



kunstenloket

Aanspreekpunt voor zakelijk advies

Non-native persons and the status of the artist

PREFACE

The Kunstenloket is contacted by a large number of artists. They have a lot of questions about the business aspects of the artistic profession.

Different possibilities exist for instance for artists being compensated for their artistic services. Artists and organisers are not always aware of these possibilities and that is quite understandable. This is even more difficult for refugee artists.

Refugees seeking protection in our country have a wide range of different talents, including a great many artistic ones. Since 2007, the Flemish Refugee Action, a movement of refugee NGOs, has been working on an action that actively supports refugee artists: ZebrArt.

Many dozens of artists are already members of ZebrArt and present their portfolios on www.zebrart.be. They practice all different types of disciplines. Many are or want to become professional artists; others are more involved in the amateur circuit. For some, the fact of “being a refugee” is a key aspect of their art; others find that less important. The mission of ZebrArt is not to enable these artists to produce their work in a separate circuit, but to offer them the possibility of becoming part of the “normal” cultural life in Flanders.

Our aim with this joint brochure is to remove one of the many obstacles that refugee artists struggle with when they want to make their way onto our cultural circuits: the complex paperwork associated with the overlapping of immigration law, labour law and the specific regulations governing artists. We hope that you will find the answers to your questions in this brochure and that the paperwork will no longer present an obstacle to the artistic efforts of refugee artists.

We hope that this brochure will create greater clarity. If you have any further questions, please consult the respective websites or contact our consultants.

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INTRODUCTION

There are several ways of paying an artist for his artistic work. A great many artists and organisations are not fully aware of these, which is quite understandable.

It becomes even more difficult if the artist is not Belgian.

The Kunstenloket in association with Vluchtelingenwerk Vlaanderen (Flemish Refugee Action) has produced this brochure to provide artists and organisers with the information they need.

A Belgian artist can be compensated for an artistic service or work in one of the following ways:

- via the actual compensation of expenses
- via the volunteer's fee¹
- via the small fees scheme for artists
- as an employee
- as a self-employed person

Some non-native persons - i.e. people who are not of Belgian nationality - are compensated in the same way as Belgian artists. Others have to satisfy extra conditions, and yet another group of non-native persons cannot be compensated at all as an artist.

This brochure is divided into two parts. In the first general part, the various methods of compensation for artists (small fees scheme, employee or self-employed person) and the additional conditions for non-native persons are explained. In the second part, we go over the compensation methods for the following non-native persons:

- asylum seekers
- recognised refugees
- subsidiary protected persons
- regularised persons on the basis of a long asylum procedure
- stateless persons
- failed asylum seekers

¹ The volunteer's compensation and actual expenses compensation are not discussed in this brochure. Information on these two methods of compensation can be found on the website (www.kunstenloket.be).

PART 1: HOW CAN YOU BE COMPENSATED FOR AN ARTISTIC SERVICE OR WORK?

A. The small fees scheme for artists

A.1. What does this involve?

Anyone who provides an artistic service and/or produces artistic work is entitled to make use of the small fees scheme.

ARTISTIC SERVICE?

An artistic service is, e.g. giving a musical performance, painting a portrait, etc. An artistic service is not, e.g. holding a workshop, writing a newspaper article², etc. If you are not sure whether your service is “artistic”, you can contact the Commissie Kunstenaars³ for advice.

CONDITIONS?

The small fee is a fixed reimbursement of expenses. There is no need to give proof of expenses in the form of invoices or other documents. There is no tax or social security to pay on these fees. The drawback of this is that you do not build up any social security protection. You do, however, have to satisfy a number of conditions:

1. the maximum amount per day may not exceed EUR 112,44
2. you may receive up to EUR 2,248.78 per annum under the small fees scheme⁴
3. you may use the scheme for a maximum of 30 days
4. you may receive compensation from the same client for up to 7 consecutive days
5. you have to complete the artist's card every time

Please note! Since no artist's card is available at present, it is best that the artist and the client keep a list of small fees, updating this frequently. It is also best if the client has the artist sign an oath⁵, stating that the artist meets the requirements.

