

**LABOUR MIGRATION IN FLANDERS AND THE USE
OF THE SINGLE PERMIT TO ADDRESS LABOUR
MARKET SHORTAGES.**

THE LIVED EXPERIENCES OF SINGLE PERMIT HOLDERS WORKING IN MEDIUM
SKILLED BOTTLENECK PROFESSIONS

Amy Weatherburn*, Elias Herman Kruithof*, Christophe
Vanroelen

Interface Demography and Fundamental Rights Research Centre, Vrije
Universiteit Brussel

* Corresponding authors

E-Mail: Amy.Weatherburn@ulb.be

E-Mail: Elias.Herman.Kruithof@VUB.be

LABOUR MIGRATION IN FLANDERS AND THE USE OF THE SINGLE PERMIT TO ADDRESS LABOUR MARKET SHORTAGES.

Amy Weatherburn*, Elias Herman Kruithof*, Christophe Vanroelen

DISCLAIMER: This study was made possible with the financial support from 11.11.11, Fairwork Belgium, CSC-ACV and Orbit Vzw

Table of Contents

Introduction	3
Part One: Matching labour migration policy to labour market needs	4
1 Labour market supply and demand in Belgium and Flanders	4
1.1 Labour migration: addressing challenges arising from demographic changes	4
1.2 Labour migration as an answer to skill gaps	5
1.3 The relevance of extra-European labour migration in the future: attracting labour migrants to the Flemish labour market	6
2 Using labour migration pathways as a means of addressing current labour market needs	8
2.1 Identifying bottleneck professions in the Flemish labour market	9
2.2 The co-option of the single permit regime to fill medium-skilled bottleneck professions	10
2.2.1 Legal framework: the EU Single Permit Directive and its transposition in Belgium	10
2.2.2 The implementation of the Single Permit in Flanders	12
2.3 Temporary, tied visa regimes and the risk of labour market abuse	19
Part Two: The implementation of the single permit and the lived experiences of medium skilled workers in bottleneck professions	20
1 Methodology	20
2 A hard-to-reach target group: difficulty engaging with single permit holders in medium skilled bottleneck professions	21
3 Professional experience and personal circumstances of the research participants	22
3.1 Previous professional experience	22
3.2 Personal and family circumstances	23
4 Migration pathway: from recruitment to arrival in Belgium	23
4.1 Motivation for migration	23
4.2 The recruitment process	24
4.3 Applying for a single permit	25
4.3.1 Inability to submit in-country application for single permit due to irregular migration status	25
4.4 Facilitated arrival in Belgium: temporary accommodation and registration at the municipality	26
5 Securing decent work and the equal treatment of migrant workers in the Flemish labour market	28
5.1 The provision of work or services in a safe and secure environment	28
5.1.1 Working conditions and salary	28
5.1.2 Type of employment relationship and engagement with colleagues	29
5.1.3 Terms and conditions of employment as promised pre-departure and upon arrival	29
5.1.4 Job security and duration of employment	30
5.1.5 Possibility to change employer	32

5.1.6	(Over-) reliance on employer to act in good faith	32
5.2	Respect for socio-economic rights	33
5.2.1	Employer's influence on worker's ability to socially and linguistically integrate	33
5.2.2	A sufficient standard of living?	34
5.2.3	Employer provided accommodation	35
5.3	Capacity to integrate and increase social capital	35
5.3.1	Prospects of family reunification	35
5.3.2	Social inclusion and integration beyond the workplace	36
5.4	The provision of information and assistance	37
5.4.1	Awareness of rights through formal channels	37
5.4.2	Support and assistance through informal channels	38
Part Three: Key findings and recommendations		39
1	The future implementation of the Single Permit to address labour market shortages in Flanders	39
2	Enhancing job security and reducing dependence on the employer	40
3	Facilitating social integration and inclusion in the workplace and in private life	42
4	Engaging with and informing single permit holders of their rights	43
Annex 1: Single Permits granted in Flanders between January 2019 and December 2021		45
Bibliography		49

Introduction

Migration is an age-old and complex phenomenon. People migrate from one place to another for many different reasons: in search of work, for education, for business opportunities, to be able to live with one's family, to escape political instability or to escape poverty. This research focuses on labour migration, and more specifically on people who initially migrate from non-EU countries to work in Flanders on a short-term basis via legal pathways such as the single permit: a single procedure for obtaining a work and a residence permit, which since 2019 has been the main pathway for extra-European labour migration to Flanders. Such migration is integral to on-going processes of global economic and social restructuring (Yeates & Wintour, 2021).

Part One of this study focuses on labour migration and more specifically on people who migrate from non-EU countries to work in the Belgian region of Flanders. Due to upcoming labour market shortages in Flanders, this specific form of migration will be of great relevance in the near future. In the first part of this study, we sketch the labour market supply and demand in Belgium and Flanders in the next ten years, identifying challenges that will lead to labour market shortages and the importance of attracting extra-European labour migrants to address them. We then elaborate on current labour market shortages and the process of identifying bottleneck professions in the Flemish labour market. After providing an overview of the general legal framework at EU, national and regional levels with a brief statistical overview of the single permit in numbers, the focus then switches to the co-option of the Single Permit to address labour market shortages in medium-skilled bottleneck professions. The implementation of the single permit in Flanders, since 2019, is then assessed taking into account its limited scope, the cumbersome procedure, the lack of legal guarantees for the migrant worker, the dependence of the migrant worker on the employer and the difficulty to change employers during the period of validity of the single permit (SERV, 2020; Myria, 2020; Fairwork Belgium, 2019). The emphasis on this group of migrant workers is premised upon the fact that despite their legal migration status, the tied, temporary nature of the single permit regime can still lead to the risk of labour market abuses and even severe forms of labour exploitation.

The second part of this study will consider the protection of social and labour rights of medium skilled migrant workers employed in bottleneck professions, based on findings of in-depth, semi-structured interviews with this category of single permit holders. The study will share the findings of empirical research conducted with third country migrant workers where we sought to determine the extent to which their working conditions are safe and secure, the extent to which their socio-economic rights are respected, and opportunities are available for social inclusion and integration. We will also outline whether or not migrant workers are aware of and provided with information about their rights.

Considering the findings from the desktop and empirical research, we conclude in Part Three by outlining key findings and policy recommendations for the implementation of extra-European labour migration pathways in economic sectors where there are labour market shortages. It is hoped that these recommendations will in turn help to overcome the challenges policy makers encounter by striving for labour migration policy that (i) matches the labour market needs of Flanders in the future; (ii) guarantees the welfare of migrant workers and; (iii) ensures due consideration of their labour and social rights.

Part One: Matching labour migration policy to labour market needs

1 Labour market supply and demand in Belgium and Flanders

Belgium is faced with large shortages on the labour market. In the future, these will be exacerbated by the increase in people of retirement age. Labour migration can offer an answer. In this section, we will outline the imminent shortages in the labour market and we will subsequently look in more detail at how labour migration, and more specifically of third country nationals, can offer a possible solution.

1.1 Labour migration: addressing challenges arising from demographic changes

Labour migration is relevant to policy considerations when seeking to address imbalances in the domestic labour market due to demographic changes. European populations are aging rapidly, and the working age proportions of the populations are decreasing (Kenny & Yang, 2021). Despite large differences between countries, the whole of Europe has an ageing and shrinking population and Flanders is no exception in this respect (European Commission, 2020a). These trends may well jeopardise the affordability of our social security system and the growth of our economy. Hence, foreign workers coming here to be part of the European and Flemish economy, can contribute to resolving the future demographic challenges that lie ahead.

For several decades now, the Belgian birth rate has been declining sharply. As a result, the size of the cohorts entering the labour market has been constantly decreasing since the mid-1990's (Neels et al., 2020). In addition, the years 2020-2030 will be marked by the further labour market exit of the baby boom generation (Neels et al., 2020). According to the projections of *Federaal Planbureau België* (hereafter: FPB) for Belgium, a neutral migration balance as of 2018 translates immediately into a contraction of the Belgian working age population in the following years (Duyck et al., 2018). This contraction of approximately 8.5% between 2020 and 2035 is mainly situated in the age category 24-54. In order to maintain current employment levels, a positive annual migration balance of 40 000 persons is required to compensate for the outflow of the baby boom generation, assuming migrants participate in the labour market at the same rate as non-migrants (Duyck et al., 2018). Using the same assumption, between 2030 and 2060, the required migration balance is somewhat lower, between 22 000 and 25 000 people (Duyck et al., 2018).

A similar story applies to Flanders. According to figures of *Statistiek Vlaanderen*, the increase in the number of Flemish 67- to 84-year-olds is accelerating. This is caused by a continuation of the decline of the fertility rate until 2024, caused by the (economic) uncertainty following the COVID-19 crisis. Thereafter, it would stabilise and rise again. Regarding international migration, *Statistiek Vlaanderen* relied on FPB's hypotheses, expecting a decline until 2026 because of COVID-19 (similar trend for emigration). Hence, between 2021 and 2030, an increase of 22 percent in the number of people aged minimum 67 is expected. At the same time, the number of 18- to 66-year-olds remains unchanged and the number of young people under 18 declines slightly (Statistiek Vlaanderen, 2021).

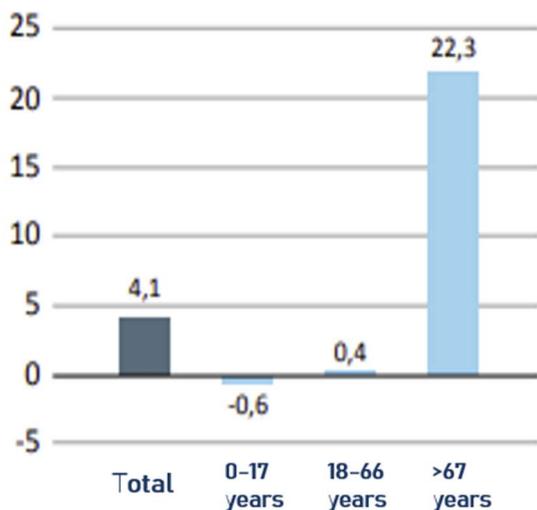


Figure 1: Expected population growth in Flanders 2020-2030. Source: Statistiek Vlaanderen (2021), Vlaamse gemeentelijke demografische vooruitzichten 2021-2040.

Until 2030, an annual increase in labour demand of 0.56% is expected at the same time as an annual decrease in the labour supply of 0.11%. According to Agoria, in 2030 there will be 541,000 vacancies that remain open if no additional measures are taken. Especially in Flanders, there will be a shortage of people to fill the available jobs (AGORIA, 2020). The search for technical staff, for example, is proving increasingly difficult. The shortage is also causing major problems within the health and welfare sector. Care, construction, the technology sector and IT therefore remain sectors with large numbers of bottlenecked occupations (VDAB, 2021).

However, the age structure of the Flemish or Belgian population is not the only factor influencing labour supply. Other characteristics such as gender, level of education, migration background, length of stay and specific combinations of these characteristics play a role in the composition of the labour force as well

(Rubin et al., 2008; Unia & FOD WASO, 2017). Labour market activation and/or migration policy can therefore make a very pertinent difference in solving future labour market needs.

1.2 Labour migration as an answer to skill gaps

Labour migration has a positive impact on our economy. In 2020, the National Bank of Belgium published a study on the economic impact of legal migration in the broad sense, so not only labour migration. An important conclusion was that there is no negative effect of migration on the employment, wages or welfare of natives. On the contrary, migration contributes to the economy as a whole. Over five years, the gross domestic product has increased with 3.5% due to the influx of migrants. Newcomers from within the EU account for 2 percentage points, those from outside Europe for 1.5 percentage points (NBB, 2020: 17). Given the demographic composition of the Belgian population, migration already plays and will increasingly play a particularly important role for the strength of our economy in the near future.

During the COVID-19 pandemic, it became clear that migrant workers tend to be overrepresented in jobs that are essential to keeping our European citizens healthy, safe and fed (Fasani & Mazza, 2020). Low and medium skilled migrants are essential, as e.g. personal care workers in health service, drivers, transport and storage labourers or food processing workers. Around 20% of the key workers in Belgium are economic migrant workers, of which about half of them are non-EU migrants (compared to European average of 13%) (Fasani & Mazza, 2020).

The COVID-19 pandemic also gave more public visibility to a long-standing, well-established trend that not only are low-medium skilled migrant workers predominantly employed in essential yet low-paid, jobs, but they are also often occupied in a precarious position e.g., zero hours contracts, non-payment of wages, tied provision of accommodation etc. The characteristics of these jobs, in at-risk sectors such as agriculture, domestic work, hospitality, or food processing and packaging, leads to multi-dependencies on employers and labour intermediaries not just for work, but also for accommodation, travel, food and subsistence due to language barriers, isolation, financial

vulnerability and in some cases an irregular migrant situation (Aanjaagteam Berscherming Arbeidsmigranten, 2020; Weatherburn & Berntsen, 2022).

The contribution of legally staying migrants to reducing skill gaps in the European labour market was recognised in the recently updated *Skills Agenda for Europe* (European Commission, 2020b). The Flemish government also recognises that we live and work in a world where migration plays an ever-increasing role. The aim of their policy 'unlocking foreign employment potential', is to remove barriers to migration by the highly skilled or those in bottleneck jobs. However, these policies attracting foreign talent must not lead to the replacement of our own employees, to unfair competition or to social dumping on our labour market (Vlaamse Regering, 2018).

1.3 The relevance of extra-European labour migration in the future: attracting labour migrants to the Flemish labour market

Despite the skill gaps and demographic needs, labour migration has not yet become commonplace in Flanders. Unlike migration of EU citizens - with approximately half migrating for economic reasons - people from third countries have other motives for migrating to Belgium/Flanders (Myria, 2021a). For non-EU migrants who legally migrate to Belgium, family reasons are the most important migration motive (45%), followed respectively by study reasons (17.5%), professional activities (12%) and international protection (11.5%). Figure two reiterates this trend by illustrating the number of first-time residence permits granted to third-country nationals between 2015 and 2019, by legal migration regime. From these figures, it is noticeable that labour migration is often the smallest share. However, it should be noted that most third-country nationals working in Belgium are not included in this figure, as they work here as posted workers (Lens et al., 2020). In consequence of the Van der Elst judgment of the European Court of Justice, third country nationals who have obtained a work permit in an EU member state, are to work as posted workers in Belgium via a LIMOSA declaration.¹ Posting workers, based on the freedom of services in the EU, is increasingly used as a gateway for third-country migrant workers. On the basis of the LIMOSA declarations, it has been established that the mobility of third-country nationals in EU Member States via posting is a substantial and growing phenomenon (Lens et al., 2020). There is also a distinction to be made between EU and non-EU migrants. Whilst the figures above demonstrate that very few third country nationals enter Belgium via acquisition of a work permit, there is a stark contrast with EU migrants, with "almost half of the EU immigrants came through the work channel (49%), with family reunification being the second most important channel (32%), while 6% came to study" (NBB, 2020: 86).

¹ C-43/93, Judgment of 9 August 1994, Vander Elst / Office des migrations internationales (C-43/93, ECR 1994 p. I-3803) (SVXVI/I-59 FIXVI/I-59) ECLI:EU:C:1994:310.

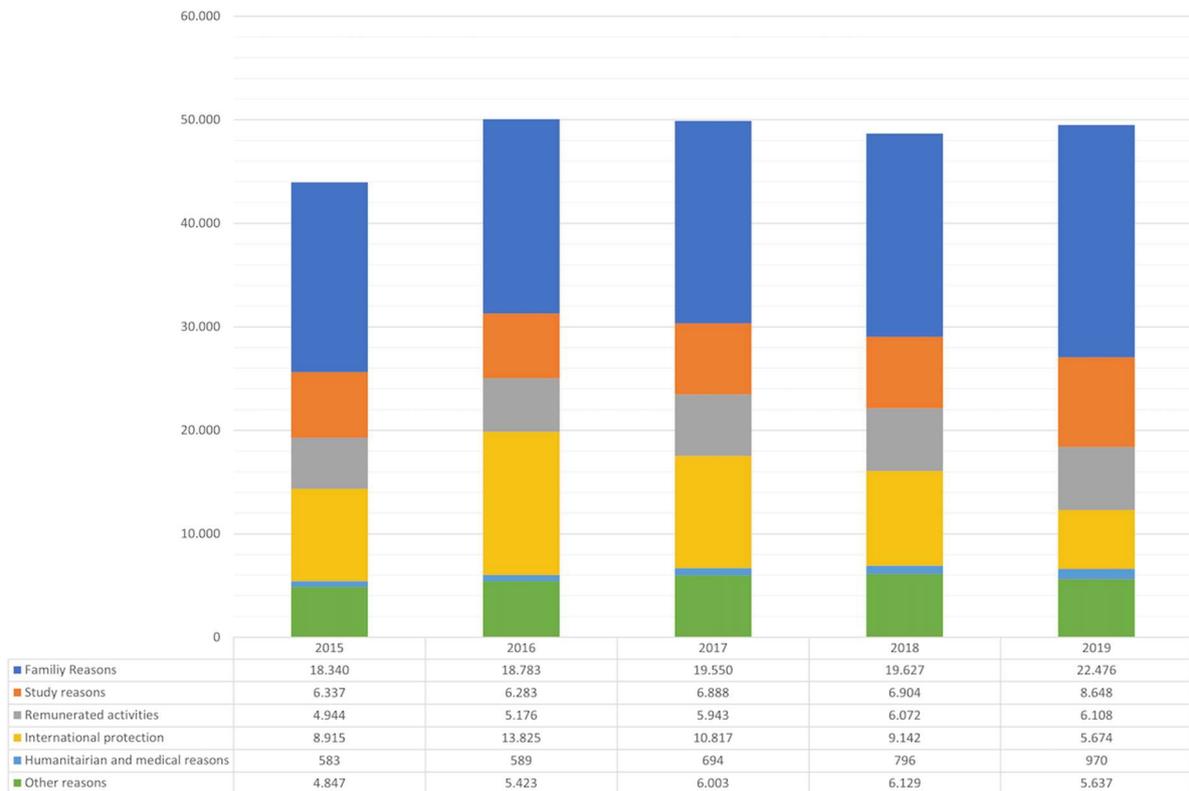


Figure 2: First residence permits issued to third country nationals in Belgium between 2015 and 2019. Source: Myria (2021b).

