in another EU Member State. In 2022, 32% of single permits were issued to this category in Flanders, while the figure stood at 21% and 19% for Wallonia and the Brussels Region respectively.

Labour market test

Belgian employers aiming to hire low- or medium-skilled third-country nationals generally face a labour market test requirement. Unlike medium-skilled bottleneck professions exempt from this test, low-skilled bottleneck professions lack such simplification. The labour market test demands employers to demonstrate efforts in finding a suitable candidate locally (and within the EEA) within a reasonable timeframe (usually six months), considering also the possibility of appropriate vocational training. Essentially, if a Belgian candidate can fulfil the role, even with six months of training, foreign candidates are disregarded. Interviews indicate minimal willingness at federal or regional levels to facilitate labour migration for low-skilled workers. The Immigration Office's reluctance stems from the belief that the domestic labour pool suffices. Notably, the

labour market test constituted 17% of single permits in Wallonia, 13% in Flanders, and 0,4% in Brussels in 2022.

In the past, most single permits were granted to highly-skilled workers. However, there has been a notable shift recently, with an increasing number of permits granted to workers in medium-skilled positions in bottleneck occupations as well as those subject to labour market testing. Essentially, 2022 witnessed a substantial rise in the proportion of low- and medium-skilled workers within the single permit system. Yet, the current single permit system fails to adequately address the structural labour demands of Belgian employers, who find the procedure administratively very heavy and complex, while they often need to hire people quickly.

Professional cards for self-employed workers

Professional cards are issued to self-employed non-EU/EEA/Swiss third-country nationals. All three Regions issue professional cards on the basis of the relevance of the project to the Region, among other requirements. In Flanders, a new procedure for professional cards came into force on 1 January 2022 introducing new business categories, each with its own specific terms and conditions. A distinction is made between companies and independent activities with innovative added value, cultural/artistic and sporting activities.

European legal provisions and their use

In Belgium, the single permit procedure also applies to categories of workers covered by EU directives. However, the Flemish migration procedures are simplified for highly-skilled workers who apply for an EU Blue Card and for seasonal workers.

Belgium applies a wage requirement to **EU Blue Card** applicants. The salary threshold for the national scheme for the highly-skilled segment is lower than that for the EU Blue Card. This may be the reason why under the Blue Card scheme, only few labour migrants enter Belgium. In Flanders, the 'success' of the EU Blue Card remained rather modest in 2022, with 98 being granted on the basis of initial applications, compared with 65 in 2021. It decreased from 20 in 2021 to 14 in 2022 in Wallonia. In Brussels, the number of European Blue Cards fell from 46 in 2021 to 33 in 2022.

The **Seasonal workers Directive** offers third-country nationals the opportunity to work temporarily in Belgium as seasonal workers. Third-country

nationals must apply – depending on the duration of their employment – for a work permit B or a single permit. Given the seasonal nature of this type of employment, this category is almost entirely covered by work permit B. The sectors in which seasonal employment is permitted differ from one Region to another, but those mostly concern the agricultural, horticultural and catering sectors. In the Flemish Region, the Brussels-Capital Region and the German-speaking Community, admission to seasonal work is also conditional on a labour market test. Seasonal work is possible for up to 5 months within a 12-month cycle, with the option for renewal in Wallonia, and is accessible to individuals of all nationalities across all Regions. However, Belgium imposes limitations on the number of seasonal workers. Primarily, this workforce is significant in Flanders, evidenced by the issuance of 2.600 work permits B for seasonal employment in Flanders in 2022. Conversely, Wallonia issued only one single permit for a seasonal worker in both 2022 and 2023. Typically, seasonal workers engage in labour-intensive horticultural activities.

The **Intra-corporate transfers** (ICT) Directive has been transposed into Belgian law and allows the transfer of executives, experts and trainees within a company from outside the EU to a company of the the same group in Belgium for a maximum of three years (one year for trainees).

In 2021, in a partial transposition of Directive (EU) 2016/801, Belgium implemented the 12-month **'search year' permit for international students** who have graduated from a Belgian university. The aim of the search year is to allow third-country students to seek employment or to pursue self-employment after having completed their studies in Belgium, with no restrictions regarding their employer, salary level or position. If, during this period, the graduate student finds a job or starts self-employment, a change of status can be requested via the single permit procedure or via a professional card application. During the search year, the graduate student (and their family member) has unlimited access to the job market.