2 Unless this concerns a literary article, such as a column.

3 The Commissie Kunstenaars, Waterloolaan 77, 1000 Brussels

Tel.: 02 546 40 50 (information on self-employment), Tel.: 02 509 34 26 (information on employees)

Fax: 02 513 04 13, E-mail: info@articomm.be

4 These figures are index-linked.

5 The oath can be found in appendix 1 or at www.kunstenloket.be, download documents.

If you or your clients do not abide by the conditions, you and your clients will be required to pay social security contributions and taxes⁶.

If you carry out work for several clients on the same day, you are entitled to up to EUR 112.44 from each client in the way of a small fee.

Please note! The “small fee” covers all expenses. This means that you are not entitled to other expenses relating to the same job, such as a mileage allowance or an allowance for paying back equipment.

For example: a musician cannot receive EUR 112.44 and travel expenses of EUR 20 for one service.

The small fee scheme is also available for people who are employed or self-employed.

But, you are not entitled to make use of the small fee scheme through:

- an employer, if you work for him as an employee or civil servant
- a client, if you work for him on a self-employed basis

Unless you can demonstrate that the work involves a different kind of service.

For example: an actor working for a theatre company under an employment contract is not entitled to make use of the small fee scheme through that company. But a teacher at a school, who gives a performance at the staff party, is entitled to the small fee because teaching and acting are different types of services.

A.2. Are there extra conditions for non-native persons?

Whether the small fees scheme can be used by non-native persons depends on whether the service is provided in “subordination”.

SUBORDINATION?

Subordination is deemed to exist as soon as your client determines how you must organise and provide your service.

Example: a musician who plays in one orchestra where the conductor decides what, when and where the orchestra plays.

⁶ Unless you can prove that the compensation is a reimbursement for actual expenses (the compensation consists entirely of expenses you can substantiate).

Subordination is not: a soloist who determines his own agenda and plays for various clients.

If the service is provided in subordination, only non-native persons who do not require a work permit to work can use the small fees scheme. In other words, those non-native persons who have to apply for a type C work permit⁷, cannot work via the small fees scheme.

If the service is not provided in subordination, any non-native person who lives legally in Belgium may use the small fees scheme.

What are the benefits?

- no taxes to be paid
- no social security contributions to be paid

What are the drawbacks?

- no social security protection
- not possible for all non-native persons (below, part 2)

What needs to be done?

- draw up a statement of honour and keep a list

⁷ Below, B. As an employee, B.2. Are there extra conditions for non-native persons?

B. As an employee

B.1. What does this involve?

The status of artist means you have the status of an employee, if you provide an artistic service and/or produce artistic works⁸ for someone and are paid in return.

However, you also have the option of choosing self-employed status if this is more suited to your personal situation and you are socio-economically independent⁹. If you are not sure about which status to choose you can contact the Commissie Kunstenaars for advice¹⁰.

As an employee you are protected against a number of social risks. You are entitled to family income support, a pension, unemployment benefits, incapacity benefits, holiday pay, health insurance, etc.

Of course, you have obligations too. You have to pay social security contributions. The employee pays part of the social security contributions (13.07% of gross pay) and the employer pays the other (minimum 32.44% of gross pay).

As an incentive to employ artists under the employee system, the government decided to make a part of the pay exempt from employers' contributions. This means that the employer does not have to pay the employers' contribution on part of the pay¹¹.