However, there are reasons to assume that migration of third-country nationals will increase in relevance to alleviating labour shortages in the near future. So far, migration from Central and Eastern Europe has been important in filling needs in the Belgian labour market (at least in certain sectors such as transport and construction) (Wispelaere et al., 2016). However, these countries are also experiencing a decline in their birth rate, which means that the labour reserve in these countries will decrease significantly in the short term (Billari & Kohler, 2010; Neels & Wood, 2019). Thus, the need for extra-European migration will increase in the near future.

In recognition of this shift, several public-private partnerships (e.g. THAMM, PALIM, MATCH...) have been established aimed at attracting extra-European talent by implementing pre-departure programmes, e.g. language and integration courses. However, many have been delayed due to COVID. The "Pilot Project Addressing Labour Shortages Through Innovative Labour Migration Models" (PALIM) aimed at, inter alia, mapping the "welcome policies" offered by companies and other private actors in Flanders and Brussels to foreign workers upon arrival in Belgium. In their preparatory report, it is noticed that most initiatives are aimed at the integration of foreign nationals with a regular income, and that these initiatives are not centralised and depend heavily on initiatives from private actors, such as non-profit organizations, volunteers or individual projects organized at the level of the municipality or the company (Van der Elst, 2020). The lack of a holistic approach to onboarding strategies means that such welcome policies are made available to high-skilled professionals. They do not extend to medium skilled professionals who must rely on the *ad hoc* approach of their employer or employment agency. However, PALIM was first and foremost an organisation to facilitate the labour migration of IT professionals to Belgium. It was a project of ENABEL, the Belgian development agency, in cooperation with Moroccan and Flemish employers' organisations. Moroccans with a diploma but no permanent job were retrained to become IT specialists, with a view to relocating to Belgium once the training was completed. The project received much praise, including from the European Commissioner for Migration who called it "the future of European migration" (Goethals, 2021). In the end, however, not a single Moroccan worker

made it to Belgium. The main reason was Covid. But in addition, there was no ideal match with Flemish companies, due to too little IT knowledge and the level of English appeared to be too low. On the other hand, rising unemployment in Belgium did not allow for the requisite justification of a labour migration project, that would look beyond the domestic workforce to fill vacancies. However, many lessons can be learned of the PALIM project. It showed that there are many people in Morocco who are prepared to engage with such labour migration pathways and that training and cooperation between the actors involved is possible, to enable labour migration in the near future (11.11.11, 2021). Such legal migration can be a win-win situation, for the worker without a permanent job, for the country of origin and its unemployment problems, and for Flanders where there are large shortages on the labour market.

The most recent policy memorandum of the Flemish Government (Vlaamse Regering, 2021) indicates that the government will focus on three pillars of migration policy for third country nationals. Firstly, access to Flanders will be simplified, through regional marketing aimed at showing employers the possibilities of labour migration. Secondly, within the framework of 'Talent for Flanders', the Flemish authorities will guide employers in applying for the single permit, e.g., via the website 'working in Belgium'. In addition, practical information on living and working in Flanders will be provided. Thirdly, in 'Talent for Flanders', once the employee has arrived in Flanders, they will show them the way in terms of housing, education, etc. Local initiatives will be set up or supported for this purpose. SERV's advisory committee is generally satisfied with this approach (SERV, 2021a). They state that the reception today is inadequate and also that a local approach is appropriate. They believe that it is good that more practical information is being provided, but also that budgets must be freed up for this guidance at the local level and to prevent the lead times from increasing.

These propositions for labour migration policy development are welcomed. Currently, on-boarding strategies are not centralized and highly dependent on the employer, municipalities, or other private actors, such as non-profit organizations and volunteers (Van der Elst, 2020). This is especially hard for smaller firms (and their foreign workers) when compared to large private companies, because they more often have departments specialised in international relocation, e.g. the "international relations officer" or a "mobility team". Thus, providing settling-in services can contribute to guaranteeing a flying start to foreign employees (Daem, 2020: 25).

Similarly, the emphasis on ensuring that employees receive more information about their social integration in Belgium is to be welcomed. Currently, labour migrants are not required to compulsorily attend the integration courses that are provided by the authorities. This could nevertheless be the perfect forum for them to receive information on their rights and obligations. However, exemption does not mean exclusion as some labour migrants do participate in integration courses. Although, effective participation will require goodwill on the part of the employer to give the worker the time away from the workplace to follow the course (Fairwork Belgium, 2020).

2 Using labour migration pathways as a means of addressing current labour market needs

Above we have sketched a picture of the future needs of the Flemish labour market, and in particular, highlighted the role that extra-European migration can play in addressing these challenges that arise from skill gaps and demographic changes. When developing future policy, it will be of the utmost importance to take into account the existing labour migration mechanisms that allow for extra-European migration in response to current labour market needs. In this context, and for the remainder of this study, the focus will be placed on the use of labour migration pathways as a means

of addressing current labour market needs; more specifically, the use of the single permit regime to fill vacancies in medium skilled bottleneck professions. Prior to the presentation of the single permit regime in the following section, we will first outline how bottleneck professions are identified in the Flemish labour market.

2.1 Identifying bottleneck professions in the Flemish labour market

Every year in January, the *Vlaamse Dienst voor Arbeidsbemiddeling en Beroepsopleiding* (hereafter: VDAB) publishes a list of bottleneck professions: the jobs representing the highest needs of the labour market in Flanders. How does the VDAB determine what bottleneck professions are? The list compiled by the VDAB is based on statistical information on vacancies provided to the VDAB on the one hand and on qualitative input from labour market experts on the other hand. Below, we give an overview of the method used since 2015.

To identify the bottleneck professions, the VDAB first carries out statistical analyses, taking into account vacancies from the normal economic circuit without agency orders (because for some professions the agency sector is the important recruitment channel). Based on these statistical analyses, VDAB-employees formulate a recommendation, followed by a round of consultations with certain sector organisations (e.g. Agoria, Vivo, Comeos, Sobot, Ivoc or Essenscia). In the event of a contrary opinion, additional data are collected.

The VDAB aims at two separate outputs. First, they compile a comprehensive list of all matching problems in the labour market, in order to provide suggestions for remedial actions. Secondly, a limited list of the statistically most severe bottleneck professions is composed, for which the Flemish labour market shows considerable shortages, and of which is assumed that these professions will also remain in short supply in the coming years.

All jobs on the comprehensive list meet three criteria. First, the VDAB received at least 50 jobs vacancies in the normal economic circuit or at least 150 agency orders for that specific profession. Secondly, a minimum of one of the following three criteria is fulfilled: (1) the ratio of the number of jobseekers to the number of vacancies available is lower than the median value for jobs in the normal economic circuit, (2) the indicator of whether or not vacancies remain open for a long time is higher than the median value for jobs in the normal economic circuit, or (3) the percentage of fulfilled vacancies is lower than the median of jobs in the normal economic circuit. The third criterium is premised upon positive advice from labour market experts. Professions that do not qualify because of a lack of received vacancies can still be selected for the list if they meet all three indicators of criterium 2, in addition to a positive advice from the experts.

The jobs on the limited list containing severe bottleneck professions fulfil stricter statistical criteria. For these jobs, the VDAB must have received at least 250 job vacancies in the normal economic circuit or at least 500 agency orders. Also, the statistical indicators (ratio of jobseekers to vacancies, vacancies remain open for a long period and the share of fulfilled vacancies) are assessed on a quarterly basis and at least two of the three requirements must be met, instead of just one.

From this determination method, it becomes clear that the VDAB mainly uses a retrospective approach to identify matching problems in the labour market. That is particularly true in the case of statistical analyses. During the consultation with the sector organisations, they also primarily question the current situation and the problems of filling vacancies, but in the course of the conversation the sector organisations tend to refer to future evolutions and expectations (e.g. the expected demand for employees at the *Oosterweelverbinding*, or the horeca industry after the

pandemic).² In January 2021, the VDAB listed a total of 190 matching problems (VDAB, 2021).³ The same list considers the following professions to be the top ten bottleneck professions in Flanders for 2021:

Top Ten Bottleneck professions in Flanders, 2021 (VDAB, 2021)	
1. Nurse (<i>Verpleegkundige</i>)	2. Industrial systems technician (<i>Technicus industriële installaties</i>)
3. Construction supervisor / Site manager (<i>Conducteur bouw / Werfleider</i>)	4. Cleaner at home (<i>Schoonmaker bij mensen thuis</i>)
5. Maintenance mechanic (<i>Onderhoudsmecanicien</i>)	6. Calculator for construction (<i>Calculator bouw</i>)
7. Technician construction office (<i>Technicus studiebureau bouw</i>)	8. Truck driver (<i>Bestuurder trekkeroplegger</i>)
9. Analyst developer ICT (<i>Analist ontwikkelaar ICT</i>)	10. Accountant (<i>Boekhouder</i>)

Three of the top ten bottleneck professions (maintenance mechanic, industrial systems technician, and truck driver) have been categorised as medium skilled professions. To address the labour shortages in these professions, a legal labour migration pathway has been made available, allowing third country national migrants to fill vacancies in the Flemish labour market: the extension, in 2019, of the single permit regime to medium skilled bottleneck professions. Medium-skilled professions are defined as those that qualifications at level 3 or 4 are required on the basis of experience or training.⁴ This amendment was welcomed by the *Vlaams Netwerk voor Ondernemingen* (hereafter: VOKA), who saw the expansion of the single permit regime to 20 bottleneck professions as a great advantage, as it would reduce the administrative burden on the employer to fill vacancies: 'Companies that have vacancies for longer periods of time can more easily fill them with foreign talent' (VOKA, 2018).

2.2 The co-option of the single permit regime to fill medium-skilled bottleneck professions

In this section, the legal regime governing the implementation of the single permit regime will be outlined followed by an overview of the extension of the application of the single permit regime to medium skilled bottleneck professions.

2.2.1 Legal framework: the EU Single Permit Directive and its transposition in Belgium

Workers who are not citizens of the European Economic Area or Switzerland require a residence permit and a permission to work. In Belgium, before the amendment of the law in 2018, two separate procedures had to be followed: one for obtaining this work permit and another for the residence

² See for example the prospective method developed by: Actiris Brussels, View Brussel, *Bepaling van de tewerkstellings- en opleidingsbehoeften*, mei 2020.

³ In this study, the empirical part is premised upon the bottleneck profession list of 2021. However, the most recent list of bottleneck professions has been published by the VDAB, with an increase to 207 jobs and slight variations in the top ten. VDAB (2022). *Knelpuntberoepen in Vlaanderen: 2022*, available at: <https://www.vdab.be/sites/default/files/media/files/Knelpuntberoepen%202022.pdf> [last accessed 10 March 2022].

⁴ Art. 18 §2, Decree of 7 December 2018 the Flemish Government implementing the Act of 30 April 1999 on the employment of foreign workers (*Besluit van 7 december 2018 de Vlaamse Regering houdende uitvoering van de wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemers*). Belgian Official Gazette, 21 December 2018. Qualifications are defined on the basis of the International Standard Classification of Education 2011 (Art. 1 alinea 10).

permit, which led to two separate permits. However, double procedures like these were not efficient enough according to the European legislator. To avoid the duplication of effort in the EU, the EU Single Permit Directive 2011/98/EU was introduced.⁵

The EU Single Permit Directive aims at: (1) a single application procedure for working and residing in the territory of each Member State, and (2) safeguarding equal rights and treatment for those labour migrants compared to nationals of the EU-country concerned (art. 1). The single permit directive stipulates nothing on the substantive decision of whether to grant or refuse a single permit. In addition, the directive provides considerable freedom for member states to derogate from the equal rights of migrant workers and nationals, so that the effective exercise of equal rights remains dependent on Member State policy (Bedushi, 2015).

More than five years after the final transposition deadline and following infringement proceedings brought against Belgium by the European Commission (European Commission, 2017), the EU Single Permit Directive was implemented across all regions on 1 January 2019.⁶ The concrete policy regarding the right to work of third-country nationals has become a regional competence since the sixth state reform. However, the federal government remained competent for the residence status of all foreign workers. Hence, the implementation of the EU Single Permit Directive was not easy because it had to on the one hand, respect the system of competences and, on the other hand meet the obligations of European law (van der Elst & Bronckaers, 2019). A general framework was transposed into the Belgian Immigration Act by a federal law adopted on 24 December 2018.⁷ In parallel, the regions have in turn adopted a Decision implementing the Directive.⁸ The regional

⁵ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State, *OJL 343, 23.12.2011, p. 1-9*.

⁶ Cooperation agreement of 6 December 2018 between the Federal State, the Walloon Region, the Flemish Region, the Brussels-Capital Region and the German-speaking Community on the implementation of the cooperation agreement of 2 February 2018 between the Federal State, the Walloon Region, the Flemish Region, the Brussels-Capital Region and the German-speaking Community on the coordination between the policy on admission to work and the policy on residence permits and on the standards governing the employment and residence of foreign workers (*Samenwerkingsakkoord van 6 December 2018 tussen de Federale Staat, het Waals Gewest, het Vlaams Gewest, het Brussels-Hoofdstedelijk Gewest en de Duitstalige Gemeenschap houdende uitvoering van het samenwerkingsakkoord van 2 februari 2018 tussen de Federale Staat, het Waals Gewest, het Vlaams Gewest, het Brussels-Hoofdstedelijk Gewest en de Duitstalige Gemeenschap met betrekking tot de coördinatie tussen het beleid inzake de toelatingen tot arbeid en het beleid inzake de verblijfsvergunningen en inzake de normen betreffende de tewerkstelling en het verblijf van buitenlandse arbeidskrachten*). Belgian Official Gazette, 18 July 2019.

⁷ Act of 22 July 2018 amending the Act of 15 December 1980 on access to the territory, residence, establishment and removal of foreigners (*Wet van 22 juli 2018 tot wijziging van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen*). Belgian Official Gazette, 24 December 2018; Royal Decree of 12 November 2018 amending the Royal Decree of 8 October 1981 on access to the territory, residence, establishment and removal of foreigners with a view to issuing a combined permit authorising third-country nationals to reside and work on the territory of the State (*Koninklijk besluit van 12 november 2018 tot wijziging van het koninklijk besluit van 8 oktober 1981 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen met het oog op de afgifte van een gecombineerde vergunning dewelke onderdanen van derde landen machtigt om te verblijven en te werken op het grondgebied van het Rijk*). Belgian Official Gazette, 24 December 2018; Hoofdstuk VIIbis, Art. 61/25-1 – 61/25-7, Act of 15 December 1980 on access to the territory, residence, establishment and removal of foreigners (*Wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen*). Belgian Official Gazette, 31 December 1980; Hoofdstuk Vbis, Arts 105/1-105/6, Royal Decree of 8 October 1981 on access to the territory, residence, establishment and removal of foreigners (*Koninklijk besluit van 8 oktober 1981 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen*). Belgian Official Gazette, 27 October 1981.

⁸ Decree of the Government of the Brussels-Capital Region of 5 July 2018 amending the Royal Decree of 9 June 1999 implementing the law of 30 April 1999 on the employment of foreign workers, as regards the introduction of a single procedure and a single permit (*Arrêté du Gouvernement de la Région de Bruxelles-Capitale du 5 juillet 2018 modifiant l'arrêté royal du 9 juin 1999 portant exécution de la loi du 30 avril 1999 relative à l'occupation des travailleurs étrangers, en ce qui concerne l'instauration d'une procédure unique et d'un permis unique*). Belgian Official Gazette, 8 July 2020; Royal Decree of 2 September 2018 of the Walloon Government

implementation of the Directive has led, for the first time, to different conditions for admission between regions.⁹

2.2.2 The implementation of the Single Permit in Flanders

The Flemish Single Permit is governed by the executing cooperation agreement between the Federal State, the Walloon Region, the Flemish Region, the Brussels-Capital Region and the German-speaking Community of 2 February 2018, and by the Ministerial Decree of 7 December 2018.¹⁰ A single permit is required for each employment of minimum 91 days (not the self-employed, art. 2). If shorter, the old labour card scheme still applies.¹¹

In 2019, 10 649 single permits have been issued by the Flemish Government to economic migrants, of which 662 were issued for medium-skilled bottleneck professions from 49 nationalities. In 2020, 6747 single permits were issued in Flanders to economic migrants, of which 999 were issued for medium-skilled bottleneck professions from 50 nationalities. Until September 2021, 6334 single permits were issued in Flanders to economic migrants, of which 1,099 were issued for medium-skilled bottleneck professions from 58 nationalities (see Annex 1 for statistics of Single Permits granted in Flanders). Between 2019 and 2021, single permit holders in bottleneck professions were mainly Turkish, Moroccan, and from Kosovo. Turkish and Moroccan workers in all three years account for about half of the single permit holders in Flanders. It is not clear what exactly causes this predominance of these two nationalities. Interestingly, in 2021 there has been a significant increase in the number of Ukrainian single permit holders, increasing from 12 in 2019 and 19 in 2020, to 201 in 2021, working predominantly in construction and as industrial systems technicians. Apart from Moroccans, few workers come from Africa. However, the absolute numbers are too small to clearly speak of a highly selective group of labour migrants from certain countries of origin.