Similarly, as of 1 January 2023, **researchers** are eligible for a **search year permit**, during which they have unlimited access to the labour market. This applies both to researchers who have completed their research at a recognised research institution in Belgium and researchers in another EU Member State who have made use of their intra-EU mobility and where Belgium is the second EU Member State.

If, by the end of the search year, they find suitable employment or have become self-employed, they must apply for a change of status through the single permit or professional card procedure. As of 1 March 2023, the search year permit also gives family members of these researchers unlimited access to the Belgian labour market.

Working Holiday Programme

Countries participating in a working holiday program aim to enhance collaboration and foster mutual understanding by allowing their young citizens (aged 18 to 30) to immerse themselves in the culture and lifestyle of another country. This is achieved through holidays during which participants can work to support themselves financially. Belgium has entered into agreements with Australia, New Zealand, Canada, Taiwan, and the Republic of Korea. The primary focus of the holiday should be cultural exchange, with work serving as a means to supplement finances. The agreements impose restrictions on the duration of employment, training, or study programs. Participants are exempt from obtaining a work permit to engage in paid activities in Belgium. The authorisation to stay is valid for 12 months and cannot be extended.

Bilateral or special labour agreements and partnerships

Belgium has a number of bilateral agreements in place as well as experience with mobility and skills-related partnerships in African partner countries, including Morocco, Nigeria, Tunisia and Senegal. These initiatives employ innovative strategies to enhance labour mobility and develop the skills of migrants, particularly targeting young graduates in sectors like biotechnology and ICT. Sector choices are based on officially declared labour market needs and shortages in Belgian Regions. Training occurs in the home country, while upskilling is conducted in Belgium. In Senegal and Côte d'Ivoire, EU-funded projects **PEM WECCO** and **PEM-CIV** focus on entrepreneurial circular mobility, aiming to test new labour mobility pathways for entrepreneurs visiting Belgium on business visas and supporting economic operators in both countries. Additionally, the **MATCH** project, funded by the EU and implemented by IOM, aimed to tackle labour shortages in four EU countries, including Belgium.

Furthermore, the Flemish Region and its public employment service is currently exploring different opportunities to establish international relations, bilaterally and through EU projects, with countries such as Mexico or Suriname. Skills mobility

partnership and bilateral labour migration projects could be further developed in the future, although Enabel, the Belgian development agency, is likely to consolidate its approach in the countries in which projects have already taken place.

Innovative pilot schemes and programmes

There is no specific visa/residence scheme in place for third-country national start-up founders in Belgium. This is partly due to the fact that Belgium does not have a legal definition for start-up founder. Consequently, start-up founders are considered to be self-employed in Belgium, limiting the available migratory pathways to the professional card.

However, the Flemish Region has enacted a new decree regarding professional card acquisition, with a focus on (among other things) attracting innovative startups and entrepreneurial talent. This initiative involves collaboration with entities like Flanders Investment & Trade (FIT) and the Flanders Innovation & Entrepreneurship Agency (VLAIO), and introduces “innovative” as a criterion for eligibility (besides economic, artistic, sportive).

The updated labour migration policy for foreign self-employed individuals, introduced in 2022, includes tailored admission requirements based on the nature of their professional activities. In 2022, 131 professional cards were issued under this new framework (out of 223 in total), reportedly resulting in a decrease in overall card issuance. It is however too early to assess the effectiveness of the new procedure. Additionally, for traditional businesses (comprising 76% of cards issued in 2022), stricter conditions were implemented, requiring applicants to demonstrate a startup capital of at least 20.058 Euro.

SUGGESTIONS FOR POSSIBLE FUTURE ADAPTATIONS TO LABOUR MIGRATION POLICY AND THE USE OF EXISTING PROVISIONS

Belgium’s current labour migration policy struggles to meet the demand for workers across different skill levels. Introducing increased opportunities in the future could be useful, especially for labour migration pathways in low- and medium-skilled sectors covering for instance specific technical or health sector professions. While there is a concern about creating a “pull factor” (“*appel d’air*”) at the federal

level, the Regions, responsible for labour migration, appear more receptive to exploring labour migration possibilities. Several possible adaptations could be made within the existing legal framework to increase the flexibility and effectiveness of the legal labour migration system in Belgium.

Addressing Diverse Workforce Demands and Promoting Flexibility

Labour pathways have to be more focused on a real-time analysis of the needs of the labour market. A focus on highly-skilled talent is not sufficient, as labour shortages in other segments persist. Implementing evidence-based policies and fostering institutionalised dialogues are crucial to aligning with diverse workforce demands. The list of bottleneck professions could for example be extended to workers in the low-skilled section (as well as to more professions in the medium-skilled segment). This requires close collaboration with social partners. Similarly, transitioning to permits valid for sectors rather than specific employers would enhance flexibility, benefiting sectors facing shortages and empowering workers reliant on single employers.

