

Directive (EU) 2024/1233, adopted on 24 April 2024, marks a significant shift in the EU's approach to labor migration. It simplifies the process for third-country nationals to work and reside in a Member State, while harmonizing procedures across the EU and strengthening workers' rights. Belgium must transpose the Directive into national law by 21 May 2026.



### **Current Belgian situation**

Under current Belgian law, employer wishing to hire third-country nationals for more than 90 days must apply for a single permit via the relevant regional authority. This single permit combines both a work authorization (regional level) and a residence authorization (federal immigration office). Procedurally, the application must be submitted to the region, which first assesses its admissibility - without any binding deadline. Once deemed admissible, both the region and the Immigration Office have up to 4 months to issue a decision.



### **Upcoming Key Changes under the Directive**

- **Shorter Processing Times:** The decision deadline is reduced to 90 days from the date the application is deemed admissible (previously four months). However, Belgium's lack of a binding timeline for the initial admissibility assessment (i.e., is the file complete?) may still cause delays – an issue the Belgian legislature will need to address during transposition.
- **Expanded Application Options:** Applicants may now submit their application from within the Member State, provided they are legally present – even under a short-stay (tourist) visa. This is a key shift from the current Belgian rules, which only allow in-country applications for those holding a valid residence permit.
- **Clearer Information & Transparency Obligations:** The Directive requires Member States to provide clear, accessible information about the application process, required documentation, and applicant's rights and obligations.

In addition:

- Applicants must be able to access all documents submitted by their employer to the authorities on their behalf.
- In Belgium, this presents a practical challenge: the digital application platform currently relies on the *itsme* authorization app, which is not accessible to foreign nationals. A solution will be needed to comply with the new rules.
- **Automatic Extension during Renewal:** If a worker submits a renewal application, they must be allowed to continue working and residing legally until a decision is made even if the single permit expires during the renewal process. In Belgium, this would prevent gaps that currently result in temporary work suspensions while awaiting a renewal decision.
- **Right to Change Employers:** Single permit holders may now change employers during the validity of their permit, without restarting the entire application process. Member States may impose conditions, such as a minimum employment period with the initial employer, but the change cannot be prohibited outright. It remains to be seen whether Belgium will allow changes across positions or sectors as well.

- **Protection during Unemployment:** Temporary unemployment is no longer a ground for automatic permit withdrawal. Permit holders will retain their right to reside for up to three months or up to six months if they have held a valid permit for at least two years. If they find a new job during this time, they may remain in the country while the authorities process the new employment – even if the unemployment period has officially ended.
- **Enforcement & Legal Recourse:** The Directive obliges Member States to adopt effective, proportionate, and dissuasive sanctions against non-compliant employers. It also strengthens workers' rights by allowing them to lodge complaints and seek legal redress.



### Conclusion

Directive 2024/1233 represents a move toward a more efficient EU labor migration framework. For Employers in Belgium, it offers the potential for quicker hiring – especially of talent already present in the country – but also introduces important new transparency and compliance obligations. Belgium's approach to transposing the Directive will determine whether these benefits are fully realised.

\*\*\*

If you have questions or wish to discuss the upcoming reform or its potential implications for your business, please contact our Employment & Benefits team.



Stefanie Tack



Aylin Ozturk