2.2.2.1 Scope

Since the introduction of the single permit system, the nationality requirement has been abandoned in Flanders (van der Elst & Bronckaers, 2019), granting access to the Flemish labour market to all workers, regardless of their nationality. However, some nationalities are over-represented (see above). Previously, an international labour agreement with the country of origin was required, for workers who were not specifically admitted without one. Importantly, the extension of the access to the labour market was not coupled with an extension of reciprocity and exportability of a number of

implementing the law of 9 May 2018 on the occupation of foreign nationals in a particular residence situation (*Arrêté royal du 2 septembre 2018 du gouvernement wallon portant exécution de la loi du 9 mai 2018 relative à l'occupation de ressortissants étrangers se trouvant dans une situation particulière de séjour*). Belgian Official Gazette, 17 September 2018; Decree of 7 December 2018 the Flemish Government implementing the Act of 30 April 1999 on the employment of foreign workers (*Besluit van 7 december 2018 van de Vlaamse Regering houdende uitvoering van de wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemers*). Belgian Official Gazette, 21 December 2018; Government Decree of 7 June 2018 amending the Royal Decree of 9 June 1999 implementing the Law of 30 April 1999 on the employment of foreign workers. (*Erläss der Regierung vom 7. Juni 2018 zur Abänderung des Königlichen Erlasses vom 9. Juni 1999 zur Ausführung des Gesetzes vom 30. April 1999 über die Beschäftigung ausländischer Arbeitnehmer*). Belgian Official Gazette 27 June 2018.

⁹ For an elaboration on the differences, see: Myria, (2020). Economische migratie, vrij verkeer en studenten. Migratie in cijfers en in rechten, p.19-28.

¹⁰ Decree of 7 December 2018 the Flemish Government implementing the Act of 30 April 1999 on the employment of foreign workers (*Besluit van 7 December 2018 van de Vlaamse Regering houdende uitvoering van de wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemers*). Belgian Official Gazette, 21 December 2018.

¹¹ It also still applies for *au pairs* and *grensarbeiders*, regardless of the duration of the agreement. For the old labour card scheme, see Vlaanderen (2022). Toelating tot arbeid - Maximaal 90 dagen en 90/180 dagen met Schengenvisum, available at: <https://www.vlaanderen.be/toelating-tot-arbeid/toelating-tot-arbeid-maximaal-90-dagen-en-90-180-dagen-met-schengenvisum> [last accessed 11 March 2022].

limited social security rights that are guaranteed through bilateral social security agreements.¹² This situation reflects a general trend that sees only 23% of third country national workers being granted access to and portability of their social security rights (Holzmann, 2016, see also Holzmann, 2020). As it stands, the top nationalities of the current single permit holders originate from countries where bilateral social security agreements are in place. However, should future efforts at encouraging extra-European workforce be directed at specific nationalities, then the conclusion of a bilateral social security agreement should be a priority.

The single permit procedure applies for third country nationals who cannot rely on the free movement of services, as posted workers. In this context, third country nationals who have obtained a work permit in an EU member state are permitted to work as posted workers in Belgium via a LIMOSA declaration.¹³

The single permit regime excludes third country nationals who already have legal residence in Belgium, based on the right of residence of their spouse or legal partner. The new single permit regime means that they would lose the possibility of obtaining a right of residence should they apply on the basis of their own work. Should they lose their family reunification status, this leads to the situation that they must first leave Belgium before they can apply for a work permit to continue their employment (SERV, 2020). Another concern, linked specifically to the extension of the single permit regime to medium skilled worker is the exclusion of low-skilled professions that are listed as bottleneck professions e.g., cleaners (SERV, 2020).

2.2.2.2 Application

Before the start of employment, a permit is applied for by the employer who acts as the representative of the employee. This procedure resembles the old system of labour cards, although the application now also applies to a residence permit. The application must be made before the start date of the work agreement and at a time when the worker is not yet on the territory.¹⁴ The applicant must remain abroad during the application process. The regional authority of the territory where the employer is based, is responsible for receiving and evaluating the application.

When first introduced, there were significant delays in the procedure, with long-waiting periods of several months as compared to the former procedure for obtaining a work permit that only took a few weeks (Myria, 2020; Daem 2020). As a result, employers were required to prepare and submit applications almost five months in advance, meaning that urgent vacancies were not filled (Daem 2020).

The backlog was eliminated by the second quarter of 2020 (Vlaams Parlement, 2021). Significantly, since 31 May 2021, all applications for a single permit of limited duration in Belgium are submitted through one single online portal 'Working in Belgium'. In principle, admission to work is limited to

¹² As it stands Belgium has concluded 25 bilateral social security agreements with third countries: see Mussche, N., Corluy, V., Marx, I., Delebeck, H. (2013). Migrant Access to Social Security –policy and practice in Belgium Study for the Belgian National Contact Point of the European Migration Network (EMN). p.60 -63. Federal Public Service for Social Security, International Social Security Agreements, available at: <https://socialsecurity.belgium.be/fr/accords-internationaux-de-securite-sociale> [last accessed 19 February 2022].

¹³ C-43/93, Judgment of 9 August 1994, Vander Elst / Office des migrations internationales (C-43/93, ECR 1994 p. I-3803) (SVXVI/I-59 FIXVI/I-59) ECLI:EU:C:1994:310.

¹⁴ From the first of March 2021 onwards, a single permit for a worker who is already in Belgium can only be applied for if the worker has a legal permit for a short stay (*kort wettig verblijf*), or when the worker is residing as a student or researcher (new Art. 7 of Decree of 7 December 2018). For other categories of third-country nationals in long-term residence (such as family reunification), it will no longer be possible to submit a single permit application from a residence in Belgium (*Voor andere categorieën van derdelanders in lang verblijf (zoals gezinsherenigers) zal het niet langer mogelijk zijn om een single permit aanvraag vanuit een verblijf in België in te dienen*).

employment with one employer. The regional service decides whether the application is complete within ten days (Flemish Region) of receiving it and informs the applicant of its decision. As soon as the file is declared admissible, the period of 120 days within which a decision must be taken begins to run.

The current processing time for a full combined procedure is about one month, divided between the Flemish Economic Migration Department and the Federal Immigration Office. Within the Flemish Economic Migration Department, applications are currently processed within 10 days (examination of admissibility and validity are examined together). On average, the files are sent to the Immigration Office in less than 2 weeks.

The application process is led by the employer or labour market intermediaries such as recruitment agencies. In some instances, such recruitment processes can lead to unscrupulous practices such as fake contracts, unclear cost structures, requests for advanced payments, etc. Unfortunately, the current labour migration policy does not prescribe who should bear specific costs relating to the single permit procedure and labour migration more in general, such as the fee to the federal government, the travel costs, possible visa costs, insurance costs, etc (Fairwork Belgium, 2020).

2.2.2.3 Investigation

In general, a single permit in Flanders will only be granted after a labour market investigation has been carried out that shows the impossibility of the employer to find a suitable employee within a reasonable period of time in the local labour market, regardless of needed training. For the purpose of evaluating single permit requests, the labour market is understood in a broad manner and includes the entire European Economic Area. Thus, the application must be supported by special economic or social reasons why it is not possible to hire a worker from the local labour market. For example, the employer will have to prove his/her past efforts of finding someone on the local labour market.

For two important categories of labour migrants the Flemish regulations impose special procedures for obtaining the single permit. The first category are the high-skilled workers with a higher education diploma and a salary that is at least 100% of the average gross annual salary (€ 43.524 for 2021).¹⁵ This category of labour migrants can obtain a three-year residence permit, and no labour market research is required to obtain a single permit. The idea to have a separate arrangement for highly educated people is not new, but Flanders is the first region to link the salary criterium to gross annual wages. Moreover, there are lower thresholds for highly educated individuals who are not yet 30 years old and for nurses (80% of the average gross annual salary). In doing so, Flanders facilitates access for recent graduates (Van der Elst & Bronckaers, 2019). For workers in a managerial position, there is a threshold of 160% of the average gross annual salary linked to the admission to work.

A second simplification of the general procedure is for workers who will occupy medium-skilled bottleneck jobs (see *infra*). It only applies to Belgian employers, thus posting workers to fill a vacancy for a medium-skilled bottleneck job is impossible. Also here, a labour market investigation is no longer required thus the employee does not have to justify the appointment on economic or social grounds. Hence, within this new procedure, a labour market need is presumed for certain jobs.

Every two years, the Flemish Minister of Employment draws up a list of medium-skilled bottleneck professions, based on the VDAB's list.¹⁶ Since 2019, it has become easier for migrants to obtain a single permit if they will be pursuing an occupation mentioned on this list. This list contains many medium-skilled jobs, but no low-skilled jobs.

¹⁵ This amount has risen to € 45.096 in 2022.

¹⁶ Art. 18 § 2, Decree of 7 December 2018 the Flemish Government implementing the Act of 30 April 1999 on the employment of foreign workers (*Besluit van 7 december 2018 van de Vlaamse Regering houdende uitvoering van de wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemers*). Belgian Official Gazette, 21 December 2018.

This list is based on VDAB's list of bottleneck professions. This list goes first to the social partners, who can add certain professions. That new list thereafter goes to the Flemish Department of Work and Social Economy. They make the political decision of approving the list. In 2021, the Department included all the professions proposed by both the VDAB and the social partners on the list. There is one exception: childcare supervisor was proposed by the social partners, but was not included on the list. The current list is valid from 1 April 2021 until the end of March 2023.

The development of the 2021 medium-skilled bottleneck profession list – an overview			
	VDAB bottleneck list (VDAB, 2021)	Social partners proposals (SERV, 2021b)	Minister of Employment bottleneck list ¹⁷
Construction site machinery operator		x	x
Crane driver; Tower crane driver		x	x
Truck driver license C/E/CE	x		x
Maintenance mechanic	x		x
Maintenance mechanic of commercial vehicles or trucks	x		x
Vehicle technician	x		x
Site, agricultural and lifting machine technician	x		x
Rigger mechanic	x	x	x
Maintenance electrician; Electronic installations technician; Technician of control and quality of electricity and electronics		x	x
Residential electrician	x		x
Electrical and electronic products assembler	x		x
Sign maker	x		x
Industrial electro-technician; Industrial installations technician Industrial automation technician	x	x	x
Fitter-operator CNC machine tools	x		x
Pipe fitter	x		x
Central heating installation technician; Conditioning technician; Fire technician	x	x	x
Plumber		x	x
Installer of data communication networks	x		x
Chef; Chef in large kitchens	x		x
Butcher	x		x
Baker; Patisserie	x		x
Healthcare Professional; Carer	x		x
Childcare supervisor		x	

For those categories without an obligatory labour market investigation, a single permit can be applied for while the worker is already regularly residing in Belgium, from March 2021 onwards. Besides

¹⁷ Ministerial Decree of 31 March 2021 establishing the list of medium-skilled jobs for which there is a structural labour shortage (*Ministerieel Besluit van 31 maart 2021 houdende vaststelling van de lijst met middengeschoolde functies waarvoor een structureel tekort aan arbeidskrachten bestaat*). Belgian Official Gazette, 15 april 2021.

these two categories, the Flemish migration procedures are also simplified for high-skilled workers who apply for a European Blue Card and for seasonal workers.¹⁸

2.2.2.4 Decision and issuing of a Visa D

The regional authority only decides on the admission to employment. As soon as a positive decision is taken regarding the employment section, the applicant will be informed by the regional authority. This is purely informative and does not yet give permission to start working. The region transfers the file to the Immigration Office.

Thereafter the Immigration Office decides on the residence permit. This is the decision to grant the combined permit. If the decisions of the two authorities are positive, the Immigration Office issues a decision to grant a single permit (annex 46),¹⁹ or if the authorities fail to take a decision within 120 days, a certificate to grant a single permit (annex 47).²⁰

Applicants must then present themselves at the embassy/consulate in their place of residence with their international passport and annex 46 or annex 47 to apply for a Visa D. As long as they present their passport and the decision of the authorities allowing them to reside and work in Belgium, then the visa will be issued without delay.²¹ Once the Visa D has been received, they may travel to Belgium.

2.2.2.5 Receiving the Single Permit (A-Card)

Upon arrival in Belgium, workers must present themselves to the municipality for registration within eight working days. The worker will receive a temporary residence permit (Annex 49) pending the residence check to be executed by the local police. With an Annex 49, the worker is given permission to work and reside in Belgium. If the residence check is positive, the municipality issues a single permit for a limited period of time (A-Card), with the same rights and obligations as workers with Belgian nationality.²²

A concern about this process is that despite a positive decision from the regional authority and the Immigration Office (as attested by the receipt of their Annex 46 and Visa D), they may not receive their provisional residence permit (Annex 49) from the municipality because they do not yet have a permanent address (e.g. staying in a hotel). Importantly, any delays in receiving the Annex 49 can be problematic for the workers as they are not formally entitled to begin work until it has been issued (Myria, 2020; Fairwork Belgium, 2021).

Any problems that may arise at the municipality can be exacerbated by language barriers, whereby workers arriving in Belgium are not able to effectively communicate and are hindered by a lack of flexibility regarding the use of the English language by municipalities and other administrative authorities (van der Elst, 2020).

¹⁸ Decision of the Flemish Government of 8 January 2021 amending the Decision of the Flemish Government of 7 December 2018 implementing the Act of 30 April 1999 on the employment of foreign workers (*Besluit van 8 januari 2021 de Vlaamse Regering tot wijziging van het besluit van de Vlaamse Regering van 7 december 2018 houdende uitvoering van de wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemer*). Belgian Official Gazette, 8 February 2021.

¹⁹ Art. 105/2. § 1. Royal Decree of 8 October 1981 on access to the territory, residence, establishment and removal of foreigners (*Koninklijk besluit van 8 Oktober 1981 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen*). Belgian Official Gazette, 27 October 1981.

²⁰ Art. 105/2. § 3. Ibid.

²¹ Art. 105/2. § 4. Ibid.

²² Art. 105/2 § 5. Ibid.

2.2.2.6 Renewal or modification

No later than two months before the single permit expires, an application for renewal or modification must be submitted by the employer to the competent region.²³ If the permit expires during an amendment or renewal procedure, the applicant can receive a document that temporarily covers their residence whilst awaiting a decision. To ensure the continuation of employment relationships, an automatic renewal of the Single Permit has been advocated for if it was granted based on the criterion of being a bottleneck job or an individual labour market investigation (SERV, 2020).²⁴

If the worker is no longer admitted to work, he/she shall automatically lose the right of residence within 90 days of ceasing to be admitted to work. The same applies in reverse: if the worker loses his/her right of residence, the admission to work also expires.²⁵ In some instances, the permit is not renewed on the basis that the employer has engaged in unscrupulous practices. For instance, the employer may provide a contract with a wage above the scale, to make it possible to obtain a single permit in the category of a highly skilled worker. However, when all is said and done, the employer pays a lower sum (Fairwork Belgium, 2020). Significantly, the refusal to renew or extend the permit due to a lack of compliance with the conditions upon which the permit was granted will ultimately mean that the greatest loss is experienced by the labour migrant.

If a single permit holder loses his/her job, he or she gets 90 days to leave, even if the single permit still has a longer period of validity. But during this period, you are not allowed to work. Annex 51 of the municipality can allow you to stay 90 days beyond the one-year period of the single permit.²⁶ In those periods, the employee must find an employer who is willing to apply for a single permit. Significantly, the 90 days period is perhaps too little time to find a new employer who will also need to request a new permit (Fairwork Belgium, 2021: 50). Of equal importance is the fact that the worker must be aware of the fact that they are entitled to an Annex 51, which may not be the case if they are dependent on the employer to inform them of the necessary administrative steps to take in the event of loss of employment (Fairwork Belgium, 2021: 52).

The Flemish Economic Migration Department (*Dienst Economische Migratie*) must be notified if the employment contract is terminated (regardless of which party or for what reasons). This is also mandatory in case of a significant change of the employment contract.²⁷ If the foreign employee resigns, the same labour and social law rules apply as for other employees. However, a significant limitation is that migrant workers are only entitled to 60 days unemployment benefit.²⁸ Similarly, where a worker originates from a country that has not concluded a bilateral social security agreement

²³ Art. 61/25-3. Act of 15 December 1980 on access to the territory, residence, establishment and removal of foreigners (*Wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen*). Belgian Official Gazette, 31 December 1980; Art. 2, Decree of 7 December 2018 the Flemish Government implementing the Act of 30 April 1999 on the employment of foreign workers (*Besluit van 7 december 2018 van de Vlaamse Regering houdende uitvoering van de wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemers*). Belgian Official Gazette, 21 December 2018.

²⁴ From March 2021 onwards, a new market investigation is not needed when renewing the permit, *Besluit van 8 januari 2021 de Vlaamse Regering tot wijziging van het besluit van de Vlaamse Regering van 7 december 2018 houdende uitvoering van de wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemer*. Belgian Official Gazette, 8 February 2021.

²⁵ Art. 61/25-2 § 5 Act of 15 December 1980 on access to the territory, residence, establishment and removal of foreigners (*Wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen*). Belgian Official Gazette, 31 December 1980.

²⁶ Art. 105/4, Royal Decree of 8 October 1981 on access to the territory, residence, establishment and removal of foreigners (*Koninklijk besluit van 8 Oktober 1981 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen*). Belgian Official Gazette, 27 October 1981.

²⁷ Art. 9, Decree of 7 December 2018 the Flemish Government implementing the Act of 30 April 1999 on the employment of foreign workers (*Besluit van 7 december 2018 van de Vlaamse Regering houdende uitvoering van de wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemers*). Belgian Official Gazette, 21 December 2018.

²⁸ Art. 69. § 2, Royal Decree of 25 November 1991 on the regulation of unemployment (*Koninklijk besluit van 25 November 1991 houdende de werkloosheidsreglementering*). Belgian Official Gazette, 31 December 1991.

with Belgium, they also do not have the possibility of accessing or transferring their social security rights.

As with the application process, the process of renewal or modification of a permit is employer-led, which means that single permit holders are relying on the employer to act in good faith and in accordance with the conditions for renewal/modification. Indeed, given that the recruitment and arrival was all facilitated via the employer, they are often the sole point of contact for the employee in Belgium. However, such dependence on the employer, whilst it can lead to a good and strong relationship of trust can also lead to exploitation and abuse by rogue employers and the emergence of precarious work conditions (Davies, 2019; Fairwork Belgium, 2019).

Crucially, for migrant workers who are subjected to temporary, tied regimes, the dependence on the employer or labour intermediary e.g., employment agency, is not just based on the provision of work, but can also have multiple facets including the provision of accommodation, transport, food, clothing and language skills (Wintermayr & Weatherburn, 2021: 14; Aanjaagteam Berscherming Arbeidsmigranten, 2020; FRA, 2019). In cases where there are labour market abuses, employees are said to be trapped between standing up for their own labour rights and the possibility of losing their residence rights.