The total invoice sum breaks down into the following parts:	
Employers' social security contributions	On average 32.44% of gross pay, may be subject to lowering of labour costs for artists.
Gross pay	= Invoice sum – employers' social security contributions
Employee social security contribution	13.07% of gross pay
Withholding tax (= tax advance)	Variable, depending on the income

8 For more information: above, A. The small fees scheme for artists.

9 Below, C. As a self-employed person.

10 Above, footnote 3.

11 At present this is EUR 55.67 of the gross daily pay (if the minimum gross pay is EUR 64 per day) or EUR 7.33 of the gross hourly pay (if the minimum gross hourly pay is EUR 8.42 per hour). Please note! Some sectors have set higher wage brackets by collective labour agreement (CAO). These figures are index-linked.

Net pay	= <i>Gross pay</i> – <i>employee social security contribution</i> – <i>withholding tax</i>
The reimbursement ¹¹ of expenses is added to this sum and it is transferred to your account	

For artists on short contracts for different employers¹³ there are “social bureaus for artists” (SBKs). SBKs are temporary employment offices for artists. Most large temping agencies are now recognised as SBKs. In contrast to a normal temping agency, the SBK does not look for a job on your behalf. So what does the SBK do? The SBK takes care of the administration that the various contracts create. The SBK is your employer, and meets the employer’s obligations (for example: calculating and withholding social security contributions and taxes, paying your salary, taking out your industrial accident insurance, etc.). The agency charges an operating cost for its mediation.

In practice: if a musician performs in several youth clubs in one week and works via an SBK, that SBK will fulfil the employers’ obligations. The clients (the various youth clubs) pay the SBK (the employer) and the SBK pays the musician.

You and the client decide the activities to be covered by the SBK and which SBK you will use. You agree on the content of the contract, its duration and the fee.

B.2. Are there extra conditions for non-native persons?

Certain non-native persons must apply for a work permit to be able to work as an employee. A work permit is a permission granted by the competent authority to work as an employee.

UNRESTRICTED RIGHT OF RESIDENCE

If you have an unrestricted right of residence, you can simply work without a work permit.

¹² Expenses compensation is exempt from social contributions and taxes. Examples of expenses compensation are: compensation for travel, meals, etc.

¹³ The client is the person who contracts the artist. An employer is a client who takes the artist on as an employee. Therefore the term “client” is much broader in concept than the term “employer”. When you are self-employed, although you do have a client, this client is not your employer. If all you receive is a reimbursement of your expenses, then you also have a client, but not an employer. However, your client is your employer if you have entered into a contract of employment with him OR if you perform artistic work for him in return for pay and have not opted for self-employed status. In this case your client will be required to fulfil the obligations of an employer. In some cases you client may use a social bureau for artists (SBK). In this case the SBK is your employer and your client is “merely” a client.

RESTRICTED RIGHT OF RESIDENCE

If you have a restricted right of residence, which you have been granted for reasons other than work, you must apply for a type C work permit to be able to work as an employee.

With a type C work permit, you can do any work for any employer in the whole of Belgium. Your employer does not have to complete any other formalities than for Belgian employees. The period of validity of the work permit is always clearly stated on the permit. It depends on the duration of your right of residence, and may be up to a maximum of twelve months. If you lose your right of residence, the type C work permit is no longer valid.

You must apply for a type C work permit from the provincial immigration service¹⁴ of your place of residence in Belgium. For this, you have to complete certain formalities, such as filling in certain forms, attaching a copy of your residence permit, etc. The immigration service opens an investigation and checks whether you satisfy all the conditions.

If the result of the investigation is positive, the immigration service makes out a *type C permit* and sends this to the mayor of the municipality in which you live. You will then be invited by the municipality to collect your type C work permit.

If the result of the investigation is negative, you can lodge an appeal with the competent Regional Minister for Employment.

The type C work permit can be renewed if you still satisfy the conditions as when you first applied and the application is made in good time¹⁵.

NO RIGHT OF RESIDENCE

If you are living in Belgium illegally, you may not apply for a work permit and therefore cannot work as an employee.

¹⁴ A list of addresses can be found in appendix 2.

