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# Complying with EU free movement law - a fitness check for Belgium

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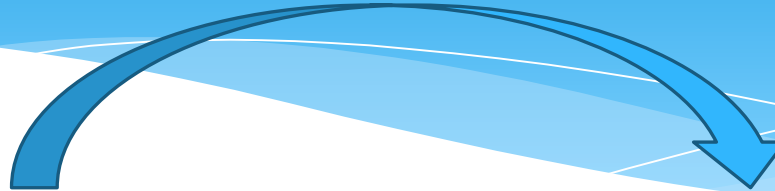
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# EU free movement rules

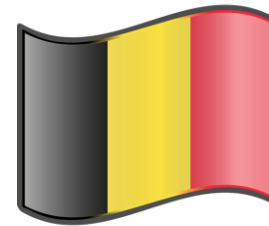


- < 3 months - only ID card or passport;
- 3 months – 5 years: working OR self-sufficient plus health insurance;
  - BUT – job-seekers can stay for 6 months or even longer if can show that continuing to look for a job and have genuine chances of finding one.
- > 5 years - permanent residence

# The law



Directive 2004/38  
on citizen's rights

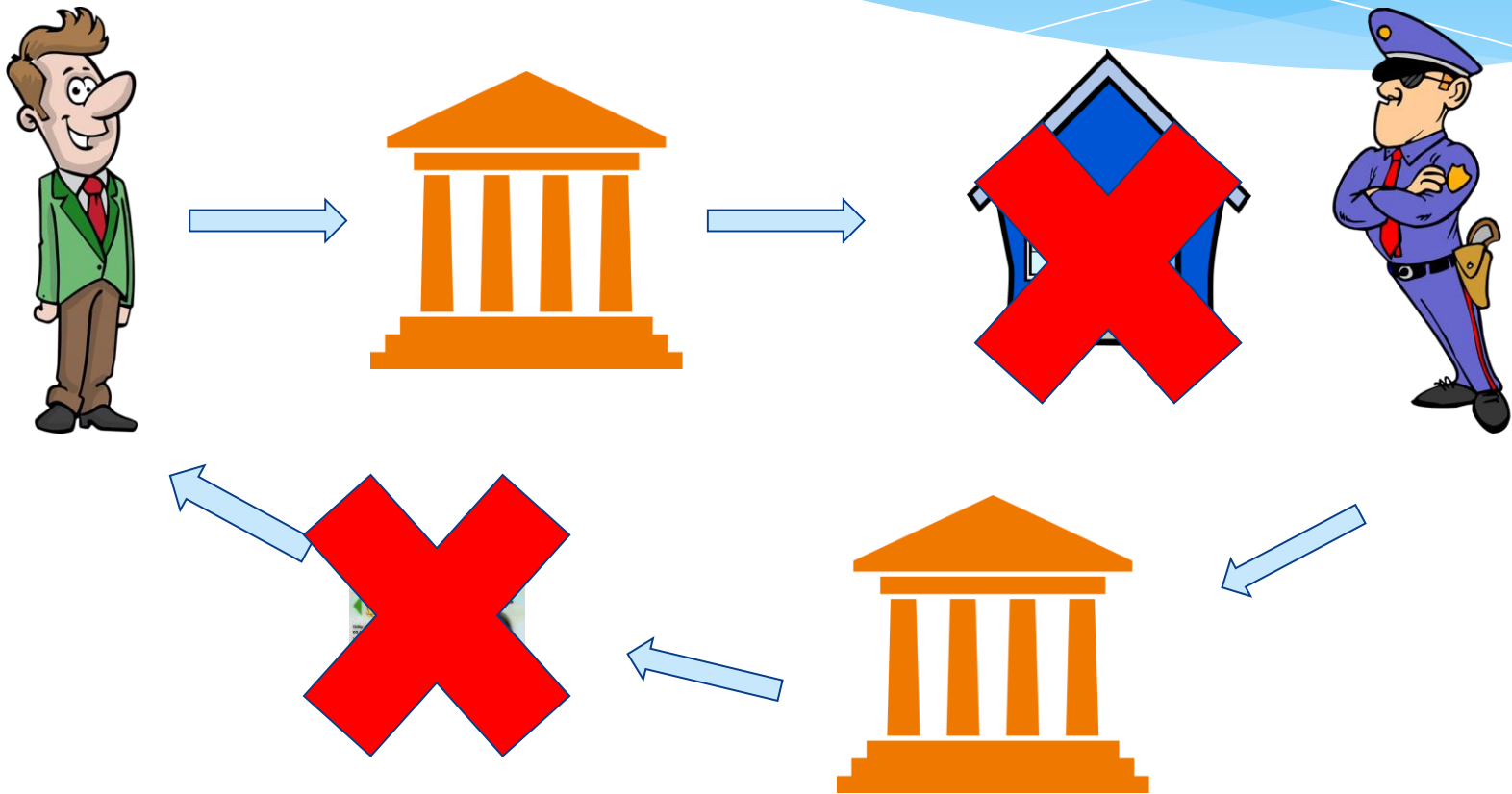


Articles 40 to 47/4 of the  
Belgian Immigration Law  
(18 December 1980); &  
Articles 43 to 71 of  
Implementing Royal  
Decree

# So how did Belgium do?

- \* Overall - not bad on paper, but in practice there is room for improvement.
- \* A Fitness Check was performed examining Belgium's compliance with EU law as regards:
  - \* registration formalities & residence conditions;
  - \* access to social benefits by mobile EU nationals;
  - \* expulsions of EU nationals.