After four years of employment within the five years preceding the application, the foreign worker can apply for an authorisation of an indefinite single permit if he/she is legally resident in Belgium. This allows them to work for any employer and in any function.²⁹

2.2.2.7 Change of employer

In the case of change of the employer, a new application must be submitted by the new employer. It cannot be done by the worker. If the previous employment has already ended, the previous employer must report this to the Flemish Economic Migration Department (*Dienst Economische Migratie*). The employee then has to wait for the new permission to work in order to start working for the new employer. If the previous employment is still ongoing, the previous work permit will remain valid until the previous employment ends (due to the end of the employment contract), is terminated after a period of notice, or is terminated by mutual agreement between the employer and employee. In that case, the worker may continue to work for the former employer during the application for the new work permit (and during the notice period) provided that the employment is still covered by the 'old' work permit (either a work permit or a single permit). The employer or worker does not need to return the original work permit and/or work card. The 'old' employer only has to report the actual end date of the previous employment (obligation to report change of employment situation). The employee concerned may therefore keep his previous work permit: the validity of the permit expires anyway when a new work permit is issued.

When the new employer submits the application, all 'renewal documents' must be submitted, except for the pay slips from the previous employment, as this is not the responsibility of the new employer submitting the renewal application. A certificate of allowance, a medical certificate and an extract from the criminal record are therefore not required.³⁰ For a foreign employee who is not eligible for a work permit based on his profession but who was nevertheless granted a permit because the future employer had demonstrated that he could not find anyone else on the local labour market: when this

²⁹ Art. 19, Decree of 7 December 2018 the Flemish Government implementing the Act of 30 April 1999 on the employment of foreign workers (*Besluit van 7 december 2018 van de Vlaamse Regering houdende uitvoering van de wet van 30 april 1999 betreffende de tewerkstelling van buitenlandse werknemers*). Belgian Official Gazette, 21 December 2018.

³⁰ Art. 61/25-2 § 1er. Act of 15 December 1980 on access to the territory, residence, establishment and removal of foreigners (*Wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen*). Belgian Official Gazette, 31 December 1980.

employee changes employer, the new employer must again demonstrate that there are no workers available on the labour market.

Given the strong dependency of single permit holders on their employers (as outlined above), one way to minimize such dependency would be to make it easier to change employers. For instance, when an employer provides accommodation, then a worker who leaves his/her job will also lose that accommodation, putting additional pressure on them to find a new job in time and may increase the chance of workers tolerating abuse (Fairwork Belgium, 2020). In particular, one recommendation has been to allow for a change of employment to be made without the new employer having to go through a full application procedure again (Fairwork Belgium, 2020; SERV, 2020; Myria, 2020). Today, a renewal to another employer cannot overlap with the validity of the current authorisation.

Another aspect that requires attention is that there is, until now, no specific policy of the VDAB to support this group of job seekers. This should be addressed so that the process of identifying and changing employers is facilitated.

2.3 Temporary, tied visa regimes and the risk of labour market abuse

The increased risk of labour market abuse of migrant workers due to the restrictions and conditions of temporary, tied visa regimes such as the single permit, is well known (Anderson & O'Connell Davidson, 2003). Nevertheless, access to the labour market for low and medium skilled workers, is often limited to restrictive legal migration pathways that tie the worker to a single function and/or employer (LeBaron, 2020: 103). The impact of this dependency heightens the risk of labour exploitation.

In addition to the conditionality of the visa regime, the medium skilled bottleneck professions that have been identified in Flanders are situated in economic sectors where the risk of labour exploitation is known to be higher. The high prevalence of migrant workers means that they face additional barriers to a decent and secure working environment, including, *inter alia*, accessing information and support, due to factors such as language barriers and low unionisation (FLEX, 2022: 7).

Indeed, the risk of labour exploitation for workers in an irregular situation is even higher, however the emphasis in the current study on migrant workers with legal migration status is necessary, as they can still encounter exploitative working practice that can affect their residency and working rights (Davies, 2021: 301). Whilst mistreatment in the workplace experienced by migrant workers on a tied visa regime may not be severe enough to amount to criminal forms of exploitation, any workplace deficiencies that contribute to precarious employment (e.g., low wages, high employment insecurity and low level of employee control over wages, hours and working conditions) must be identified and addressed (Campbell & Price, 2016). Similarly, it is important to recognize that the distinction between exploited (migrant) workers and workers who face abuse in the workplace is in fact difficult to establish with an overlap of experiences (LeBaron, 2020: 41). Therefore, in order to minimize a deterioration in circumstances to the extent that working conditions would constitute severe exploitation, the role of state must be highlighted. In particular, the state has a role to play in minimising the risk of 'routine exploitation' which can be achieved by ensuring sufficient and proactive labour market regulatory mechanisms such as labour inspections (Wintermayr & Weatherburn, 2021; Davies, 2019) and by guaranteeing that immigration policies are not too restrictive (Davies, 2019: 297).

Part Two: The implementation of the single permit and the lived experiences of medium skilled workers in bottleneck professions

The overview of the labour migration policy and the extension of the single permit in Flanders to address labour market shortages in medium skilled bottleneck professions highlights a number of shortcomings that could impact on the labour and social rights protection of migrant workers. Taking this into account, the empirical findings from the interviews with single permit holders seeks to emphasise their lived experiences as well as developing an understanding of the implementation of the single permit regime in practice. The emphasis was placed upon a number of key aspects of the professional and personal life of the migrant workers to determine the extent to which they were provided with work or services in a safe and secure environment and the respect for their socio-economic rights, including: their professional background and work experience prior to arrival in Belgium, including the level of education, professional role & status in the country of origin, and previous experience working abroad; their migration trajectory of the workers from recruitment to arrival in Belgium with information on motivation for coming to Belgium, recruitment process, administrative process for single permit application, arrival in Belgium, including provision of information and awareness of rights; their current professional role and status in Belgium, including length of stay so far, the terms and conditions of employment, freedom of association, enforcement of labour rights (e.g., complaint to labour inspection); their social integration and social connections, including access to housing, access to education, right to private & family life, right to social inclusion and equal treatment; and their future prospects.

1 Methodology

The fieldwork seeks to determine the lived experiences of single permit holders working in medium skilled bottleneck professions, with the goal of conducting semi-structured interviews with a total of 15 migrant workers. Following initial desktop research, three economic sectors where medium skilled bottleneck professions are prominent were identified, namely health, IT and transport that would ensure engagement with a diversity of workers from different occupations, skills level, nationality, gender and duration of stay in Belgium. However, after facing a number of obstacles in finding workers (*see infra*), we expanded the scope of the study to all workers on the medium skilled bottleneck list (22 occupations in total) regardless of occupation, with inclusion of one worker who was not medium skilled but employed in one of the top ten bottleneck professions.

The following is a non-exhaustive list of key channels that were approached as part of the recruitment process for research participants:

- Contact with all single permit holders in medium skilled bottleneck professions via email in EN, NL, FR via Employment and Competences Department, Department for Work and Social Economy, Flemish Government (*Afdeling Tewerkstelling en Competenties, Departement Werk en Sociale Economie, Vlaams Overheid*). The request was sent to 512 out of 1,000 single permit holder applications. The discrepancy between the numbers of permit holders contacted and the number of applications is due to an invalid email address or the lack of availability of an email address for the employee concerned.
- Contact with Flemish agency for integration and citizenship, and all services for citizenship in major Flemish cities (Antwerp, Ghent, Leuven, Hasselt)
- All head office of Centres for Evening Education (*Centrum voor Avondonderwijs – CVO*) who oversee provision of language and integration courses - but confidentiality and privacy means that they do not know which permits their students hold, making it difficult to disseminate the invitations to participate in the research (sent in English and Dutch).
- Contact with VDAB, Voka, Myria, Unia, International Organisation for Migration, social inspection services, employment agencies, trade unions, law firms specialising in migration

(but mostly dealing with high skilled workers), academics in the field (VUB, Antwerp University), embassies/consulates, and private healthcare providers.

Despite significant efforts through both formal and informal recruitment channels and the adjustment made to the scope of professions included within the target group, the target sample size was not met. In total, 9 single permit holders were interviewed.

Interview code	Details of interviewee
BE01	Male Truck Driver from Ghana
BE02	Male Maintenance Mechanic from the Philippines
BE03	Female ICT Analyst Developer from India
BE04	Male Truck Driver from Turkey
BE05	Male Truck Driver from Turkey
BE06	Male Truck Driver from Turkey
BE07	Male Maintenance Mechanic from Turkey
BE08	Male Truck Driver from Morocco
BE09	Male Truck Driver from Morocco

The limitations of such a small sample size must be acknowledged as well as the impact on the representativeness of the findings, with half of the workers being employed in the transport sector. Consequently, the study does not claim to be statistically representative of the experiences of all migrant workers who have been granted a single permit holder as a medium-skilled bottleneck profession. However, "findings from small samples and case studies can still be applied to theoretical propositions" (Davies, 2019: 300). Here, the theoretical proposition advanced is that the protection of labour rights of migrant workers who have a right to work based on a legal migration pathway must be of paramount concern where there is an increased risk of labour market abuse due to a temporary, tied regime that places significant emphasis on the role of the employer. Such a position exacerbates the imbalance of power in an employment relationship that is further obscured by multi-dependencies on the employer as alluded to above. Further reflections on the small sample size have been taken into account in the analysis and development of the recommendations that this study puts forward.

Ethical permission was granted by the VUB Ethics Commission in Human Sciences on 24 August 2021. Each research participant was provided with an Information and Informed Consent form (IIC) in advance and an explanation of the purpose of the study was given in advance by the interviewer either in writing or orally. The interviews were conducted in English, French, the native language of the workers (Turkish), or through the assistance of a translator (Turkish, Arabic). The average duration of the interviews was 60 minutes. All interviews were audio recorded, with the permission of the research participant, and subsequently transcribed. The analysis of the interviews consisted of a thematic qualitative analysis of the content.

2 A hard-to-reach target group: difficulty engaging with single permit holders in medium skilled bottleneck professions

As described above, difficulties were encountered in identifying workers who would be willing to participate in the study. The challenges have been numerous, with delays from gatekeepers who assisted in the dissemination of recruitment materials, the difficulty in reaching workers via employers due to possible concern of confidentiality of the findings, impact of COVID which has delayed the implementation/start date of a number of public-private partnership projects that will

bring third country nationals to Belgium, and an unwillingness on the part of larger umbrella organisations to pass on the additional burden of finding workers to partners who are already have significant commitments.

Where appropriate workers were identified by gatekeeper organisations, some were not able to find the time or had the availability to engage with the research. In addition, a cohort of potential research participants in the healthcare sector were suspicious of the purpose of the data collection and sought advice from their recruiter. Despite direct contact between the recruiter and the research team and assurances made that the interview was for research purposes and not for media use, none of the potential participants agreed to participate. For others who did agree to an interview, all except one took place in the evening or during the weekend to accommodate their busy working schedule. The issue of long-working hours/days will be discussed in more detail below, in terms of the impact it has on the social and family life of those who were interviewed.

Another concern that this methodological conundrum has highlighted is the lack of engagement between regional and federal authorities and the single permit holders themselves. In this regard, the low number of research participants in this study may also be indicative of a shortcoming in such an employer driven process whereby Flemish authorities have very limited opportunities to engage directly with single permit holders. This leaves a gap in the provision of information and awareness raising of their rights whilst living and working in Belgium, a finding that will be further developed below.

3 Professional experience and personal circumstances of the research participants

From the interviews that have been conducted, a range of backgrounds, roles, and experiences of living and working in Belgium emerge. All research participants were or had been employed in one of the jobs listed in the top ten of the list of bottleneck professions (maintenance mechanic; truck drivers and analyst developer ICT). Eight were in medium skilled jobs (six truck drivers working in the logistics sector and two maintenance mechanics).

3.1 Previous professional experience

All research participants had previous professional experience that matched the skillset of the job to be carried out in Belgium, which meant that no further qualifications were required before they could start the job. One exception emerged in the transport sector, where a top-up training is necessary for all drivers who have a C and D driving license to receive a certificate of professional competence (Code 95 training) (BE04, BE05, BE06, BE08, BE09). Foreign drivers who hold a license C or D from before 9 September 2009 must undertake a 35-hour training either in their country of residence or where they work. Foreign drivers with a license C or D obtained after 10 September 2009 must undertake a qualification exam at an accredited exam centre.

Previous professional experience of all research participants had been gained either in country of origin (BE02, BE03, BE04, BE05, BE06, BE07, BE08, BE09) or in another country (BE01 – Italy for 10 years). In some cases, the previous professional trajectory of the research participants had been hampered by unemployment either due to the financial crisis (BE01) or due to the impact of COVID-19 (BE04) and contributed to the decision to migrate for economic purposes to Belgium.

3.2 Personal and family circumstances

The personal circumstances of the workers varied. Three were single (BE02, BE03, BE08) and those who were married or who had children had gone through/ were going through the process of family reunification, and had been (BE01, BE04)/hoped to be joined (BE06, BE07, BE09) by their spouses or dependents. Only one participant whose family remained in their country of origin did not wish to proceed with family reunification (BE05). All participants in medium skilled roles, regardless of their civil status, had (extended) family who relied upon them for remittances in their country of origin either on a regular basis e.g., due to unemployment or ongoing medical costs or for *ad hoc* basis to cover one-off expenses e.g., to purchase a car or for emergency medical costs. Two of the research participants currently had an irregular migration status, so sending remittances was not feasible (BE08, BE09).

The nationality of the research participants varied: four of the research participants were Turkish, two were Moroccan, one was Indian, one was Filipino, and one was Ghanaian. The majority of research participants were male, with one female research participant. The participants were all above the age of 30, up to the age of 60.

4 Migration pathway: from recruitment to arrival in Belgium

In this section, we will discuss the migration pathway of the single permit holders, reflecting upon their personal motivation that led to their choice to migrate, the way in which they found a job vacancy, the recruitment process, the administrative procedure for obtaining a visa and a single permit, and their arrival in Belgium.

4.1 Motivation for migration

The decision to migrate to Belgium was made on the basis of a mix of personal considerations, based on economic, familial and social motivations. As mentioned above, for two participants, the experience of unemployment led to their decision to seek work in Belgium (BE01, BE02). All workers emphasised the financial motivation behind the decision to move to Belgium for work, with a view to seeking to improve their economic situation (BE01, BE02, BE03, BE04, BE05, BE06, BE07, BE08, BE09). For some workers, the decision to relocate to Belgium was based on previous experience of working in Europe on a transnational basis (BE04, BE05) or a desire to gain experience of working abroad (BE03). The opportunity to experience the European way of life was a consideration of all participants, with specific reference made to the opportunities available from the perspective of education for children and/or grandchildren (BE01, BE04, BE06). Most research participants were seeking to ensure long-term residence in Belgium (BE01, BE02, BE04, BE06, BE08, BE09), with one already returned to their country of origin (BE03) and another seeking to return to their country of origin and family after saving money from their Belgian salary (BE05).

"Foreigners explained to me that because of my long-term [residence], after this year, if I work for this person for one [more] year, I can apply for 5 years." (Male Truck Driver from Ghana)

"Right now, I would like to be a permanent citizen. Because if I go back home you pay your own, not the government and after that you have no work." (Male Maintenance Mechanic from the Philippines)

"I am now on yearly renewal but I have heard that after my fourth year I get a permit that is not related to my employer, but it just goes until I apply for nationality." (Male Truck Driver from Turkey)

"I set myself a goal, and when I reach it, this will make me more comfortable. I will go back and continue my life in Turkey from where I left it. I am 1 year away from reaching it, in 1 year time, I am going back." (Male Truck Driver from Turkey)

The choice of Belgium was, in most cases, restricted by the employer being in Belgium (BE03, BE04, BE05, BE06, BE07, BE08, BE09), thus giving them no alternative in choice of country. In one case, the decision had been made on the basis that English was widely spoken in Belgium (BE02). In other circumstances, the choice of Belgium was based on existing personal connections/acquaintances that were not linked to seeking employment.

"I knew that in Turnhout, a lady was coming from the same place in Ghana, so she was in Turnhout." (Male Truck Driver from Ghana)

4.2 The recruitment process

The recruitment process was often initiated by the workers themselves, with a request made directly to the company in Belgium (BE03, BE04) or by proactively uploading a CV and profile to a database of vacancies for migrant workers: the Philippines Overseas Employment Administration (BE02).³¹ Another recruitment channel was via existing personal connections (BE01, BE05, BE06, BE07, BE08, BE09).

"My bigger brother was working at the time in this firm and I got here that way." (Male Truck Driver from Turkey)

"Those who do the transport work here are our relatives." (Male Truck Driver from Turkey)

After being made aware of job opportunities, most workers underwent a very informal application process that did not require formal job applications or interviews (BE03, BE04, BE05, BE06, BE07, B08, B09). In one instance, the recruitment process was accompanied by an online interview (BE02).

Prior to arrival in Belgium, for all workers, the employer was the main point of contact and as such was also the main point of information. This is a key point as it is vital that migrant workers who are recruited overseas are given advanced access to information pertaining to the terms and conditions in writing and in their native language has been identified in other research. This information is important as the failure to adhere to the contractual agreement or to provide accurate description of the tasks to carry out can be problematic on arrival, especially for those who work in low-skilled, low-paid sectors (FLEX, 2022: 3-4). Above all, this information is paramount where the applicant will be dependent on the employer or employment agency for the provision of accommodation or assistance in transport to and from the workplace.

All workers in the present study were informed by their prospective employer about the terms and conditions of employment in advance of arrival in Belgium (predominantly in the employment contract) including information relating to the job description, hours, income, provision of travel allowance and (if necessary) provision of accommodation and deductions from wages for cost of rent and utilities. The contract was not always provided in the native language of the worker, but instead

³¹ Philippines Overseas Employment Administration, available at: <https://www.poea.gov.ph/services/workers.html> [last accessed 19 February 2022].

in English or Dutch. Not all workers were able to understand the contents of the contract and had to rely on Google translate to understand the contents of the document (BE08, BE09).

