

CITIZENS' RIGHTS NEWSLETTER

A monthly update for UK nationals resident in Belgium under the Withdrawal Agreement

In this month's edition, we are looking at **workers and professional qualifications**.

[You can find previous editions here.](#)

NEWS UPDATE

SURVEY

Our second survey received 200 responses from the Withdrawal Agreement cohort. We are sharing with you the key takeaways from your experiences, which are generally very positive.

MYTHBUSTERS

We are currently running a series of 'residency mythbusters' on our [Facebook page](#) - please see below for the first four.



What does the Withdrawal Agreement say about workers?

UK nationals legally resident in Belgium before 1 January 2021 are in scope of the Withdrawal Agreement (WA). "Legally resident" means you were abiding by the conditions set by [EU free movement law](#).

You met these conditions if you were in one of the following categories:

- you are a worker or self-employed
- you are a student
- you have sufficient resources and sickness insurance
- you have already acquired the right to permanent residency

Principle of non-discrimination

The principle of non-discrimination on nationality grounds enables you to continue to take up employment on the same basis as citizens of Belgium. This does not apply to employment in public service, so Belgium can decide to restrict access to certain jobs where there is a public policy, security or health justification.

Right to change status

Article 16 gives UK nationals in scope of the Withdrawal Agreement the right to change status, for example from working for an employer to becoming self-employed.

Frontier workers

UK nationals who, before 1 January 2021, worked in one or more EU member states but lived in another, are protected under the Withdrawal Agreement. There needs to be a **regular pattern of crossing the border** to be considered a frontier worker.

There are many unique and complex arrangements that UK nationals hold in terms of working across borders; some may qualify as a frontier worker whereas some may fall under the provision of services which is not covered by the Withdrawal Agreement.

[We put together a short video for UK frontier workers working within Benelux, France and Germany.](#)

How do I protect my rights as a worker in Belgium under the Withdrawal Agreement?

All UK nationals legally resident in Belgium before 1 January 2021 must apply for the M card. It is the new residency card for UK nationals and their non-EU family members in scope of the Withdrawal Agreement.

What documents will I need to show when registering?

All M card applicants must provide a valid passport and a legalised criminal record extract no older than six months.

If you registered as a worker before 1 January 2021 at your commune / gemeente, and were issued with an E card, you should not be asked for the below evidence again as part of your M card application.

If you did not start the registration process before the end of last year, you may also be asked for the following:

- proof of your worker status, such as a job contract or your registration as self-employed in Belgium
- proof of affiliation to a social insurance fund if you are self-employed
- proof that you have sickness insurance (e.g. Belgian *mutuelle* health insurance, private sickness insurance, foreign public sickness insurance via an S1 form)

[You can find additional information on the M card application process on the Office for Foreigners' website.](#)

What if I lose my job?

Article 7 of the EU Freedom of Movement Directive allows for those who have worked in a Member State to retain their worker status for six months after becoming involuntarily unemployed.

This is protected under the Withdrawal Agreement, meaning that UK nationals can continue to access unemployment benefits in a Member State if they:

- are temporarily unable to work as a result of an illness or accident; or
- have duly recorded involuntary unemployment after being employed for more than one year and registered as a jobseeker with the relevant employment office; or
- have duly recorded involuntary unemployment after completing a fixed-term employment contract of less than a year or after having become involuntarily unemployed during the first twelve months and registered as a jobseeker with the relevant employment office. In this case, the status of worker shall be retained for no less than six months; or
- are embarking on a vocational training. Unless they are involuntarily unemployed, the retention of a worker status requires the training to be related to the previous employment.

What if I'm a frontier worker in Belgium?

If you live in another country, but have been working in Belgium since before 1 January 2021:

You need to apply for an N card, which is the new frontier worker permit for eligible UK nationals in scope of the Withdrawal Agreement, at the commune/gemeente where you work. You have until 31 December 2021 to do so.

[You can find additional information on the N card application process on the Office for Foreigners' website.](#)

If you live in Belgium but have worked in another EU member state since before 1 January 2021:

You have until 31 December 2021 to apply for an M card as a UK national resident in Belgium. However, you will also need to check with the EU member state where you work to see what frontier worker document you need to obtain (if any), and by what deadline, to protect your working pattern.

What about posted workers?

Posted workers are not explicitly covered by the Withdrawal Agreement.

However, if your posting is longer than 3 months, Belgium recommends that all posted workers apply for registration at their commune/gemeente as a "person with sufficient resources" (see above categories under EU free movement).

If you were a posted worker in Belgium before 1 January 2021, you should therefore apply for your new M card at your commune/gemeente before 31 December 2021. Your new card will protect your rights in Belgium under the Withdrawal Agreement.

If you were not previously registered at your commune/gemeente, you may be asked for the following documents as a person with sufficient resources or "means of subsistence".

[More information on applying for the M card as a posted worker or as a person with sufficient resources can be found on the Office for Foreigners' website.](#)

Check the last question in the FAQs.