¹⁵ More info on work permits: http://www.werk.be/wg/werknemers_buitenlandse_nationaliteit/

The legislation on work permits can be found in the Law of 30 April 1999 on the employment of foreign employees and the Royal Decree of 9 June 1999 on the employment of foreign employees (exemptions are regulated in Article 17).

What are the benefits?

- social security protection

What are the drawbacks?

- having to pay taxes and social security contributions
- not possible for all non-native persons (below, part 2)

What needs to be done?

- the employer meets the employer's obligations
- the artist only has to fill in his tax return
- where applicable, the artist has to apply for a type C work permit

C. As a self-employed person

C.1. What does this involve?

If you decide to become self-employed you will need to demonstrate that you are “socio-economically independent”. In that case, you have to produce a number of indicators by which this can be demonstrated, such as a financial plan, relevant training and/or experience, investments, personnel employed, income from another professional occupation, and so on.

As a self-employed person, you are protected against a number of social risks. You are entitled to family income support, a pension, unemployment benefit, incapacity benefit, holiday pay, health insurance, etc.

Please note! However, the benefits you receive as a self-employed person are not as high as those of employees, and as a self-employed person you are not protected against unemployment!

Of course, you also have obligations: you have to pay social security contributions on your net professional income (after deducting costs).

Income bracket	Contribution rate
0 - 11.824,39 euro	22% calculated on EUR 11,824.39
11.824,39 euro - 51.059,94 euro	22 %
51.059,94 euro - 75.246,19 euro	14,16 %
> 75.246,19 euro ¹⁶	No contributions on the excess portion

Regardless of how much you earn, if being self-employed is your main occupation, you therefore still pay a minimum contribution of EUR 650.34 per quarter.

If you become self-employed, you must register with the crossroads bank for enterprises, a social insurance fund and apply for a VAT number¹⁷.

Deciding between employee status and self-employed status is not always an easy choice to make. If you want to be certain that you are able to work on a self-employed basis you can ask the Commissie Kunstenaars¹⁸ for a certificate of self-employment. This is an official attestation stating that you meet the requirements for self-employment.

This certificate is not mandatory. However, anyone who produces it will be considered officially “self-employed” for its 2-year period of validity and for the activities given in the certificate. You can have the certificate extended.

¹⁶ These figures are index-linked.

¹⁷ If you are required to charge VAT. For more info: www.kunstenloket.be, legal aspects, VAT.

¹⁸ Above, footnote 3.

C.2. Are there extra conditions for non-native persons?

If you want to work as a self-employed person, some non-native persons need a self-employed permit. A self-employed permit is a permission from the competent authority to be able to work as a self-employed person.

UNRESTRICTED RIGHT OF RESIDENCE

If you have an unrestricted right of residence, you may set yourself up as a self-employed person without applying for a self-employed permit.

RESTRICTED RIGHT OF RESIDENCE

If you have a restricted right of residence, you must apply for a self-employed permit to work as a self-employed person.

The permit is granted on the basis of three criteria:

- 1: right of residence: you must have a Proof of Enrolment in the Aliens Register (BIVR¹⁹ or electronic A/B card) or a certificate of immatriculation (orange card)
- 2: compliance with statutory requirements: e.g. demonstrating professional knowledge, the articles of the association must be in order, etc.
- 3: the importance of the project: the economic (or artistic / cultural) benefit of the activity is investigated.

In the case of a limited uncertain status (e.g. an orange card for asylum seekers), the authorities also examine whether the economic activity can be combined with this uncertain right of residence.

The self-employed permit is awarded for a maximum period of five years. The validity of the self-employed permit is linked to the right of residence. If your right of residence ends, the self-employed permit is no longer valid.

You must apply for a self-employed permit from the enterprise office²⁰. The application consists of filling in an application form (available from the enterprise office) and attaching various appendices (including proof of good behaviour and morals of no more than three months old, certificates of professional competence, etc.). You must pay the sum of EUR 125 in tax stamps. The enterprise office forwards the application to the Federal Public Service Economy, SMEs, Self-Employed and Energy,

¹⁹ Proof of Enrolment in the Aliens Register.

