

FRAGOMEN



**BREXIT
ADJUSTMENT
RESERVE**



**BRUSSELS COMMISSIONER
FOR EUROPE
I AM A UK NATIONAL
RESIDENT IN BELGIUM. CAN I
TRAVEL, WORK AND RETIRE
IN OTHER EU COUNTRIES?**

March 2023



WITH
YOU
TODAY



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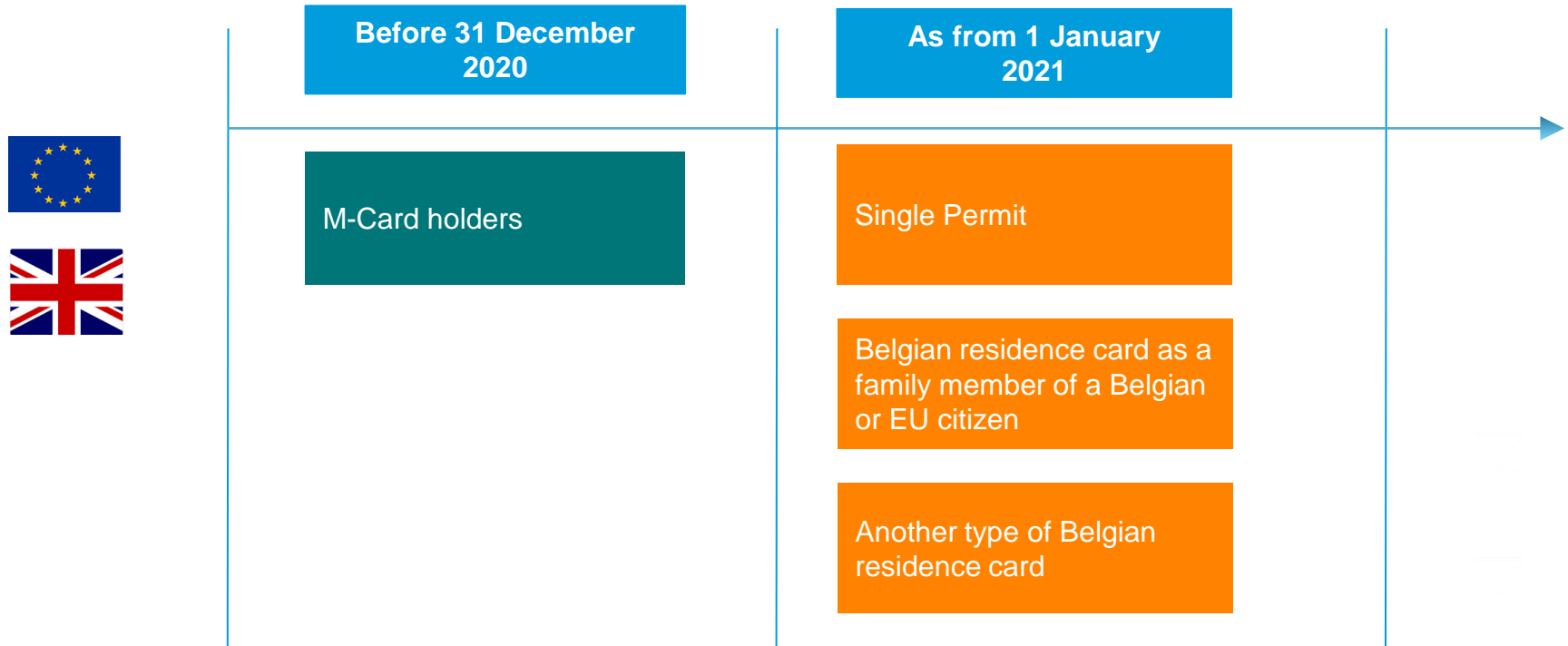
AGENDA

- ▶ Introduction & Background
- ▶ Holiday travel to other EU countries
 - Territorial Scope
 - 90/180 days
 - Overstay and Sanctions
- ▶ ETIAS and Entry/Exit System
- ▶ Business travel to other EU countries
 - Business Visitor Activities
 - Notification Obligation
 - Local Registration Requirements
- ▶ Relocation to other EU countries for work purposes
- ▶ Retirement in other EU countries
- ▶ Q&As



INTRODUCTION & BACKGROUND

BREXIT: TWO GROUPS OF UK CITIZENS IN BELGIUM





HOLIDAY TRAVEL TO OTHER EU COUNTRIES



HOLIDAY TRAVEL

- ▶ Right to travel to other EU countries based on a valid UK passport
 - **Red flag:** Belgian residence card - not a travel doc
- ▶ 90/180 days to all and any countries in the Schengen Area
 - **Schengen Area:** Austria, **Belgium**, Czech Republic, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and Switzerland.
 - Purpose of stay: tourism, business, family, etc.
- ▶ Territorial scope:
 - Bulgaria, Cyprus, and Romania
 - Ireland
- ▶ Overstays and Sanctions:
 - Fines, re-entry bans, etc.
- ▶ Cover for urgent medical care