Recognition of Professional Qualifications

Prior to the UK's departure from the EU, certain UK professional qualifications fell under [EU Directive 2005/36/EC](#), which allows for an **automatic recognition of certain professional qualifications across the EU**.

Professionals within scope of the Withdrawal Agreement who had their professional qualifications recognised, or applied to have them recognised, in an EU member state before 1 January 2021, will have their **recognition decision protected** and do not need to take any further action.

Under the [Trade and Cooperation Agreement \(TCA\)](#), the UK and EU have agreed a framework for the future recognition of professional qualifications (Annex SERVIN-6). However, agreements will need to be negotiated on a **profession-by-profession basis** between relevant regulators or professional bodies.

If you need to take action to secure the recognition of your professional qualification in Belgium, visit the below websites of the region where you reside:

- the [Flemish community NARIC](#)
- the [Walloon Brussels community NARIC](#)
- the [Federal Public Service Economy website](#)

RESIDENCY MYTHBUSTERS

MYTH 1: I had to be physically present in Belgium on 31 December 2020 to be in scope of the Withdrawal Agreement

Not if you were already resident in Belgium and temporarily absent!

If you had an E card, temporary absences of up to 6 months each year do not affect the right of residence. Continuity of residence is not affected by the following temporary absences:

- absence not exceeding a total of 6 months each year
- longer absence for compulsory military service
- one absence of a maximum of 12 months for important reasons such as pregnancy and childbirth, a serious illness, study or a posting abroad.

If you had an E+ card, absences of up to 5 years do not affect your right to residence. When you return to Belgium, get in touch with the commune/gemeente where you were previously registered.

[More info about M card applications on the Belgian Office for Foreigners' website.](#)

MYTH 2: I don't need a new residency card as I am married to a Belgian national

Yes, you do, but you may be eligible for more than one card.

As a UK national resident in Belgium before 1 January 2021, you may be eligible for the M card under the Withdrawal Agreement, but you may need to prove to your commune/gemeente that you were meeting EU free movement law, for example as a worker or as someone with sufficient resources.

As the non-EU spouse or family member of an EU national, you are also eligible for the F card which protects your rights under Belgian family reunification rules, but is separate to the Withdrawal Agreement.

[More information can be found on the Office for Foreigners website in the FAQ section.](#)

MYTH 3: I should keep my old residency card when I apply for my new M card

Yes! Your commune/gemeente is legally required to return your existing residency card (E/E+) to you while you wait for a decision on your M card application. Your card is still valid, unless expired or proof, so for example you can still use it when going to the doctor or as proof of residency when crossing the border.

If your commune/gemeente refuses to return your residency card to you, get in touch with the Office for Foreigners helpdesk via phone (+32 24 88 80 00) or by email (infodesk@ibz.fgov.be) clearly stating the name of your commune/gemeente.

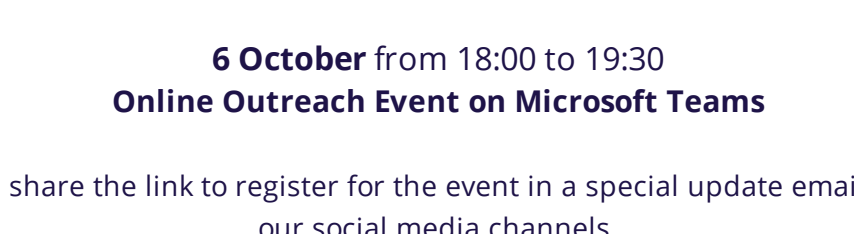
MYTH 4: My certificate of application annexe/bijlage 56 is only valid for three months

Yes and no. The initial validity of the certificate you receive after applying for your M card, "annexe/bijlage 56", is indeed for three months.

However, if you have still not received a decision on your application within those initial three months, and the reason is outside your control (i.e. it's not because you ignored municipality requests for documents), then you should get in touch with your commune/gemeente before the expiry date to get it renewed. As you will see on the back of the document, there are additional boxes in case the validity of your certificate needs to be extended repeatedly.

There will be more myth busting in next month's newsletter!

Second Survey - Key Takeaways



79% of communes/gemeenten are accepting applications via appointment

Over 86% of you already had an E/E+ card and were not asked for additional proof of status (e.g. job contract)

27% are waiting till later in the year to apply for the M card
→ DON'T DELAY!

28% of you are still waiting to receive information from your commune/gemeente

MAIN ISSUES RAISED

- not receiving an Annexe 56 after applying (9%)
- not being able to keep existing E card (over 12%)
- length of application process for those without existing residency card
- lack of clear and consistent communications from commune/gemeente

Upcoming Embassy Events

1 September from 18:00 to 20:00
Q&A Session on [British Embassy Brussels Facebook page](#)

6 October from 18:00 to 19:30
Online Outreach Event on Microsoft Teams

We will share the link to register for the event in a special update email and via our social media channels.

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If you know any UK nationals living in Belgium who would benefit from receiving these newsletters, please spread the word! They can sign up to receive the newsletter by [sending a blank email using this link](#).

Stay in Touch

Find the latest information on our [Living in Belgium guide](#)

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