²⁰ A list of addresses of enterprise offices can be found in appendix 3.

which makes a decision on the application.

In the event of a positive decision, the enterprise office issues you with a self-employed permit. If the decision is negative, you can lodge an appeal with the Minister for the Self-Employed.

You must apply for a renewal after five years. You must apply to the enterprise office for an extension or renewal at least three months before the previous permit expires²¹.

What are the benefits?

- social security protection (however more restricted than employees)

What are the drawbacks?

- having to pay taxes and social security contributions
- not possible for all non-native persons (below, part 2)

What needs to be done?

- sign up with the crossroads bank for enterprises
- sign up with a social insurance fund
- complete tax return
- where applicable, apply for VAT number
- where applicable, apply for self-employed permit

²¹ More info on self-employed permits: http://economie.fgov.be/SME/Reglementation/Beroepskaart_nl.htm#

The legislation on the self-employed permit can be found in the Law of 19 February 1965 on the exercise of self-employed professional activities by aliens and the Royal Decree of 2 August 1965 on the exercise of self-employed professional activities by aliens. In the Royal Decree of 3 February 2003, certain categories of aliens are exempted from holding a self-employed permit.

PART 2: HOW CAN YOU BE COMPENSATED FOR AN ARTISTIC SERVICE OR WORK AS A NON-NATIVE PERSON?

A. How can an asylum seeker be compensated?

An asylum seeker is a non-native person who has submitted a request for asylum and whose asylum procedure is currently ongoing.

Residence: orange card of three months, which can be extended three times.

A.1. The small fees scheme for artists

If the service is provided in subordination²², you may **not** use the small fees scheme.

If the service is not provided in subordination, you can receive compensation for your artistic services through the small fees scheme.

A.2. As an employee

If you submitted your request for asylum **before 1st June 2007** (old asylum procedure) and this was declared admissible or you didn't receive a decision yet concerning the admissibility of your asylum request then you are entitled to work with a type C work permit, as long as no decision has been made on the merits of your asylum request.

If you submitted your request for asylum **after 31 May 2007** you can work with a type C work permit if you live up to certain conditions²³: you submitted an asylum request after 31 May 2007 and have not yet received a decision from the Commissioner's Office for Refugees and Stateless Persons (CGVS) after six months. In this case you are able to work until the CGVS reached a decision or, in case of an appeal, until the Council for Aliens Disputes (RvV) has reached a decision.

A.3. As a self-employed person

You must apply for a self-employed permit. If you have a self-employed permit, you can carry on your artistic activity as a self-employed person.

²² Above, Part 1, A.2. Are there extra conditions for non-native persons?

²³ Royal Decree of 22nd December 2009 that modifies article 17 of the Royal Decree of 9/6/1999, as published in the Belgian Official Journal of 12/01/2010.

B. How can a recognised refugee be compensated?

The recognised refugee is a non-native person who has been given the status of refugee. The status of refugee is given to a person who, out of justified fear of persecution because of his race, religion, nationality, political conviction or adherence to a social group:

- finds himself outside the country of his nationality and who cannot or because of this fear does not want to invoke the protection of this country
- or who does not hold a nationality and is living outside the country where he formerly had his habitual place of residence, but cannot or because of this fear does not want to return there.

Residence: unlimited duration (electronic B card or BIVR²⁴ unrestricted residence)

B.1. The small fees scheme for artists

You can receive compensation for your artistic services through the small fees scheme.

B.2. As an employee

You can work as an employee and do not need a work permit.

B.3. As a self-employed person

You can work as a self-employed person and do not need a self-employed permit.

C. How can a subsidiary protected person be compensated?

A subsidiary protected person is a non-native person who has been given subsidiary protection status. Subsidiary protection status is given to the non-native person who is not eligible for refugee status, or for regularisation on medical grounds²⁵ and who can demonstrate that he runs a genuine risk of serious injury if he were to return to his country of origin.