4.3 Applying for a single permit

Once a job offer had been secured, the worker was required to collate certain documents that the employer then submitted as part of the application (made by the employer or their proxy) for a decision to grant a single permit (Annex 46) or certificate to grant a single permit (Annex 47). The documents required include: a copy of the applicant's international passport; proof of sufficient means of subsistence (if required); a certificate attesting to the lack of any convictions for crimes or offences under common law; a standard medical certificate; and proof of health insurance. Upon receipt of an Annex 46 or 47, the applicant can then apply for a visa from the embassy. In most cases, the research participants were required to travel to the nearest embassy or consulate from their place of residence. Any costs related to this procedure, or the provision of documents were either covered directly by the employer or paid by the worker and then reimbursed at a later stage. In all cases, the single permit was first requested outside of the territory (BE01, BE02, BE03, BE04, BE05, BE06, BE07, BE08, BE09).

For all workers interviewed, the duration of the procedure ranged from two months to one year, with an average waiting time of approximately five to six months. Overall, the processing time by the authorities is known to have improved for more recent applications, with the introduction of the online system in May 2021.

"Mine lasted for approximately 7 months, but now it is shorter. Now you can have an answer within 2-3 months." (Male Truck Driver from Turkey)

As mentioned above, the administrative process can only be undertaken by the employer or their proxy, which leaves the worker with very little to do once all relevant documentation has been provided. In some instances, given the privileged role of the employer, the procedure was delayed: due to the employer's lack of familiarity with the procedure (BE07) or lack of swift follow up by the employer (BE08, BE09).

Given the broad remit of the single permit to all non-EU countries and the top 15 nationalities of single permit holders (see Table 4 in Annex 1) including countries that are not just neighbouring EU countries, there is a potential for prospective workers to incur debt (a risk indicator of exploitation or labour market abuse): "the higher travel costs for workers coming from more distant countries is likely to lead to higher debt and increased financial vulnerability" (FLEX, 2022: 4). For those interviewed, the travel costs to Belgium were covered by the employer or employment agency and did not lead to any economic hardship.

4.3.1 Inability to submit in-country application for single permit due to irregular migration status

One research participant, originally from Ghana, had been working and residing in Italy for ten years and had acquired long-term residence. Following unemployment in Italy, he decided to move to Belgium for work. Upon arrival, in 2014, he received four successive annual permits that were restricted to a specific employer and occupation, with a view to acquiring settled status after five years. In practice, due to his EU long-term residence status, he was entitled to an unrestricted permit after one year, however he was not aware of this option. Unfortunately, the visa renewal was refused on the fifth occasion due to the unscrupulous practices of the employer.

"[...] my document was also going to expire, for the year, 2019. And then that would be my 4th B card I have changed, so I have to receive the 5 years card. So this my boss applied for me [...] But in 2019, they refused me. They will not give it to me. They said no, my employee doesn't give work to me, he doesn't pay a lot, so they refused to me." (Male Truck Driver from Ghana)

The refusal to renew the permit led to an irregular migration status and two years of unemployment for the worker concerned. Following assistance from Fairwork Belgium, two applications were made for a single permit, under the new post-2019 regime. The first application was refused because the applicant had been to Sweden and could not provide proof of arrival on the Belgian territory when he returned as he had travelled by car and did not request a Declaration of arrival (Annex 3) within eight days of arrival in Belgium that could have been added to his application for a single permit.³² In order to attempt a second application, the worker had to return to Italy, where he had long-term residence status, to collect updated documents such as proof of no-criminal record from the Italian authorities. He was then required to await the outcome of the visa application before returning to Belgium.

"I went back to Italy and I started everything again [...] The employer [has] to request it for me. It doesn't take long. I went to Italy and asked for police report and medical report. Then my employer will request for me. My driving license is C. I stayed [in Italy waiting] for them to approve everything." (Male Truck Driver from Ghana)

The application was approved and he now is a single permit holder working as a delivery driver in Belgium. Since he was granted a single permit as a medium skilled bottleneck professional, the permit is only valid for one year.

4.4 Facilitated arrival in Belgium: temporary accommodation and registration at the municipality

The arrival in Belgium was facilitated by the employer or employment agency in two main ways. First, in some cases, workers were met at the airport and escorted to their temporary accommodation/place of work by a representative of the employment agency or a fellow colleague who had been sent by employer (BE02, BE03, BE07, BE08, BE09).

"When I come here in January, they met us at the airport and then took us to and lodging area for quarantine." (Male Maintenance Mechanic from the Philippines)

"I was travelling to Belgium for the first time and it's obvious that I don't know the travel related formalities, so what the company does is ask one of our colleagues who are already in Belgium – the Indian colleagues of course – to go to the airport and meet us. and we are also given a document where the address of the location where we are going to stay is mentioned and we can just show it to the cab driver." (Female ICT Analyst Developer from India)

Second, all workers who arrived in Belgium for the first time were provided with temporary accommodation by the employer, that was situated either on site or near to the workplace (BE02, BE03, BE04, BE05, BE06, BE07, BE08, BE09). Two research participants were required to quarantine due to COVID-19 restrictions in place at the time of arrival (one week or two weeks) before being

³² Royal Decree of 8 October 1981 on access to the territory, residence, establishment and removal of foreigners (*Koninklijk besluit van 8 Oktober 1981 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen*). Belgian Official Gazette, 27 October 1981.

able to start working, one was provided accommodation by the employment agency (BE02) and another quarantined in their own private accommodation (BE01). All other participants were able to start work immediately upon arrival.

On the one hand, the provision of (good quality) accommodation upon arrival was seen as an advantage for all workers, as it helped the arrival in Belgium and transition into work (BE03, BE04, BE05, BE06, BE07).

"Another thing is that the move was very smooth. It's a new country for us and we might have challenges to find accommodation for us, but what [name of company] does is give us accommodation for 3 months." (Female ICT Analyst Developer from India)

On the other hand, some workers who had been promised accommodation by the employer ended up being given access to sub-standard accommodation (BE02, BE08, BE09). In these cases, temporary accommodation provided upon arrival was appropriate, however, the long-term provision of accommodation was not in accordance with appropriate standards, with the use of converted garages and warehouses, lack of provision of sanitary facilities, no cooking facilities, and the provision of mattresses on the floor.

As outlined above, all workers are required to register at the municipality within the first eight days of arriving in Belgium. The registration at the municipality allows the worker to receive an Annex 49 (a temporary residence permit that allows them to begin working), whilst awaiting the provision of the single permit (Card A) (often within a matter of weeks).

"It was on the 3rd day I had to go to the municipality and get my national ID sorted out. In the same week I had another appointment, and I was given a provisional document [an Annex 49]." (Female ICT Analyst Developer from India)

"We just went to the municipality to register ourselves; they just gave us a document that replaces our identity and in any case we are allowed to work here." (Male Truck Driver from Turkey)

In most cases, this process ran smoothly. However, in one case, a single permit holder who had been recruited via an employment agency was expressly prohibited from registering at the municipality despite it being a legal requirement within eight days of arrival on Belgian territory. According to the worker, the principal reason for preventing registration at the municipality was related to the poor sub-standard provision of housing, as discussed above.

"They [the employment agency] did not bring me to the commune. They don't want me to register, because my place is not a house." (Male Maintenance Mechanic from the Philippines)

After being informed by compatriots about the necessity of registering with the municipality, the worker discovered that the administrative procedure had not been finalised by the employment agency, and that the necessary documents were not available to proceed to the finalisation of his single permit (namely, the provision of Annex 46 and Annex 47). As a result, the municipality did not issue the worker with a one-year single permit. This meant that he was not able to work as had been expected, based on the contract signed with the employment agency for one year's full-time employment.

"Then the commune gave me annex 49 and they told me I have 90 days. Why do I only have 90 days? I have a visa and in the Philippines, you gave me a one year contract." (Male Maintenance Mechanic from the Philippines)

5 Securing decent work and the equal treatment of migrant workers in the Flemish labour market

Third country nationals who are issued a single permit must be granted the right to enjoy decent work, equal treatment and means of enforcing their rights (Myria, 2002: 29-33). The presentation of the findings outline the lived experiences of single permit holders in the workplace and beyond. What emerges is the interconnectedness of their professional and personal lives, and the role of the employer in having a significant influence on both aspects. The ability for single permit holders to increase their autonomy, social capital and ensure their integration into Belgian society is highly contingent on the possibility for them to access information, support and assistance from public actors and civil society organisations, including trade unions.

The findings reflect the professional and social experiences of single permit holders in Flanders, with an emphasis on the provision of work or services in a safe and secure environment; the respect for socio-economic rights of migrants and the capacity to integrate and increase social capital; and the provision of information and assistance (Ruhs, 2013).

5.1 The provision of work or services in a safe and secure environment

5.1.1 Working conditions and salary

The conditions of employment of the research participants were, in most cases, premised upon a 40-hour week, spanning five days with no (little) weekend working. None of the research participants were required to follow a shift pattern or rota. Two workers in the transport sector who had been promised full-time jobs with their own vehicles were, after one month, required to work on a part-time basis and share one vehicle (BE08, BE09). Similarly, research participants working in the transport sector were frequently required to work longer hours during the week and, on occasion, an extra half-day or full day at weekends. Overall, where wages were paid in full, they were sufficient for the hours worked. However, there were suggestions that pay per hour would be preferred to a fixed salary (per day or per month). This was particularly the case in the transport sector, where overtime was not always remunerated.

"Our contract does not say how many hours a week we are supposed to work. It does not include time limits. It is what is called a 'vast contract', without time limits." (Male Truck Driver from Turkey)

Sometimes, workers would receive a nominal amount cash in hand for any overtime. Otherwise there was an acceptance that overtime was part of the monthly/daily fixed salary. Indeed, one truck driver who was in the process of changing employers cited the payment of an hourly wage as one of the motivations for changing jobs.

"[...] the Flemish company works by hour, so if we work extra, I just get those hours paid. But in my previous company it is a fixed amount of salary, so if I work over hours, I will always get the same money." (Male Truck Driver from Turkey)

In three cases, the employee's wages were either not paid at all (BE08, BE09) or regularly paid incorrectly and late (BE01). The non-payment of wages meant that the workers were completely dependent on the employer for accommodation (and food) and had to cover any additional costs from their own resources. Where wages were paid irregularly, the worker would face difficulties in being able to pay their rent and other personal expenses.

"I have been working for this person, even though I know the hours are long. And some months, he doesn't give me the proper money. 1,500 euros, he will divide it, 500 to my account, 300 for cash." (Male Truck Driver from Ghana)

5.1.2 *Type of employment relationship and engagement with colleagues*

Overall, the single permit holders had a direct employment relationship with their employer, with one of the truck drivers working for a sub-contractor of a large logistics company. One of the maintenance mechanics had his employment handled by an employment agency, meaning that despite having signed a contract for one year prior to departure, he was in practice working as an agency worker on weekly contracts and, as a result, was required to complete weekly timesheets. The implications of this working relationship led to issues when the company terminated his employment as an agency worker (giving him two weeks' notice) due to the impact of COVID-19 on business needs. Other research participants were able to access the income protection scheme when COVID-19 had an impact on the business needs (BE04, BE05, BE06).

"When Covid first happened, there was less work. If there used to be jobs for 30 vehicles before Covid, when it first appeared, there would only be work for 10, for instance. It was like that for 2-3 months. The state paid part of it [referring to his salary], and part of it was just lost." (Male Truck Driver from Turkey)

The employment relationships of the research participants overall ran smoothly, with a good connection with colleagues. It appears that the working environments with a diverse workforce and a common working language were more welcoming (BE02, BE04, BE07).

"No because we are a mix, we have Mexican, Columbian, Argentinian, US from Texas [...]"
(Male Maintenance Mechanic from the Philippines)

"All my colleagues speak Turkish, we communicate with each other." (Male Truck Driver from Turkey)

5.1.3 *Terms and conditions of employment as promised pre-departure and upon arrival*

One worker expressed dismay that he had been informed – pre-departure – that the working language would be English. In practice, he was required to work in a Dutch speaking environment, which exacerbated poor working relationships with his colleagues. Unfortunately, on several occasions he was subjected to verbal abuse and discriminatory treatment on the basis of his nationality.

"They [said], "are you from [the] middle east? You have got covid." When I arrived in the workplace, they said "what is your religion?" I said, "I am Christian", and they said, "no, you're a terrorist"." (Male Maintenance Mechanic from the Philippines)

The worker sought to inform their point of contact with the employment agency of the use of disrespectful language and verbal abuse, but the lack of direct communication channels made this difficult, meaning that no action was taken to address the abusive behaviour of his colleagues.

In addition to language barriers, cultural differences also caused some misunderstandings in the workplace. In such instances, it is necessary for some additional effort on the part of the employer to overcome any misunderstandings. For example, the interviews revealed that the provision of training and access to a direct supervisor for the migrant worker was a good way of ensuring that working relationships ran smoothly. Unfortunately, none of the migrant workers in medium skilled jobs were provided with a detailed induction. One worker was provided with a comprehensive induction training programme that contributed to the mitigation of workplace misunderstandings due

to cultural differences. The training was attended by both migrant workers as well as Dutch-speaking workers. The aim of the workshop was to identify and discuss any cultural differences in the workplace.

"[...] I joined the intercultural training here once I was in Belgium. It comprised of Belgian colleagues and Indian colleagues. It is always important for us to know what are the cultural differences, so that it helps us in working together better. So there I came to know a lot of the differences that we have. The way we think we should communicate or the way the Belgian colleagues receive us [...] it helped us also in understanding each other better."
(Female ICT Analyst Developer from India)

Overall, there were no apparent opportunities for professional development and career progression. However, the skills match and the significant experience of all single permit holders prior to arrival in Belgium may account for the fact that most workers were able to begin work immediately based on their level of expertise and prior experience (BE02, BE03, BE04, BE06, BE07). The premise of the labour migration policy on a short term basis also does not require employers to invest in their workforce who have been employed on a temporary basis and who may not continue after one year.

5.1.4 Job security and duration of employment

The limited duration of the permit also means that the job security of the single permit holders is highly dependent upon the visa being renewed (on time) by the employer. All research participants were aware of the temporary nature of the permit and that it was the responsibility of the employer to renew it. Similarly, all research participants were cognisant of the implications of non-renewal being that they would be left without a right to work or reside in Belgium.

"I need to renew mine on 9 January because it is expiring. If the state does not give it to me, if they tell me 'I do not give you the right to work here', there is nothing I can do. You pack your suitcase, and you go to Turkey." (Male Truck Driver from Turkey)

The duration of employment for all research participants ranged from four months to 30 months, meaning that not all had been through the renewal process (BE02, BE08, BE09). In one case, the visa was not renewed, and the worker returned to his/her country of origin (BE03).

One of the justifications for refusing to renew a visa can be premised upon the employer not respecting the conditions of employment. The research findings reveal that where employers engage in unscrupulous practices, this can have a significant impact on the worker's job security, migration status, personal circumstances and financial vulnerability.

Three workers who initially had regular migration status in Belgium due to the granting of a short-term permit subsequently became undocumented following the unscrupulous practices of their employer (BE01, BE08, BE09). The circumstances of the following anecdotal example straddle the former work card regime and the introduction of the new single permit in 2019. Nevertheless, it is relevant to the current implementation of the single permit regime, as the same behaviour by the employer could lead to a request to renew a visa being refused.

One worker in the transport sector - who had his work permit renewed on an annual basis under the old regime prior to 2019 - had an employer who incorrectly paid the salary, withheld wages or paid part of the salary in cash:

"Sometimes, by the months will end, sometimes two months, I have not received my full pay.....sometimes, you know at the end of the month you have to receive your salary, you are told next week, next week, next week, but you have to wait until the end of the month"

to receive some. Sometimes maybe you will tell you, this is 500 and pay for your rent. Because I need to pay my rent, and they would pay me 600.” (Male Truck Driver from Ghana)

The worker had put their trust in the employer to provide employment and renew their visa in good faith, however, the employer’s practices led to the visa renewal being refused. This then had a significant impact on the worker’s circumstances as they accumulated a significant personal debt and ultimately were unable to pay their rent and bills:

“I know I have not done anything. I have been working for this person, [...] I knew, I thought that as far as I have the B card, I am working. It was him the one responsible, not me. Me I am innocent; I don’t know anything about the transport business.” (Male Truck Driver from Ghana)

Subsequently, the research participant has found an informal solution via his private landlord who has replaced the bank loan with a private arrangement. In addition to rent, he now also pays an additional amount on a monthly basis to repay the loan. The long-term impact of this financial insecurity is still felt on a monthly basis, even though he is now receiving a regular wage.

Single permit holders may also find themselves in difficult circumstances due to the unscrupulous practices of the employer or employment agency when they seek to change employment. Another anecdotal example illustrates this in the context of a worker who had difficulty in accessing the social security benefits they were entitled to due to the employment agency’s failure to abide by the conditions of the contract upon which the single permit was premised. Based on the information received pre-departure, the worker anticipated one years’ employment. In practice, once in Belgium, he was employed as an agency worker on weekly contracts. Due to the impact of COVID-19 on businesses, the worker was given two weeks’ notice and was not provided with any new interim/agency work.

“That time, because of the covid, the transportation, our services was not working already. They shut down the working area... because of COVID. I only work only one truck every day and then after that I clean that place. So they sometimes update us to go home. Then after a week, they [the employment agency] told me on Monday or Tuesday, on Wednesday the employer will not do a new contract.” (Male Maintenance Mechanic from the Philippines)

It subsequently transpired that the employment agency had not made a DIMONA declaration, that is a requirement on all employers to register any new starters with the National Office for Social Security.³³ The result of a non-declaration resulting in them not being granted access to social security benefits, as they are entitled to. The employment agency sought to relinquish any liability by requesting the worker to sign an agreement that would also lead to their return to their country of origin. The worker refused and requested new employment.