Designing a more holistic labour migration policy at federal level

The Immigration Office holds a pivotal position but often prioritises security, fraud prevention, and procedural integrity, in the labour migration field, which may not align with the broader interests of other stakeholders to access labour quickly. The Federal Public Employment Service should assess evolving needs and trends, while involving various ministries as additional stakeholders. Each ministry brings unique perspectives and contributions, such as addressing Sustainable Development Goals (SDGs), security concerns, foreign diplomatic objectives etc. Within this whole-of-government approach, Enabel (Belgian development agency) is a key actor as it brings experience of cooperation in this field and can put its tools at the disposal of other Belgian players who want to test them in other countries.

Currently, different interests, needs and approaches coexist between levels as well as within levels. This complexity poses a challenge to formulating a comprehensive Belgian labour migration policy that effectively considers the myriad factors and interests involved. Addressing this challenge is crucial for developing a sustainable approach to tackling the labour market challenges anticipated in the years ahead. While some aspects of this divergence are inherent to Belgium’s federal structure, there are

opportunities to draw lessons from other federal states and enhance the utilisation of interinstitutional coordination mechanisms, such as the inter-ministerial conference on labour migration. Leveraging these mechanisms can facilitate alignment and constructive discussion to refine and implement policies that better serve the interests of all stakeholders involved.

Speeding up the processing times and simplifying procedures

The lengthy processing times for residence and work permits has been identified by the private sector and others as a hindrance to the flexible recruitment of workers from third countries. The current single permit procedure is cumbersome, lengthy, and lacks transparency, discouraging private sector engagement. Often, only large companies can afford intermediaries to navigate this complex system, limiting smaller enterprises' participation and stifling innovation. Simplifying procedures would benefit labour migration to Belgium. Streamlining the single permit process, reducing waiting times, and allowing for new permits when talents retrain (e.g. if they have arrived as a healthcare professional and graduate as a nurse after a year) would accelerate labour migration, better aligning with the rapidly evolving Belgian labour market.

Adjusting the wage requirements

For many employers, wage requirements are a major obstacle in attracting labour from countries outside the EU. Employers find it difficult to have to pay wages at the level of senior profiles while most origin countries have a surplus of inexperienced junior workers. Only the central government can review these conditions and adjust them according to the actual experience of candidates. The wage threshold for highly-skilled workers in Belgium is perceived as excessively high by interviewees. They suggest it should be adjusted downwards to better align with market realities and enhance competitiveness in attracting talent.

Addressing flanking measures, including skill recognition

Recognition and equivalence of foreign diplomas for regulated professions, as well as providing educational information for unregulated professions, should undergo simplification. Following the German model, Belgian government departments responsible for diploma recognition could streamline the process by offering recognition or educational comparisons between Belgium and foreign institutions, rather than handling each case individually. A shift towards

a competency-based system, focusing on skills and experience rather than formal credentials only, is widely deemed necessary. For sectors with immense shortages, the organisation of a recognition of acquired competences test or additional training in the origin country could be considered eliminating the need for diploma recognition or equivalence.

Additionally, interviews noted that offering Dutch language courses or upskilling and training in the home country would facilitate integration and maintain motivation while awaiting permit approval. More generally, flanking measures and integrated support at the central level can be key for SMEs that struggle with the many and lengthy procedures, lack information on the level of education in the sending country and, as a result, often refrain from attracting talents from abroad.

Ensuring involvement and buy-in of the private sector

It is important that employers become aware of labour market tightness and its impact on their recruitment policies. Indeed, it is increasingly urgent for them to open up to other countries in their search for talent. As pilot projects have shown, awareness-raising for companies is key. Their involvement from the beginning of a project or recruitment process is also important to ensure buy-in. Sustainable labour migration necessitates active participation from the private sector.

Encouraging knowledge and capacity support

A key aspect is to learn from others' best practices. Interviewees noted that Germany's experience with skills recognition and its experimentation with flexible procedures at the vocational skills level are interesting for Belgium to learn from. Support from DG REFORM is currently helping Belgium's Regions to improve their labour migration policy. One interviewee mentioned that while each member state is also trying to find its own ways to shape labour migration, the EU could financially support the development of innovative ways to reduce barriers and improve knowledge exchange between member states so that lessons learned and good practices can be shared.



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