As a subsidiary protected person, you are first given a restricted right of residence (electronic A card or BIVR restricted residence). This restricted right of residence is valid for one year, but it can be extended. After five years from the submission of your asylum request, you are awarded an unrestricted right of residence (electronic B card or BIVR unrestricted residence).

²⁴ Proof of Enrolment in the Aliens Register.

²⁵ Article 9ter of the Aliens Act of 15 December 1980.

C.1. The small fees scheme for artists

If you have a restricted right of residence and the artistic service is provided *in subordination*, you may not use the small fees scheme.

If the service is *not* provided in *subordination*, you can receive compensation for your artistic services through the small fees scheme.

If you have an unrestricted right of residence, you can receive compensation for your artistic services under the small fees scheme, regardless of whether you are working in subordination or not.

C.2. As an employee

If you have a restricted right of residence, you must apply for a type C work permit to be able to work as an employee.

If you have an unrestricted right of residence, you do not need a type C work permit to work as an employee.

C.3. As a self-employed person

If you have a restricted right of residence, you must apply for a self-employed permit to be able to work as a self-employed person.

If you have an unrestricted right of residence, you do not need a self-employed permit to work as a self-employed person.

D. How can a person who has been regularised on the basis of a long asylum procedure be compensated?

A person who has been regularised on the basis of a long asylum procedure²⁶ is a non-native person who has been granted a residence permit because of an unreasonably long asylum procedure²⁷. During the regularisation application procedure, he is living in Belgium illegally until a positive decision is made. The non-native person can be granted restricted residence (electronic A card or BIVR²⁸ restricted residence) or unrestricted residence (electronic B card or BIVR unrestricted residence).

²⁶ You obtain a residence permit via a regularisation request on the basis of Article 9bis (formerly Article 9.3) of the Aliens Act of 15 December 1980.

²⁷ Apart from the unreasonably long asylum procedure, there are other grounds on which you can submit a request for regularisation (e.g. medical grounds), but these grounds are not discussed in this brochure.

²⁸ Proof of Enrolment in the Aliens Register.

D.1. The small fees scheme for artists

If you have a restricted right of residence of one year, the extension of which is made dependent on employment and the artistic service is provided *in subordination*, you may not use the small fees scheme.

If the service is *not* provided *in subordination*, you can receive compensation for your artistic services through the small fees scheme.

If you have an unrestricted right of residence, you can have your artistic services compensated through the small fees scheme.

D.2. As an employee

If you have a restricted right of residence of one year, the extension of which is made dependent on employment, you must have a type C work permit to be able to work as an employee.

If you have an unrestricted right of residence, you do not need a work permit to work as an employee.

D.3. As a self-employed person

If you have a restricted right of residence, you must apply for a self-employed permit to be able to work as a self-employed person.

If you have an unrestricted right of residence, you do not need a self-employed permit to work as a self-employed person.

E. How can a stateless person be compensated?

A stateless person is a non-native person who does not have a nationality and has been recognised as stateless. No automatic right of residence is attached to such recognition. For this, you must apply for regularisation²⁹. During the regularisation application procedure, you are living in Belgium illegally until a positive decision is made. In the event of a positive decision, you normally have an unrestricted right of residence.

E.1. The small fees scheme for artists

If you have not yet received a positive decision, you cannot work via the small fees scheme.

²⁹ Regularisation is requested on the basis of Article 9bis (formerly Article 9.3) of the Aliens Act of 15 December 1980.

If you have received a positive decision, you can have your artistic services compensated through the small fees scheme.

E.2. As an employee

If you have not yet received a positive decision, you cannot work as an employee.

If you have received a positive decision, you do not need a type C work permit to work as an employee, if you have received an unrestricted right of residence.