“They wanted us to go home. There are 5 of us to bring home. We didn't want to sign the document, they wanted us to go back to the Philippines. [...] the [agency] give us an offer for settlement. But they told us, we told them at the begin that we follow the contract because in the middle east, or in other countries, what is in the contract, they pay you what was in the contract.” (Male Maintenance Mechanic from the Philippines)

³³ For more information see: Sociale zekerheid, *Over Dimona*, available at: https://www.socialsecurity.be/site_nl/employer/applics/dimona/general/about.htm [last accessed 11 March 2022].

Eventually, the workers agreed to a settlement of 4,000 USD which enabled them to find accommodation on the private rental market. The workers were then able to seek employment within three months.

Both of the workers implicated in these anecdotal examples required support and assistance from a third-party organisation who provided them with information about their right to change employer or how to go about requesting a new permit.

5.1.5 Possibility to change employer

In another case however, one research participant has undertaken to change employer themselves without seeking assistance from any third-party organisation. After securing a job with a new company, he handed in his resignation.

"I submitted my driving license, my passport and everything and then they declared that they want me to work them at the commune and the commune gave them the first approval and that is the first step for them. The second step is that I bring them a 4C Annex and this shows that I have, we have a mutual agreement with my ex-company to stop working, a mutual agreement we sign under, and then my new company submits this to the commune and waits for the second approval. And now for a couple of days, I am waiting for the final approval so I can work for them." (Male Truck Driver from Turkey)

Two research participants suggested that their ability to change employer was restricted due to their temporary migration status and their lack of language skills (BE05, BE06). They recognised that there were perhaps companies in the same economic sector who would offer better terms and conditions e.g., payment by the hours instead of fixed salary; however, their chances of being recruited were not, in their opinion; worth the risk of leaving their current employer and waiting for their new employment contract to be set up without pay.

"In the same sector. There are places that provide better conditions. But in those places, there is this problem: these guys do not want to hire people who have work permits like us, they want people who at least have 5 years residency, and you must know the language." (Male Truck Driver from Turkey)

"It is hard for us to change firms because even if someone offers you a job, you leave the job, and this new firm has to do everything from zero all over again: they need to re-apply for a work permit. Getting the new permit takes 2-3 months. 3 months later, you start your new job, you need a new ID. You need to change your temporary ID. This whole period is a bit nerve-wracking. On top of that, there is no guarantee, the firm may also decide not to hire you in the end. Because of that, we prefer to have one bird in the hand than two in the bush. [...] If I want to work in another company, they will have to re-do everything from scratch." (Male Truck Driver from Turkey)

5.1.6 (Over-) reliance on employer to act in good faith

The renewal of the single permit being the responsibility of the employer and subject to good employment practices beyond the control of the worker (as illustrated above) highlights the dependence that a single permit holder can have on the employer. The findings reveal other instances where there is a significant dependence on the employer that can have positive or negative impact on the overall experience of single permit holders. The dependence on the employer has been alluded to above when discussing the provision of information and assistance both pre-departure and upon arrival in Belgium. In a similar vein, as previously stated above, the provision of temporary accommodation by the employer can facilitate the transition into working life in Belgium. However, in certain circumstances the tied nature of the accommodation can have a negative impact on the workers' ability to leave their job and move onto a more autonomous situation.

"Yes, because we wanted to go out of the lodging house, because they control us there. We cannot go out immediately, we can only go out to buy food. They sent us food, but we can't eat it, that is not our food." (Male Maintenance Mechanic from the Philippines)

Above all, and especially given the responsibility of the employer to renew the visa, the relationship between the employer or employment agency and the single permit holder is premised upon good faith (as highlighted by the example of the worker's reliance on the employment agency for the provision of continuous employment, even if on an interim basis). Single permit holders are not only required to trust their employer in respecting the terms and conditions of employment, as agreed pre-departure, in terms of payment of wages and respect for remuneration for overtime, but also other social security rights and access to unemployment benefits.

The issue of trust in the employer was a key part of the decision to change employer for one worker, who inferred that their non-Belgian employer did not always act in good faith. From his perspective, this raises the possibility that certain of his labour rights are ignored and/or not automatically granted, be it intentional or not.

"[...] to be honest it is a Flemish company, so I am sure that they will give the rights that I have, they will give it to me, although I am not aware of them, they will give my rights. While in my Turkish company, if I don't know my rights, they will just be silent and just don't give my rights." (Male Truck Driver from Turkey).

5.2 Respect for socio-economic rights

5.2.1 Employer's influence on worker's ability to socially and linguistically integrate

Conversely, some single permit holders had employers who facilitated their access to language and integration courses provided by the local authorities, which then enhances the trust a worker has in their employer and encouragement that their rights are being respected (BE02, BE05, BE06, BE07).

"He [the employer] even insisted I take the class. He said "that way, you will be independent, you should learn the language so you don't depend on anyone." (Male Maintenance Mechanic from Turkey)

However, some workers stated that their ability to engage with language or integration courses was hindered by their long working hours encroaching on their free time.

"[...] the school wrote me to come to school. So I was going to the school late. So after, they promoted me to another session. But the teacher stopped me, because I am always reporting late." (Male Truck Driver from Ghana)

As mentioned above, in the main, the workers interviewed had set their sights on securing long-term residence/settled status in Belgium. For those who seek to acquire citizenship, the administrative requirements for such a status will also require proof of knowledge of one of the official languages, such as level A2 for Dutch. However, these conditions may not be met if they are unable to find sufficient time to complete the necessary courses if they are reliant upon the employer showing a degree of flexibility. Even where workers had encouraged enrolment in language and integration courses, the workers found that in light of their long working hours their commitment to attend language and integration courses heavily encroached on their already restricted free time.

"I mentioned that I have my weekend free, but in the first beginning but in the 1.1 Dutch classes, and then registration there and here, and this class every Saturday, so I must admit I only have my Sundays for me." (Male Truck Driver from Turkey)

"We work 5 days a week, but our weekends are hardly free because since we arrived here, we need to take language classes, classes of how to live in Belgium (for three weeks, we still have two more to go). Our life is that." (Male Truck Driver from Turkey)

The heavy workload not only led to long working hours but also, for those working for smaller companies, a lack of flexibility due to the company working to the maximum capacity. The impact on the bargaining power of the employee was a motivation for changing to a large company, where more flexibility would be available should there be a last minute need to be absent from work due to illness etc.

"My boss, he has 5 trucks, and he takes weekly jobs suitable for those 5 trucks. He doesn't put one truck aside in case there are problems, so there is no flexibility. So I say, you took a job for 5 cars but who knows what I am going to have tomorrow – a health issue or something. So, the flexibility was lacking." (Male Truck Driver from Turkey)

The same research participant however did demonstrate awareness of the issue of labour shortages in Belgium, and particularly in the transport sector. As a result, according to the worker, the shortage of truck drivers slightly shifts the balance of bargaining power in favour of workers, as they are in such demand.

"Belgian has a port, and as long as the transport sectors runs, actually my boss needs me more than I need him, so he must arrange everything for his own sake." (Male Truck Driver from Turkey)

5.2.2 A sufficient standard of living?

As mentioned above, the salaries received by the single permit holders were, on the whole, largely sufficient to cover costs of living and to provide for a decent standard of living in Belgium.

"Yes, it is enough if you compare to the Philippine pay slips, it is good enough." (Male Maintenance Mechanic from the Philippines)

"The money I earned was for myself, it was more than enough for me to pay my bills, rent and have a comfortable stay. And even if it was for a family of 3 or 4 its more than enough." (Female ICT Analyst Developer from India)

"I have no children here and they are all adults, so my only concern is my wife, so it is very sufficient for me." (Male Truck Driver from Turkey)

In addition, research participants were able to provide additional support to (extended) family members in remittances either on a regular or *ad hoc* basis. In no instances did the research participant suggest that the payment of remittances was a cause for their own financial insecurity in Belgium.

"My first 3 months here, they don't need any remittance from me because of the situation in the Philippines. But now my brother and sister asked me to help because of the long period of not knowing, so they stopped to work. So right now, I need to send money for them [...] Because I have 4 nieces, and I have one special niece and her medicine is 300 euro every month. Even they have work and then they stop, so I need to help with medicine." (Male Maintenance Mechanic from the Philippines)

"When my wife was there, I was sending regularly 500-700 euros every month, but now since she was here, it is only exceptional that my children will ask that I send them some money because the conditions are really bad." (Male Truck Driver from Turkey).

Where exceptions emerged, the inability or difficulty to cover living costs was premised on employers or employment agencies withholding or refusing to pay wages as agreed (BE01, BE08, BE09) or making excessive deductions from wages for the costs of utilities and rent (BE02).

5.2.3 Employer provided accommodation

As mentioned above, the provision of accommodation by the employer was often part of the arrangement for coming to Belgium and can facilitate a smooth transition. Those who were provided with accommodation by the employer were often in shared accommodation either on site or in close proximity to the workplace. In most cases, the provision of accommodation was of a sufficient standard, with the deduction of rent and utilities being as discussed prior to departure. In two cases, not only was the provision of accommodation sub-standard, but it was also at too great a distance from where the vehicles were parked, meaning that the workers would opt to sleep in the vehicles in order to be able to start their workday in the early hours where public transport was not available (BE08, BE09).

The provision of accommodation, however, must not hamper the possibility of the single permit holder to find their own private accommodation, within a reasonable time period. One research participant was required to leave their accommodation provided for by the employment agency with very little notice, leaving them with no other option but to rely upon personal connections to provide temporary, emergency accommodation.

"After the settlement, they gave us two days to leave the Zaventem. Some people here they helped us for 1 month to live in that place, so we can find employer. And then he told that, my fellow Filipinos, that I keep you only one month, so you need to leave after one month." (Male Maintenance Mechanic from the Philippines)

After an initial period in Belgium, some single permit holders moved into private rented accommodation, often for family reasons and as a requirement of securing family reunification.

"After 3 months, the job I got from Mechelen, we decided to house a rent, with my son." (Male Truck Driver from Ghana)

"The requirement of family reunification is that you have a private address, that's why 5 months before my wife came over, I started renting a house myself." (Male Truck Driver from Turkey)

5.3 Capacity to integrate and increase social capital

5.3.1 Prospects of family reunification

Several research participants with spouses or dependents, discussed their thoughts on seeking family reunification in Belgium. The process had been completed for one participant who had been joined by their spouse in October 2021 (BE02). The entire process had taken six months:

"I collected all the necessary documents from Belgium and sent them to turkey and then with the documents that were collected there, with the health report and so on, we applied for the visa [...] And then after submitting everything and the visa got approved, she just received her passport and took the plane to come here. And she registered with the commune"

on 14 October and next Monday, 6 December she will receive her residence card.” (Male Truck Driver from Turkey)

Once the residence card is received, the research participant’s wife is planning on beginning Dutch lessons and the integration course, switching her driving license to a Belgian one and looking for employment.

For another research participant, the possibility of family reunification was still being considered as it would provide an opportunity for his children to benefit in their long-term prospects (BE06).

“I am considering it. There are more opportunities here, it is better. There is no problem, it is safer here. The future of my kids... you tell them to go to school.” (Male Truck Driver from Turkey)

For another research participant, a key consideration in the decision to be joined or not by their families was premised upon the impact of family reunification on their financial security. As it stood, his current financial status was adequate due to the fact that they shared accommodation provided by their employer at the workplace, providing them with the opportunity to share the living costs and removed the need to invest in a personal means of transport for commuting to work.

“We split the rent, we split bills, which helps financially. If we were living in separate places, it would be more expensive and life would be harder.” (Male Truck Driver from Turkey)

“The house where we stay is just next to the garage, so we do not need a personal car [...] Our rationale is that [miming two very close places] this is our house, and this is the garage.” (Male Truck Driver from Turkey)

According to the research participant, these financial benefits of working in Belgium on higher wages compared to his country of origin would be cancelled out if he were to be joined by his family.

“Because imagine I bring my family here: the electricity, the gas, and the water: in the best-case scenario, it would cost 1000€. What is left after that? There is no real chance of saving up money. For this reason, I do not envisage settling here.” (Male Truck Driver from Turkey)

5.3.2 Social inclusion and integration beyond the workplace

As discussed above, the research participants highlighted issues of social inclusion and equal treatment mainly in the workplace context referring predominantly to cultural differences and language barriers. In some instances, the language barriers were also extended to their social and private life but none of the participants referred to any encounters of unequal treatment or discrimination in their private life.

As previously mentioned, the prospect for social inclusion was greatly enhanced for those who had been able to participate in integration and language courses provided by local authorities. However, the overlap between professional and private, as previously stated, does hamper the possibility for all to engage with such initiatives as they are not always willing or able to commit a sufficient amount of their spare time. Indeed, most research participants stated that they had very little/ no free time for such endeavours, particularly in the transport sector (BE01, BE04, BE05, BE06). Those who did engage with such initiatives saw their free time significantly diminish.

“Of course, related to the social life, I won’t say that we have a very active social life due to the working conditions, and if you work 12 hours a day, you have not so many free time left. Only in the weekend we go to restaurant, café, walk along the canal, do some sports but that’s it.” (Male Truck Driver from Turkey)

Similarly, the limits on their social life meant that any social activities often revolved around fellow colleagues and/or compatriots who were either existing acquaintances or that they had met through work.

"I wake up, work and come home. When I come home it is late... [...] Monday to Saturday from morning 6am I go to work, I come evening at home. Sunday morning I go to church."
(Male Truck Driver from Ghana)

The importance of the language and integration courses were nevertheless recognised by the participants, particularly those who a long-term aim of remaining in Belgium and acquiring settled status. The design of the course is also important as it is a great opportunity to facilitate access to actors who can provide support and assistance. For instance, an information session was arranged for truck drivers to meet with a trade union representative to discuss their rights when working in Belgium:

"Like 2 weeks ago we went to the trade union, the lady there explained everything, there are things that I have never even heard about, and this shows that she really pays attention to us and finds us valuable to give us this information and to support us." (Male Truck Driver from Turkey)

This example demonstrates the importance of ensuring that workers are informed of their rights and given access to the appropriate channels should they require assistance or wish to raise concerns about workplace grievances.

5.4 The provision of information and assistance

5.4.1 Awareness of rights through formal channels

Contrary to the provision of information provided by employers pertaining to the job description and conditions of employment as outlined above, very little information was provided regarding the visa application process and the conditions of the single permit such as what to do in the event of termination of employment, the possibility of changing employer and the availability of social security benefits in the event of unemployment. None of the participants mentioned information provided by the embassy in their country of origin/departure about the conditions of the single permit. As a result, most participants were quite vague about the permit and the practical implications e.g., cannot work for another employer. All research participants were nevertheless aware that the renewal of the visa was subject to the employer making the application on their behalf, exacerbating their dependency on their employer for both medium to long term job security and (eventually) settled status.

The employer was also the primary source of information (either pre-departure or upon arrival) pertaining to other aspects of relating to arrival in Belgium, regarding health insurance, opening bank accounts and the need to register at the municipality within eight days. In most cases, the workers were accompanied by the employer, employment agency or a colleague to facilitate these administrative tasks.

"We had separate documents that were given to us. All the documents had the information on the process for applying for the ID card. [...] For the bank account there was some documentation, they suggested some banks to open an account and what would be needed to open the account as well." (Female ICT Analyst Developer from India)

"The wife of my boss who arranged all the administrative stuff, she took us to the trade union to register us, [...] the health insurance also my bank card, my credit card they were all regulated by making an appointment thanks to her." (Male Truck Driver from Turkey)

Encouragingly, access to trade unions was facilitated via the employer (BE04, BE05, BE06) and through an information session organised as part of the integration course organised by the Integration and Citizenship Agency (*Agentschap Integratie en Inburgering*). This increased the awareness of workers of their rights and where to go to access appropriate channels should they need to report abuse or a grievance.

"If I have questions about my workers' rights, I go to the trade union, that's what I know." (Male Truck Driver from Turkey)

5.4.2 Support and assistance through informal channels

Interestingly, several participants relied on information received after arrival from colleagues or compatriots.

"I wasn't informed as such by someone personally but by talking to my colleagues I knew that I am not allowed to work with someone else, that's the contract, I am not allowed to be on someone else's payroll it's only the [name of employer] that I am allowed to work [for] [...]" (Female ICT Analyst Developer from India)

In addition to being a key aspect of their social life, personal connections with the local diaspora were crucial (BE01, BE02, BE07, BE08, BE09). The types of assistance that emerged from the findings include assistance in finding employment or accommodation, signposting to formal assistance channels or information and awareness raising of their rights or obligations e.g., to register at the commune.

"[...] I met some of my country people who also live in Antwerp. So after, we still have contacts so when I found a job here, I said I need a room to rent, and they found something for me" (Male Truck Driver from Ghana)

"so my fellow Filipinos, they tell me, that's wrong, you need to register, because I used only a passport. And then the police helped me to have an abstract and then my Filipinos helped me to register in the commune and in the commune, there was a person to help us to register." (Male Maintenance Mechanic from the Philippines)

As a result of these informal social connections, some formal avenues of assistance were accessed, including consulates, workers' rights organisations, labour inspection services or lawyers.

"We asked the Philippine consulate for our situation, they verified our entry and our designated agency to both parties. They told us not to register this agency in Poland, the Philippines overseas labour worker. And then they contacted the agency in the Philippines." (Male Maintenance Mechanic from the Philippines)

Whilst it is encouraging that many of the research participants revealed that they had good social connections, it is important to bear in mind that not all migrant workers benefit from a social network that can be used to provide formal channels of assistance (Davies, 2019). In a similar vein, it is not always the case that where formal channels are accessed, the advice received is accurate (BE08, BE09). For instance, legal advice may be provided by a lawyer who is not specialised in labour migration.