UPCOMING DEVELOPMENTS: ETIAS AND ENTRY/EXIT SYSTEM



EES

- ▶ **Entry/Exit System (EES):** fully automated IT system registering visa-required and visa-exempt visitors who travel to and from the EU
 - Main function: tracking short-term stays of maximum of 90 days in any 180-day period
 - Data collection: travel document data, date and place of entry/exit, a facial image, and fingerprints, etc.
 - Application: non-EU nationals travelling for a short stay
 - EES **does not apply to residence permit holders** of European countries using EES (including **Belgium**)
 - Biometric passport
 - Expected launch: 2024



ETIAS

- ▶ **European Travel Information and Authorization System (ETIAS):** fully automated IT system registering visa-exempt visitors who travel to the EU
 - Main feature: tracking passport holders of **visa-exempt countries** (including the **UK**) to the Schengen Area (and Bulgaria, Cyprus, and Romania)
 - ETIAS authorisation allows short-term travel in these countries for 90 days in any 180-day period
 - ETIAS authorisation is required at least 96 hours before the travel and is valid for three years (or linked to passport validity)
 - Fee: EUR 7
 - Processing: minutes → 14 days/30 days (interview)
 - Expected launch: 2024



BUSINESS TRAVEL TO OTHER EU COUNTRIES

BUSINESS TRAVEL TO OTHER EU COUNTRIES

IMPORTANT CONSIDERATIONS



Time Limits

- ▶ 90 days in any 180-day period
- ▶ Consider all days spent in the Schengen Area (including holiday and family travel)



Assess the nature of the business activities you will be conducting

- ▶ Business visitor activities
- ▶ Different across EU countries
- ▶ Business visit v. work assignment
- ▶ Work authorisation



Notification to local authorities

- ▶ Employer may need to notify local authorities



Stay for more than 3 consecutive months

- ▶ Possible local registration requirements

CASE STUDY

BUSINESS TRAVEL

- ▶ I am an M-card holder, and I am expected to travel to Poland, Spain, and France for business. My trips are expected to last up to 3 weeks and occur every other month. During my trip, I am supposed to attend conferences, and client meetings, and conduct and receive basic training.
 - Travel to Germany, Spain, and France is allowed, however:
 - 90 days in any 180-day period
 - **Red flag:** all other trips, for tourism or family reasons, also count towards the 90/180-day allowance
 - Consult the list of allowed business activities in these countries:
 - **Poland:** conducting and receiving basic training, attending client meetings, and conferences
 - **France:** receiving training, attending client meetings, and conferences
 - **Spain:** attending client meetings, and conferences
 - Your employer must check if no notification requirements are in place:
 - **Poland:** your employer must file a PWN
 - **France and Spain:** no PWN is required. *(Disclaimer these are examples – not legal advice)*



RELOCATION TO OTHER EU COUNTRIES

WORK IN ANOTHER EU COUNTRY

RELOCATION FOR WORK

▶ Important considerations:

- Right to move and work in another EU country is subject to the **immigration processes of the destination country**
- Local Hire Permit/Assignment Permit
 - Salary threshold
 - Academic background
 - Work experience

▶ Application process:

- Document gathering (employment contracts, diplomas, medical certificates, police clearance certificates, etc.,)
- Evaluation by relevant authorities
- Processing times (up to several months depending on the country of destination)

Red flag: rules on absences from Belgium **Exception** : Ireland (Common Travel Area)

CASE STUDY

WORK IN ANOTHER EU COUNTRY

- ▶ I am a Single Permit Card holder, and I found a new employer in Germany. I want to relocate to Germany and start working there. What do I need to consider?
 - Highly skilled - Blue Card permit:
 - Requirements: minimum salary requirements and the relevant academic background or work experience
 - Minimum salary requirements: EUR 45,552 per year - shortage occupations EUR 58,400 per year - non-shortage occupations
 - German job offer or employment contract;
 - Document gathering: university diploma/certificate, passport, photographs, and proof of health insurance
 - **Red flags:** university degree must be listed in the govt database of recognized degrees (*Anabin* database).
 - Competent authority to process the application: the Federal Employment Agency (BA)
 - Processing times: 99-209 calendar days
 - If you EU Blue Card not suitable, other immigration avenues, may be explored: for ex. the Local Hire Work & Residence Permit.
 - **Red flags**
 - You **cannot start working in Germany until the relevant authorisations are obtained**
 - Rules on totalisation of residence periods towards permanent residency

CASE STUDY

RETIREMENT



I am an M-card holder in Belgium, and I want to retire in Portugal.

- No automatic rights in the EU to retire in another EU country
- In Portugal, you can apply for a long-term visa (D-7) for non-EU (including UK) citizens with passive income:
 - o Requirement: stable passive income abroad (e.g., pension) and stable accommodation in Portugal
 - o Residence permit: 1 year, renewable for next 2 years, after 5 years – permanent residence
 - o Processing times: 30 - 60 days
- **Export of pension and health care rights**



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 BRUSSELS-CAPITAL REGION

QUESTIONS & ANSWERS

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