E.3. As a self-employed person

If you have not yet received a positive decision, you cannot work as a self-employed person.

If you have received a positive decision, you do not need a self-employed permit to work as a self-employed person, if you have received an unrestricted right of residence.

F. How can a failed asylum seeker be compensated?

A failed asylum seeker is a non-native person whose asylum procedure is complete and who has received a negative decision. If the failed asylum seeker requests regularisation, he is living here illegally until a positive decision is made.

F.1. The small fees scheme for artists

You are living in the country illegally and therefore cannot work with the small fees scheme.

F.2. As an employee

You are living in the country illegally and therefore cannot work. The type C work permit is only issued on the basis of a valid right of residence.

F.3. As a self-employed person

You cannot apply for a self-employed permit because you do not have a valid right of residence. If you do not have a valid right of residence, you can still submit an application for a self-employed permit with the diplomatic or consular post of Belgium in the country of origin or the country where you are entitled to reside.

G. Summary

SMALL FEES SCHEME

What are the benefits?

- no taxes, no social security contributions to be paid

What are the drawbacks?

- no social security protection

What you have to do?

- draw up a statement of honour and keep a list

Is it possible?

- asylum seeker:

Request submitted before 1 June 2007: admissible + no decision: yes, but apply for type C work permit

Request submitted after 31 May 2007: no

- recognised refugee: yes

- subsidiary protected person:

restricted right of residence:

subordination: no

no subordination: yes

unrestricted right of residence: yes

- person regularised on the basis of a long asylum procedure:

restricted right of residence:

subordination: no

no subordination: yes

unrestricted right of residence: yes

- stateless person: unrestricted right of residence: yes

- failed asylum seeker: no

EMPLOYEE

What are the benefits?

- social security protection

What are the drawbacks?

- having to pay taxes and social security contributions

What you have to do?

- the employer meets the employer's obligations
- artist must complete tax return
- where applicable, the artist has to apply for a type C work permit

Is it possible?

- asylum seeker:

Request submitted before 1 June 2007: admissible + no decision: yes, but apply for type C work permit

Request submitted after 31 May 2007: no

- recognised refugee: yes

- subsidiary protected person:

restricted right of residence: yes, but apply for type C work permit

unrestricted right of residence: yes

- person regularised on the basis of a long asylum procedure:

restricted right of residence: yes, but apply for type C work permit

unrestricted right of residence: yes

- stateless person: unrestricted right of residence: yes

- failed asylum seeker: no

SELF-EMPLOYED PERSON

What are the benefits?

- social security protection

What are the drawbacks?

- having to pay taxes and social security contributions

What you have to do?

- sign up with the crossroads bank for enterprises
- sign up with a social insurance fund
- complete tax return
- where applicable, apply for self-employed permit
- where applicable, apply for VAT number

Is it possible?

- asylum seeker:

Request submitted before 1 June 2007: admissible + no decision: yes, but apply for a self-employed permit

Request submitted after 31 May 2007: no

- recognised refugee: yes

- subsidiary protected person:

restricted right of residence: yes, but apply for a self-employed permit

unrestricted right of residence: yes

- person regularised on the basis of a long asylum procedure:

restricted right of residence: yes, but apply for a self-employed permit

unrestricted right of residence: yes

- stateless person: unrestricted right of residence: yes

- failed asylum seeker: no

H. Further questions?

Should you have any further questions about the methods of compensation, you can always contact the consultants of the Kunstenloket on 02 204 08 00.

If you have questions about the asylum procedure, relief, regularisation, naturalisation, etc., you are better off contacting the legal department of Flemish Refugee Action and the Vlaams Minderhedencentrum (Flemish Minorities Centre) on 02 205 00 55.

For information on and promotion in the cultural sector, customised cultural advice, contact with other artists, etc., contact ZebrArt, platform for refugee artists, www.zebrart.be, maaike@vluchtelingenwerk.be, 02 274 14 52 or 0479 20 10 00.