Part Three: Key findings and recommendations

Challenges in labour market shortages in Flanders have been partially addressed by the extension of the single permit regime to medium skilled bottleneck professions. Since 2019, the number of applications for medium skilled single permit holders working in bottleneck professions has increased (see Annex 1). However, the restricted nature of the regime that is premised upon short-term, temporary labour migration raises concerns when it comes to ensuring single permit holders have access to decent work and equal treatment. Indeed, despite the single permit regime providing a legal migration pathway - one of the key means of minimising the severe exploitation of labour migrants (FRA, 2019) - the findings reveal that there is still a risk of labour market abuses and non-respect for migrant workers labour and social rights in relation to more routine forms of exploitation (Davies, 2019; LeBaron, 2020). These issues must not only be addressed in the context of the existing single permit regime but also when considering the future extension of the single permit regime to low-skilled bottleneck professions (SERV, 2020). As highlighted above, low-skilled migrant workers are often vulnerable to routine labour market abuses, therefore temporary migrant workers programmes must provide for robust rights protection (LeBaron, 2020: 179).

The remainder of this part will highlight key findings that have emerged from the study and identify recommendations for areas that require further attention as they do not currently guarantee full respect of the rights of single permit holders working in a medium skilled bottleneck profession. The recommendations reflect upon the positionality of the single permit regime within the wider context of a labour migration policy that seeks to address labour market shortages by attracting “talent” on a predominantly short-term basis. Critically, the presentation of the lived experiences of single permit holders demonstrates that the policy emphasis on short-term and temporary labour migration does not always correspond to the perspectives of labour migrants. The recommendations also place an emphasis on the welfare of single permit holders in the workplace and in their private and family life and implicate both the procedural aspects of the single permit regime as well as the implementation of the regime in practice.

1 The future implementation of the Single Permit to address labour market shortages in Flanders

Despite **significant labour market shortages, the existing labour migration policy direction does not sufficiently address this gap**: the number of residence permits granted on the basis of labour migration remain very low. Encouragingly the most recent communication from the Flemish Minister of Labour and Social Economy acknowledges the need to optimise the use of labour migration pathways. However, the implementation of these pathways requires (centralised) administrative and procedural mechanisms that permits meaningful engagement between regional/ local authorities and migrant workers upon arrival and for as long as they remain in Belgium.

One labour migration pathway that has been co-opted as a means of tackling labour market shortages in medium-skilled bottleneck professions is the single permit regime. **The single permit regime is, however, very much focused upon the needs of employers and does not sufficiently secure the labour and social rights of workers** who are, nevertheless, contributing to the Belgian economy through social contributions and personal income taxes. Analysis of the net transfer through migration channels reveals that “foreign born people that migrated through [a] work channel are contributing more to the government sector than any other channels, they also contribute more if they arrived recently (in the last five years)” (NBB, 2020: 50). These political and economic dynamics privilege profit over rights (LeBaron, 2020: 31). An illustrative example from the

current study is the extension of the single permit to all nationalities without a commensurate extension of access to and portability of social security rights. Social security rights are only transferable for migrant workers who originate from countries that have concluded bilateral social security agreements with Belgium.

Recommendation. The access to and portability of social security rights should be extended to match the extension of the single permit regime to all nationalities. Further research is needed into how best to accommodate the access to and portability of social security rights for migrant workers who come from a third-country that has not concluded a Bilateral Social Security Agreement with Belgium. Such a development would contribute to attracting workers to Belgium, by emphasising that their social security rights are well protected, both during their stay in Belgium but also upon return to their country of origin.

The **current selection of medium-skilled bottleneck professions**, and its possible extension to low-skilled professions in the future, necessitates a robust and transparent selection process, with significant engagement with social partners and should be premised upon labour market analysis.

Recommendation. The selection of medium skilled bottleneck professions by the Flemish Minister of Employment should not deviate from the VDAB list and the suggestions made by social partners.

Public-private partnerships have not always managed to match labour market needs and ensure that there is sufficient embeddedness in dealing with labour market shortages. Similarly, these partnerships are directed at employers who have the means and resources to provide holistic onboarding strategies. Small-medium enterprises who also seek to fill vacancies via the single permit regime, however, are unable to provide robust onboarding strategies when workers arrive in Belgium.

Recommendation. Future public-private partnerships should be extended to include small-medium enterprises who seek to fill medium-skilled bottleneck vacancies via the single permit regime. The partnerships could reduce the workers reliance on the employer for information and assistance upon arrival, by offering onboarding strategies, in partnership with local authorities, thereby establishing a centralised point of contact for workers. The existing integration and citizenship (*integratie en inburgering*) programme would be a good basis from which to further develop a specific scheme for single permit holders.

2 Enhancing job security and reducing dependence on the employer

The **application process** for a single permit does not proscribe that the employer should cover all costs incurred e.g., health checks, travel costs to embassy/passport appointments in country of origin, travel insurance, travel/transport costs to Belgium. If an employer does not cover or reimburse such costs, the employer may find themselves incurring debt or becoming debt-bonded to their employer e.g., where the employer pays for costs related to recruitment but then requires deduction from wages.

Recommendation. Labour migration policy must proscribe that all costs incurred as part of the acquisition of a visa/permit must be covered in full by the employer or employment agency and not paid by the individual.

The **temporary duration of the single permit** makes migrant workers much more dependent on their employer, not only for employment but also for the provision of accommodation.

Recommendation. The duration of the single permit for medium skilled bottleneck profession workers should be increased to a minimum of one year with the possibility of allowing for a duration of 2 or 3 years, similar to high-skilled single permit holders.

The **terms and conditions of the employment relationship** do not always adhere to formal labour standards e.g., in the transport sector the hourly payment of wages and entitlement to remuneration for overtime is not always in line with the conditions of the Collective Bargaining Agreement for road transport and third-party logistics, or wages are paid cash in hand.

Recommendation. The terms and conditions of employment contracts submitted as part of the application for a single permit must be monitored during the validity of the single permit. E.g., Social inspection services can play an important role in ensuring that wages are paid in full and in the appropriate manner. Single permit holders should be contacted by regional authorities or social inspection services after six months to determine whether there are any discrepancies or potential abuses of labour standards. Workers who are found to be in an abusive or exploitative employment relationship should be given the opportunity to seek employment elsewhere and provided with (temporary) financial support to facilitate the transition from one employer to another. The validity of the existing permit should be automatically transferred to the new employer.

A significant number of single permit holders included in the study were accommodated in **employer provided housing**, either on a temporary or long-term basis. Whilst the provision of accommodation upon arrival can smooth the transition into life in Belgium, it can become problematic where the accommodation provided is sub-standard and/or excessive deductions are made from wages to cover the cost of rent and utilities.

Recommendation. Employers who provide accommodation either on a provisional basis upon arrival or on a permanent basis must abide by accommodation standards outlined in the Flemish Housing Code (*Vlaamse Wooncode*).³⁴ Workers who are provided accommodation must be able to look for their own private accommodation without fear of penalty or loss of employment. Medium skilled single permit holders working in bottleneck professions should have their accommodation/housing conditions monitored on a regular basis. The current initial check by local police after registration at the municipality is not sufficient to ensure appropriate long-term housing conditions, the Flemish housing inspectorate (*Wooninspectie*) should ensure follow up. Where accommodation is provided on-site; the social inspection could also play a role in monitoring both working and living conditions.

A **renewal or modification** of the permit can only be requested by the employer, which means that single permit holders are highly dependent on the employer. In some instances, workers are reluctant to report bad employment practices or raise grievances as they know that their employment and residence in Belgium is in the hands of their employer.

Recommendation. Dependence on the employer for the renewal or modification of the permit should be lifted. The autonomy of the worker can be guaranteed by extending the scope of the permit to any employer in the same sector. Similarly, the worker's ownership of the process can be facilitated by improving communication between the regional/local authorities and the single permit holder about the status of an application to renew or modify the single.

The **process of changing employer**, whilst possible in practice, is often not attractive to migrant workers who are hesitant to lose income and/or because of their dependence on their employer to renew their permit.

Recommendation. Workers should be informed of the possibility to receive unemployment benefit should they leave their job with a view to changing employer. Workers should be free to change employer to another employer in the same sector, without fear of losing their existing permit.

³⁴ Constitutional Court, Case no. 149/2021 of 21 October 2021 (*Grondwettelijk hof, Arrest nr. 149/2021 van 21 oktober 2021*).

Job security should be assured by automatically transferring the validity of the existing permit to a new employer. Medium skilled bottleneck single permit holders who wish to change employer should be supported in their job search. A policy for providing job searching assistance should be incorporated into the VDAB “*Werk Door integratie*” initiative.

Workers who lose their job are not aware of the options available to them to find a new job/employer.

Recommendation. Workers who lose their job should be systematically informed of the possibility to receive i) an Annex 51 which gives them three months to look for a new job; and ii) unemployment benefits (for a maximum of 2 months). Future implementation of the single permit regime should extend access to unemployment benefits for the same three-month duration of Annex 51.

The **unscrupulous and exploitative practices of the employer** can have significant impact on the job security, financial vulnerability, and migration status of the workers.

Recommendation. Employment agencies who apply for single permits on behalf of medium skilled workers who will work in bottleneck professions must be better regulated and monitored for compliance with labour standards e.g., DIMONA declaration with the National Office for Social Security. Single permit holders who cannot access social security entitlements in case of unemployment because their employer/employment agency have not completed all necessary administrative tasks must be granted (temporary) financial support while they seek employment elsewhere. Similarly, workers should not be penalised as a result of employers who do not respect the conditions of the single permit and engage in exploitative practices such as the withholding of wages, excessive deductions from wages, provision of poor and insanitary living conditions etc. Where the renewal of a single permit is refused due to unscrupulous practices of the employer or where the worker has been subjected to exploitative labour practices, the worker should be granted a one-year extension to the validity of the permit to find a new employer.³⁵

3 Facilitating social integration and inclusion in the workplace and in private life

Single permit holders can better integrate into the workplace and cultural misunderstandings can be minimised when they have some **knowledge of the language and access to induction courses**. However, difficulties are encountered when seeking to access opportunities for social and linguistic integration. For instance, single permit holders must rely on the good will of the employer to give them flexibility in their working hours to attend integration courses and language classes.

Recommendation. Where possible, single permit holders in medium skilled bottleneck professions should have access to pre-departure (online) language programmes. Within three months of arrival, an information course, delivered by the Flemish Agency for Integration and Citizenship, should be provided to ensure that they are provided information on living and working in Belgium, including housing, education, access to health care services etc. The participation in the course should be obligatory and take place during normal working hours without incurring any loss

³⁵ See Open Work Permit for Vulnerable Workers in Canada and extended residence permit or certificate of expanded right to work due to exploitation by employer in Finland. Government of Canada, Vulnerable foreign workers who are victims of abuse, available at: <https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/vulnerable-workers.html> [last accessed 19 March 2022]; Finnish Immigration Service, Residence permit or certificate due to exploitation by employer, available at: <https://migri.fi/en/residence-permit-or-certificate-due-to-exploitation-by-employer> [last accessed 19 March 2022].

of income. Employers should be willing to facilitate participation in such courses during working hours, as this will contribute to cohesion in the workplace and diminish language barriers and cultural misunderstandings. Existing integration courses should also incorporate information on workers' rights in Belgium, and, where possible to provide introductory, information sessions with trade unions and/or organisations that can provide support and assistance in case of need to access complaints mechanisms e.g., Myria, social inspection services.

Despite the **short-term, temporary rationale of the single permit for medium skilled bottleneck professions**, most of the single permit holders interviewed were planning to establish themselves on a long-term basis in Belgium (including with a view to family reunification). However, in view of the skill match between single permit holders and the vacancies they were filling in Belgium, limited opportunities for professional development were foreseen.

Recommendation. Single permit holders should be offered opportunities for professional development, with a view to allowing them to increase their social capital and to contribute towards their long-term professional integration in Belgium. This will facilitate the development of an integrated workforce and mitigate/address long-term labour shortages.

4 Engaging with and informing single permit holders of their rights

The **main point of contact and source of information for single permit holders is the employer**, this can be problematic when grievances or concerns are identified, or where the terms and conditions of the employment promised do not match reality upon arrival. The difficulty in reaching out to the target group in this study was also thwarted by the regional competent authority only having correct contact details for half of the current single permit holders

Recommendation. In addition to the provision of obligatory information course (see *supra*), other channels of communication should be established. For example, embassies in country of departure should provide more information on the conditions of the visa, and information on who to turn to in Belgium should there be a problem with employer/ labour provider. The information on the website of the regional competent authority should be updated to include information directed at the single permit holders themselves and not just the employers. The information should be provided in different languages. Regional competent authorities should provide single permit holders with information about complaint mechanisms available (via social inspection services, Unia, Myria etc.) with a view to raising concerns of discriminatory treatment, abuse or grievances - e.g., racist or discriminatory treatment in the workplace, inappropriate deductions from wages - directly in a confidential manner without fear of repercussions from their employer. Information about complaints' procedure should be provided to single permit holders upon registration at the Municipality or pre-departure by the embassy, in their native language. Efforts should be made to ensure that the regional competent authority has the correct contact details for the single permit holder so that direct communication channels can be established.

Reaching out to and making contact with single permit holders was an obstacle in the present study. This is also a challenge when it comes to informing single permit holders of their rights due to the process being employer led. As a result, authorities have very limited direct channels of communication with single permit holders and are unable to meaningfully engage with them to update them of the status of the permit (e.g., during renewal or modification) or keep them informed of their rights (e.g., entitlement to unemployment benefit and Annex 51 should they lose their job).

Recommendation. Regional authorities must ensure that the application/renewal procedure requires the provision of comprehensive, accurate and up to date contact details of all single permit holders. Authorities should use these contact details to establish a direct means of contacting single

permit holders to keep them informed of the outcome of the application/renewal procedure. This will increase the worker's ownership of the process. It is important for authorities to be able to communicate with single permit holders in order to provide them with information and regular updates on their rights when working and residing in Belgium. Efforts should be made to increase awareness amongst relevant professionals of the potential risk of abuse within medium skilled, low paid sectors so that they can respond where there may be concerns e.g., staff members of adult education centres, integration course trainers. Authorities should also be able to remain in contact with a single permit holder when they return to their country of origin, so as to be able to inform them about how they can access their social security entitlements e.g., pension that they have accumulated during their time working in Belgium.

Annex 1: Single Permits granted in Flanders between January 2019 and December 2021

Table 1: 2019. Absolute and relative numbers of single permits by category, age and gender.																			
Category	Age														Gender		Total	%	
	00-14	15-17	18-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65+	Unknown	/	Man			Female
General	1	41	76	268	317	259	173	119	65	24	11	4		36	36	939	419	1.394	13,09
Au-pair young person (art.9,14°)			24	225	49									52	52	6	292	350	3,29
Authorised Minister (art.17,14°)					0	3	10	10	2	2	1			6	6	27	1	34	0,32
Vocational Training (art.17,17°)				1	3	2	3	1	1							11		11	0,1
Professional sportsman, referee and trainer (art.17,12°)			9	63	48	9	1	1						94	94	126	5	225	2,11
Specialised Technician (art.17,16°)			3	14	41	42	44	27	21	24	21	10	3	40	40	245	5	290	2,72
Highly Qualified (art.17,1°)				153	1.044	1.092	602	198	82	28	7	5	2	591	588	2.130	1.086	3.804	35,73
Highly Qualified – Seconded (art.17,1°)				78	530	655	479	211	110	52	31	10	2	689	688	1.802	357	2.847	26,74
Bottleneck profession (art.18,§2)		1	0	13	32	49	72	50	34	18	7	3		387	387	266	13	666	6,26
Manager (art.17,2°)					1	8	20	20	15	12	4	4	2	19	19	62	24	105	0,99
Manager – seconded (art.17,2°)				1	4	17	34	49	24	30	21	8		62	61	169	20	250	2,35
Consultants and Professors (art.17,4°)				1	12	19	16	8	7		2	2	4	13	13	44	27	84	0,79
Training multinational group (art.17,19°)				3	5	8	2							1	1	16	2	19	0,18
Other (art.18,§1)			4	27	55	59	66	65	36	16	9	2		78	78	270	69	417	3,92
Postdoctoral Researcher (art.17,5°)					2	10	5	4	1	1		1		11	11	15	9	35	0,33
Regularisation sustainable local anchoring						1	1		2	1						3	2	5	0,05
Specatacle Artist (art.17,13°)				7	13	12	6	1	3					6	6	23	19	48	0,45
Trainee (art.9,5°)				8	12									22	22	12	8	42	0,39
Trainee – seconded (art.9,5°)					1									2	2	1		3	0,03
Trainee (art.17,8°)					0											0		0	0
Government or international institution trainee (art.17,10°)				1												1		1	0,01
Employment - international agreement (art.17,11°)				3	4									7	7	5	2	14	0,13
Compulsory traineeship - advanced training (art.17,9°)					0	2										2		2	0,02
total	1	42	116	866	2.173	2.247	1.534	764	403	208	114	49	13	2.116	2.111	6.175	2.360	10.646	100
%	0	0	1,1	8,1	20,4	21,1	14,4	7,18	3,8	2	1,1	0	0	19,9	19,8	58	22,17		

Source: Flemish Department for Work and Social Economy (*Vlaamse Departement Werk en Sociale Economie*), Written correspondence on file with authors.

Table 2: 2020. Absolute and relative numbers of single permits by category, age and gender.