# Registration formalities & residence rights



# Access to social benefits by mobile EU nationals

There are 3 types of social benefits in Belgium:




- Contribution-based social security benefits;
- non-contributory social assistance; and
- residual social assistance.

# Which social benefits could a homeless person claim?

## Contributory social security benefits:

- one must satisfy the conditions for each individual benefit; and
- if not Belgian, must demonstrate a “right to residence”.

Could a homeless person claim social security benefits if they:

- have a right to permanent residence? 
- had worked over a year in the past and are a registered job seeker? 
- their right to residence has been terminated or withdrawn? 

# Which social benefits could a homeless person claim?

## **Non-contributory social assistance:**

- disability benefits (income support & mobility allowance),
- social integration income,
- old-age income guarantee; and
- guaranteed family allowances for those who are ineligible for family benefits under the social security system.

Having a right to residence is a condition for receiving these benefits.



# Which social benefits could a homeless person claim?

## **Residual social assistance:**

- must have the right to reside;
- to claim it in the first 3 months - must be a “worker”

## **Emergency medical assistance:**

- available to EU nationals without the right to reside

## **Emergency material aid:**

- EU nationals without the right to reside should be able to apply for this on behalf of their children.

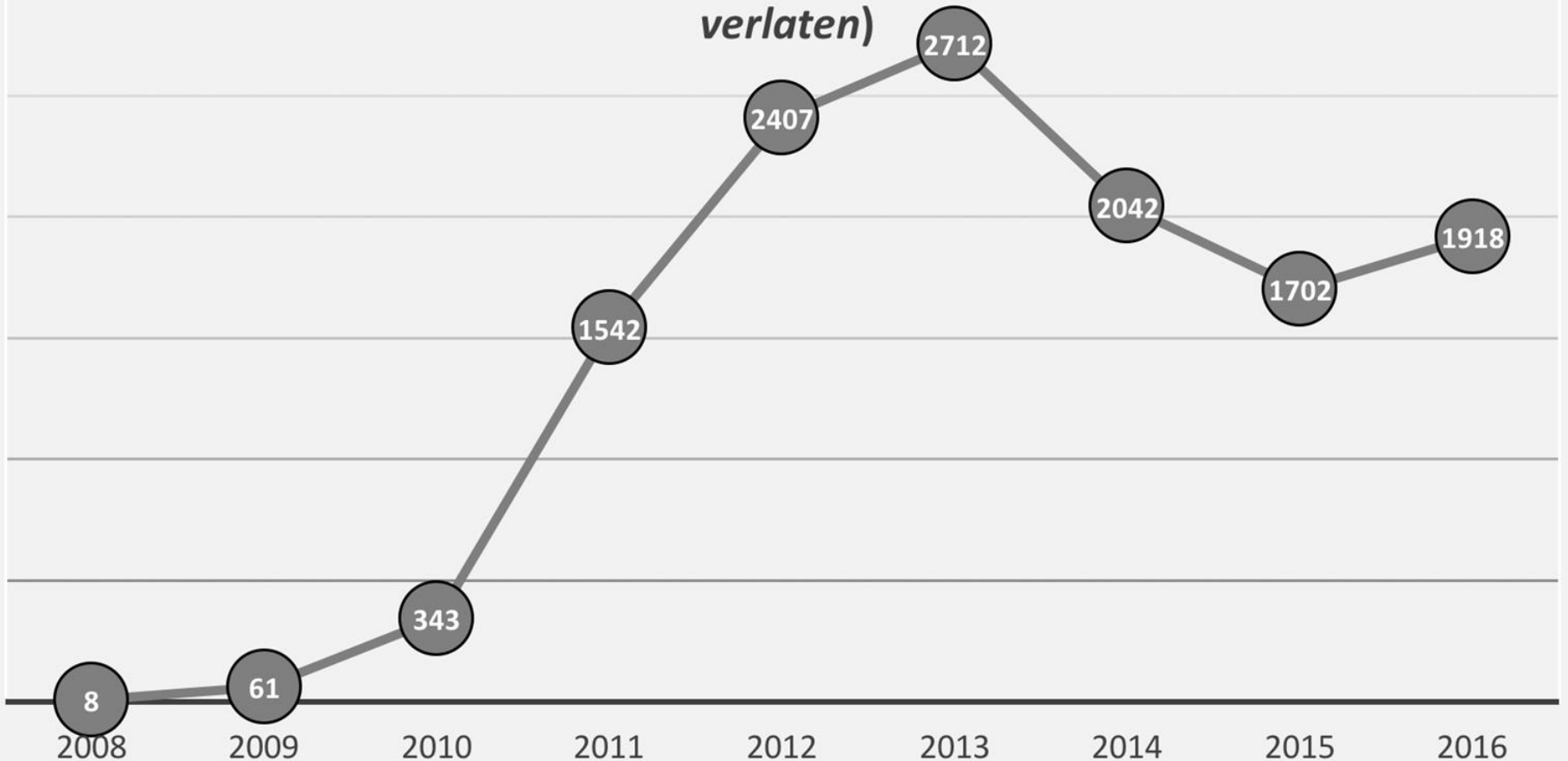
# Expulsions of EU nationals from Belgium

**An EU national be expelled from Belgium when they:**

- cease to meet the residence conditions;
- become an unreasonable burden on social assistance;
- engage in conduct contrary to public policy or public security; or
- commit fraud or abuse.

# Expulsion orders

**Expulsion orders**  
*(ordre de quitter le territoire / bevel om het grondgebied te verlaten)*





Thank you for  
your attention!