Category	Age													Gender		Total	%		
	00-14	15-17	18-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65+	Unknown	/			Male	Female
General				1	18	59	46	35	13	7	3		1	82	82	144	39	265	3,74
Au-pair young person (art.9,14°)		1	15	211	72									45	45	12	287	344	4,85
Authorised Minister (art.17,14°)					3	6	13	6	7	3		1		6	6	39		45	0,63
Vocational Training (art.17,17°)				2	4	2	2	2	2	3	2					19		19	0,27
Professional sportsman, referee and trainer (art.17,12°)			19	75	27	6	6	1						75	75	129	5	209	2,95
Specialised Technician (art.17,16°)			1	19	49	62	42	30	39	28	11	1	3	16	16	267	18	301	4,25
Highly Qualified (art.17,1°)				95	529	502	281	95	44	22	5	4	1	147	146	977	602	1.725	24,33
Highly Qualified – Seconded (art.17,1°)				27	324	447	328	183	79	34	14	2		208	208	1.212	226	1.646	23,22
Bottleneck profession (art.18,§2)			6	46	96	110	131	108	95	54	21	5	1	312	312	654	19	985	13,89
Manager (art.17,2°)					1	6	5	8	6	7	1	2	1	3	3	27	10	40	0,56
Manager – seconded (art.17,2°)					2	4	14	40	21	17	18	6	1	8	8	111	12	131	1,85
Consultants and Professors (art.17,4°)					3	3	9	3	2	1	0		1	1	1	12	10	23	0,32
Training multinational group (art.17,19°)				2	4	3	1									6	4	10	0,14
Other (art.18,§1)		4	40	143	173	203	188	162	108	73	25	6		85	84	831	295	1.210	17,07
Postdoctoral Researcher (art.17,5°)					1	7	7	4		1	2		2	10	10	11	13	34	0,48
Regularisation sustainable local anchoring																		0	0
Specatacle Artist (art.17,13°)				6	9	11	6	2					1	5	5	19	16	40	0,56
Trainee (art.9,5°)				7	8	0								4	4	6	9	19	0,27
Trainee – seconded (art.9,5°)																		0	0
Trainee (art.17,8°)					0	1								1	1	1		2	0,03
Government or international institution trainee (art.17,10°)				1													1	1	0,01
Employment - international agreement (art.17,11°)				10	12			1						15	15	16	7	38	0,54
Compulsory traineeship - advanced training (art.17,9°)					1	1										2		2	0,03
total	0	5	81	645	1.336	1.433	1.079	680	416	250	102	27	12	1.023	1.021	4.495	1.573	7.089	100
%	0	0	1,1	9,1	18,9	20,2	15,2	9,59	5,9	3,5	1,4	0	0	14,4	14,4	63,4	22,19		

Source: Flemish Department for Work and Social Economy (*Vlaamse Departement Werk en Sociale Economie*), Written correspondence on file with authors.

Table 3: 2021. Absolute and relative numbers of single permits by category, age and gender.

Category	Age													Gender		Total	%		
	00-14	15-17	18-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65+	Unknown	/			Man	Female
General				2	16	44	56	34	16	6	3	0		58	58	142	35	235	2,7
Au-pair young person (art.9,14°)			18	186	69	1								7	7	11	263	281	3,22
Authorised Minister (art.17,14°)					1	8	15	10	5	5	1					45		45	0,52
Vocational Training (art.17,17°)						0												0	0
Professional sportsman, referee and trainer (art.17,12°)		1	42	116	66	16	6	1	5	2	0					248	7	255	2,93
Specialised Technician (art.17,16°)				10	22	39	21	24	17	19	9	6	1			163	5	168	1,93
Highly Qualified (art.17,1°)			1	132	601	643	316	99	72	22	9	1	3	6	6	1.245	654	1.905	21,85
Highly Qualified – Seconded (art.17,1°)				23	259	381	303	144	50	32	10	5	1	4	4	997	211	1.212	13,9
Bottleneck profession (art.18,§2)			8	82	177	243	289	294	240	153	64	12		28	28	1.521	41	1.590	18,24
Manager (art.17,2°)					0	6	11	6	12	10	1	2		0		38	10	48	0,55
Manager – seconded (art.17,2°)						6	10	28	26	14	9	3	2	1	1	83	15	99	1,14
Consultants and Professors (art.17,4°)							1		1		1					3		3	0,03
Training multinational group (art.17,19°)				2	3	1										1	5	6	0,07
Other (art.18,§1)		0	77	401	407	391	435	389	324	206	93	16	2	8	8	1.785	956	2.749	31,54
Postdoctoral Researcher (art.17,5°)					3	15	10	3	2					1		18	16	34	0,39
Regularisation sustainable local anchoring																		0	0
Specatacle Artist (art.17,13°)				13	8	11	6	4								26	16	42	0,48
Trainee (art.9,5°)			1	10	13											15	9	24	0,28
Trainee – seconded (art.9,5°)																		0	0
Trainee (art.17,8°)																		0	0
Government or international institution trainee (art.17,10°)																		0	0
Employment - international agreement (art.17,11°)				7	8	2								1	1	11	6	18	0,21
Compulsory traineeship - advanced training (art.17,9°)				0	1	1	1									3		3	0,03
total	0	1	147	984	1.654	1.808	1.480	1.036	770	469	200	45	9	114	113	6.355	2.249	8.717	100
%	0	0	1,7	11	19	20,7	17	11,9	8,8	5,4	2,3	1	0	1,31	1,3	72,9	25,8		

Source: Flemish Department for Work and Social Economy (*Vlaamse Departement Werk en Sociale Economie*), Written correspondence on file with authors.

2021				2020				2019			
	Freq	%	C%		Freq	%	C%		Freq	%	C%
Turkey	656	41,26	41,26	Turkey	280	30,4	30,4	Turkey	235	33,9	33,9
Ukraine	201	12,64	53,90	Morroco	187	20,3	50,7	Morroco	141	20,4	54,3
Morroco	149	9,37	63,27	Kosovo	52	5,65	56,35	Various	54	7,79	62,1
Kosovo	82	5,16	68,43	Various	52	5,65	62	Kosovo	33	4,76	66,8
Albania	74	4,65	73,08	Albania	44	4,78	66,78	Nepal	26	3,75	70,6
Various	52	3,27	79,18	China	28	3,04	69,82	Bosnia & Herzegovi- nia	24	3,46	74
Philippines	45	2,83	79,18	Bosnia & Herzegovi- nia	26	2,82	72,64	Albania	21	3,03	77,1
India	43	2,7	81,88	Philippines	26	2,82	75,46	India	19	2,74	79,8
Serbia	34	2,14	84,02	Ukraine	26	2,82	78,28	Serbia	14	2,02	81,8
Bosnia & Herzegovi- nia	40	1,89	85,91	India	22	2,39	80,67	Ukraine	12	1,73	83,5
China	29	1,82	87,73	Nepal	19	2,06	82,73	Tunisia	10	1,44	85
Nepal	29	1,82	89,55	Ukraine	19	2,06	84,79	China	8	1,15	86,1
Macedonia	20	1,26	90,81	Tunisia	18	1,95	86,74	Macedonia	8	1,15	87,3
South-Africa	15	0,94	91,75	Macedonia	14	1,52	88,26	Pakistan	8	1,15	88,4
Armenia	12	0,75	92,5	Pakistan	10	1,09	89,35	Algeria	6	0,87	89,3

Source: Department for Work and Social Economy (*Departement Werk en Sociale Economie*), Written correspondence on file with authors; Flemish Parliament, Written Question no. 214, 6 January 2020 (*Vlaams Parlement, Schriftelijke Vraag nr. 216, 6 januari 2020*); Written Question no. 384, 18 January 2021 (*Vlaams Parlement, Schriftelijke Vraag nr. 384, 18 januari 2021*).

Bibliography

- 11.11.11. (2021). Internationale solidariteit 2021. Jaarrapport Belgische ontwikkelingssamenwerking. Last accessed on 19 February 2022, from https://11.be/sites/default/files/2021-09/Jaarrapport%20OS%202020_0.pdf
- Aanjaagteam Berscherming Arbeidsmigranten. (2020) *Geen tweederangsburgers. Aanbevelingen om misstanden bij arbeidsmigranten in Nederland tegen te gaan* (30 Oktober 2020).
- Agoria. (2020). Be the Change. Houvast en hefboomen voor een arbeidsmarkt in volle verandering. Last accessed on 19 February 2022, from <https://www.agoria.be/nl/onderwijs-arbeidsmarkt/whitepaper-be-the-change-houvast-en-hefbomen-voor-een-arbeidsmarkt-in-volle-verandering>
- Anderson, B., & O'Connell Davidson, J. (2003). Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study, IOM Migration Research Series No. 15.
- Baert, M., & Maes, S. (2019). Tewerkstelling buitenlandse werknemers: Single Permit en grondige Vlaamse inhoudelijke wijzigingen. *Oriëntatie*, 4, 108-128.
- Billari, F., & Kohler, H.-P. (2010). Population Studies Patterns of low and lowest-low fertility in Europe. *Taylor & Francis*, 58(2), 161–176. <https://doi.org/10.1080/0032472042000213695>
- Boduschi, A. (2015). An Empty Shell? the Protection of Social Rights of Third-Country Workers in the EU after the Single Permit Directive. *European Journal of Migration and Law*, 17(2) 210-238. <https://doi.org/10.1163/15718166-12342078>
- Campbell, I., & Price, R. (2016). Precarious work and precarious workers: Towards an improved Conceptualisation. *The Economic and Labour Relations Review*, 27(3) 314–332.
- Daem, G. (2020). *Welcome policies of companies and relocation services for migrant workers* (PALIM PROJECT).
- Davies, J. (2019). From severe to routine labour exploitation: The case of migrant workers in the UK food industry. *Criminology & Criminal Justice*, 19(3) 294–310.
- De Wispelaere, F., & Pacolet, J. (2016). Detachering Naar België Vanuit Andere EU-Lidstaten. Wat We Zelf Meten, Meten We Beter? *Gids Op Maatschappelijk Gebied*, 7, 30–37.
- Duyck, J., Paul, J. M., & Vandresse, M. (2018). *Perspectives démographiques 2016-2060 : analyses de sensibilité, scénarios alternatifs et effets budgétaires et sociaux*. https://www.plan.be/uploaded/documents/201802120922470.WP_1801_11620.pdf
- European Commission. (2017). Legal migration: Commission refers Belgium to the Court of Justice for failing to provide common rules for non-EU workers Brussels, Press Release, 13 July 2017.
- European Commission. (2020a). Report from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions on the impact of demographic change (SWD(2020) 109 final). Last accessed on 19 February 2022, from <https://eur-lex.europa.eu/legal-content/ES/TXT/?uri=CELEX:52020SC0109>
- European Commission. (2020b). European Skills Agenda. Skills for jobs. Last accessed on 19 February 2022, from https://ec.europa.eu/commission/presscorner/detail/en/IP_20_1196
- Fairwork Belgium. (2019). Werknemers zonder wettig verblijf. Jaarverslag 2019. Last accessed on 19 February 2022, from <https://www.fairworkbelgium.be/wp-content/uploads/2020/11/FAI-jaarverslag-2019-NL-def.pdf>
- Fairwork Belgium. (2020). Werknemers zonder wettig verblijf. Jaarverslag 2020. Last accessed on 19 February 2022, from <https://www.fairworkbelgium.be/wp-content/uploads/2021/06/FAI-jaarverslag-2020-NL.pdf>
- Fairwork Belgium. (2021). Davantage de fairwork en Belgique : Document de travail sur la protection des travailleurs migrants en séjour régulier ou irrégulier/ Meer fairwork in België : Werkboek voor werknemersbescherming van arbeidsmigranten met of zonder verblijfsrecht
- Fasani, F., & Mazza, J. (2020). Immigrant Key Workers: Their Contribution to Europe's COVID-19 Response. *SSRN*. www.iza.org

- FRA. (2019). *Protecting migrant workers from exploitation in the EU: workers' perspectives*.
- Goethals, K. (19 juni 2021). Legale migratie moet alles oplossen, de Standaard. Last accessed on 19 February 2022, from www.destandaard.be
- Holzmann, R. & Wels, J. (2020) The cross-border portability of social security benefits: Status and progress? *International social security review* (English edition). [Online] 73 (1), 65–97.
- Holzmann, R. (2016). Bilateral social security agreements and pensions portability: A study of four migrant corridors between EU and non-EU countries. *International Social Security Review* (English Edition), 69(3-4), 109–130. <https://doi.org/10.1111/issr.12110>
- Kenny, C., & Yang, G. (2021). *Can Africa Help Europe Avoid Its Looming Aging Crisis?* (Issue June 2021). <https://www.cgdev.org/publication/can-africa-help-europe-avoid-looming-aging-crisis>
- LeBaron, G. (2020). *Combatting modern slavery: why labour governance is failing and what we can do about it* (Polity Press).
- Lens, D., Mussche, N., & Marx, I. (2020). De vele gezichten van nieuwe arbeidsmigratie. *Tijdschrift Voor Arbeidsvraagstukken*, 36(2). <https://doi.org/10.5117/2020.036.002.003>
- Myria. (2020). Economische migratie, vrij verkeer en studenten. Migratie in cijfers en in rechten. Last accessed on 19 February 2022, from https://www.myria.be/files/2020_JVMIG_-_Economische_migratie.pdf
- Myria. (2021). Economische migratie, vrij verkeer en studenten. Migratie in cijfers en in rechten. Last accessed on 19 February 2022, from https://www.myria.be/files/2021_Economische_migratie.pdf
- Nationale Bank van België. (2020). The economic impact of immigration in Belgium. *Economic Review*, November 2020, Special edition
- Neels, K., Maes, J., Biegel, N., & Wood, J. (2020). It's the demography, stupid!: Arbeidsmigratie in een context van structurele ontgroening en arbeidsmarktuittrede van de babyboomgeneratie. *Tijdschrift Voor Arbeidsvraagstukken*, 36(2). <https://doi.org/10.5117/2020.036.002.010>
- Neels, K., & Wood, J. (2019). Arbeidsmarktbeleid in een context van diversiteit : (gegevens)infrastructuur voor de toekomst. *Over.Werk. Tijdschrift van Het Steunpunt Werk*, 130–135. <https://www.steunpuntwerk.be/node/3948>
- PICUM. (2021). Designing labour migration policies to promote decent work. Last accessed on 19 February 2022, from <https://picum.org/wp-content/uploads/2021/07/Designing-labour-migration-policies-to-promote-decent-work-EN.pdf>
- Rubin, J., Rendall, M. S., Rabinovich, L., Tsang, F., van Oranje-Nassau, C., & Janta, B. (n.d.). Migrant women in the European labour force Current situation and future prospects. In *Citeseer*. Retrieved July 1, 2021, from <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.175.6650&rep=rep1&type=pdf>
- Ruhs, M. (2013). *Price of Rights: Regulating International Labor Migration* (Princeton University Press, 2013).
- Unia, & FOD WASO. (2017). *Socio-economische Monitoring 2017: arbeidsmarkt en origine*.
- SERV. (2020). Advies Wijzigingen Economische Migratie. Last accessed on 19 February 2022, from https://www.commissieeconomischemigratie.be/sites/default/files/documenten/SERV_ACEM_BVR%20Economische%20Migratie_20200629_ADV.pdf
- SERV. (2021a). Advies van de commissie Economische migratie, Een warm welkom. Last accessed on 19 February 2022, from https://www.commissieeconomischemigratie.be/sites/default/files/documenten/SERV_ACEM_2021_1213_Warm%20welkom_ADV.pdf
- SERV. (2021b). Advies Dynamische knelpuntberoepenlijst. Brussel, 22 februari 2021. Last accessed on 13 March 2022, from <https://www.vlaanderen.be/publicaties/dynamische-knelpuntberoepenlijst-advies-adviescommissie-economische-migratie>.
- Statistiek Vlaanderen. (2021). Vlaamse gemeentelijke demografische vooruitzichten 2021-2040. Last accessed on 19 February 2022, from <https://www.lokaalstatistiek.be/sites/default/files/atoms/files/vooruitzichten-samenvatting-website-finaal.pdf>

- Unia & FOD WASO. (2017). Socio-economische Monitoring 2017: arbeidsmarkt en origine. Last accessed on 19 February 2022, from https://www.unia.be/files/Documenten/Publicaties_docs/1215_UNIA_Monitoring_2017_-_NL-Anysurfer.pdf
- Van der Elst, E. (2020). *Mapping integration actors for migration workers in Flanders and Brussels* (PALIM).
- Van der Elst, E., & Bronckaers, N. (2019). De langverwachte implementatie van Richtlijn 2011 / 98 / EU inzake één enkele aanvraagprocedure voor een gecombineerde vergunning en haar gevolgen voor het Belgisch wetgevend kader inzake de tewerkstelling van buitenlandse onderdanen landse onderdanen in. *Tijdschrift Voor Vreemdelingenrecht*, 2, 106–119.
- VDAB. (2021). Knelpuntberoepen in Vlaanderen: 2021. Last accessed on 19 February 2022, from <https://www.vdab.be/sites/default/files/media/files/Knelpuntberoepen%202021.pdf>
- Vlaams Parlement. (2021). SCHRIFTELIJKE VRAAG nr. 384 van MAAIKE DE VREESE, 18 januari 2021
- Vlaamse Regering. (2021). VR 2021 2910 MED.0357/1BIS - Mededeling aan de Vlaamse Regering betreft: conceptnota: economische migratie – een post-coronaversie. Last accessed on 19 February 2022, from <https://www.kenniswest.be/file/publication/140617/140615/Conceptnota%20Economische%20Migratie%20%E2%80%93Een%20Post%20Coronavisie?v=3>
- Vlaamse Regering. (2018). VR 2018 0806 DOC.0620/1BIS – Visienota: ontginnen buitenlands tewerkstellingspotentieel in Vlaanderen. Last accessed on 19 February 2022, from https://www.ewi-vlaanderen.be/sites/default/files/bestanden/visienota_arbeidsmigratie.pdf
- VOKA. (2018). Voka tevreden over nieuwe Vlaamse regeling economische migratie. Last accessed on 19 February 2022, from <https://www.voka.be/nieuws/voka-tevreden-over-nieuwe-vlaamse-regeling-economische-migratie>
- Weatherburn, A., & Benrtsen, L. (2021). 'Similar work, yet different risks? Examining legal and institutional responses regarding essential migrant workers in Belgium and the Netherlands in Covid-19 times' in Ciliberto G., & Staiano F., (eds) *Labour Migration in the time of COVID-19: Inequalities and Perspectives for Change* (CNR Edizioni, 2021)
- Wintermayr, I., & Weatherburn, A. (2021). Access to protection and remedy for victims of human trafficking for the purpose of labour exploitation in Belgium and the Netherlands (ILO, 29 April 2021).
- Wispelaere, F. de, Gebied, J. P.-G. op M., & 2016, undefined. (2016). Detachering naar België vanuit andere EU-lidstaten. In *lirias.kuleuven.be*. <https://lirias.kuleuven.be/retrieve/403096>
- Yeates, N., & Wintour, N. (2021). *Temporary labour migration: Two studies on workers' perspectives and actions*. www.ilo.org/publns.