APPENDIX 1: THE STATEMENT OF HONOUR

DECLARATION OF INTENT

Small fees scheme

The undersigned,
domiciled at
hereby confirms that he/she has received payment of costs in compliance with the small fees scheme
for artists³⁰ for an amount of EUR (max EUR 112.44/day)
from Mr/Mrs/Company for..... (description
of the artistic work), created on
paid into account number or paid cash
(delete where not applicable)
on date

The undersigned declares that they have not exceeded the following ceilings:

- the total amount of the compensation per year does not exceed EUR 2,248.78;
- this scheme was not used for more than 30 days in the year.

Issued in duplicate at, on

Signature,

³⁰ Article 17, paragraph six of the Royal Decree of 28 November 1969 in implementation of the Law of 27 June 1969 on the revision of the Decree of 28 December 1944 on the social security of the workers.

APPENDIX 2: ADDRESSES OF THE PROVINCIAL IMMIGRATION SERVICES FOR APPLYING FOR A TYPE C WORK PERMIT

Opening hours for all services: Monday to Friday, 8:30 to 12:00.

Dienst Migratie en Arbeidsbemiddelingsbureaus Provincie Vlaams-Brabant en Centrale Dienst in Brussels (Immigration and Employment Agencies Service for the Province of Flemish Brabant and Central Service in Brussels)

Koning Albert II-laan 35 bus 21
1030 Brussels
Tel: 02 553 39 42 / Fax: 02 553 44 22
E-mail: arbeidskaart@vlaanderen.be

Dienst Migratie en Arbeidsbemiddelingsbureaus Provincie Antwerpen (Immigration and Employment Agencies Service for the Province of Antwerp)

Lange Kievitstraat 111-113 bus 22
2018 Antwerpen
Tel: 03 224 95 05 / Fax: 03 224 95 00
E-mail: arbeidskaart.antwerpen@vlaanderen.be

Dienst Migratie en Arbeidsbemiddelingsbureaus Provincie Limburg (Immigration and Employment Agencies Service for the Province of Limburg)

Koningin Astridlaan 50 bus 6
3500 Hasselt
Tel: 011 74 27 00 / Fax: 011 74 27 09
E-mail: arbeidskaart.hasselt@vlaanderen.be

Dienst Migratie en Arbeidsbemiddelingsbureaus Provincie Oost-Vlaanderen (Immigration and Employment Agencies Service for the Province of East Flanders)

Nederkouter 28
9000 Ghent
Tel: 09 235 01 50/ Fax: 09 235 01 70
E-mail: arbeidskaart.gent@vlaanderen.be

Dienst Migratie en Arbeidsbemiddelingsbureaus Provincie West-Vlaanderen (Immigration and Employment Agencies Service for the Province of West Flanders)

Baron Ruzettelaan 1
8310 Assebroek (Bruges)
Tel: 050 55 93 30 / Fax: 050 55 93 39
E-mail: arbeidskaart.brugge@vlaanderen.be

APPENDIX 3: ADDRESSES OF RECOGNISED ENTERPRISE OFFICES

These are the registered offices. You can contact these to check whether there is a regional office near where you live.

ACERTA ONDERNEMINGSLOKET vzw

Buro & Design Center,
Heizel Esplanade, Postbus 65
1020 Brussels
Website: <http://www.acerta.be>

BIZ ONDERNEMINGSLOKET vzw

Koningstraat 284
1000 Brussels
Website: <http://www.bizondernemingsloket.be>

EUNOMIA vzw

Kolonel bourgstraat 113
1140 Brussels
Administrative offices:
Oudenaardsesteenweg 7
9000 Ghent
Website: <http://www.eunomia.be>

FORMALIS vzw

Lombardstraat 34-42
1000 Brussels
Website: <http://www.formalis.be>

H.D.P. ONDERNEMINGSLOKET vzw

Kruidtuinstraat 67-75
1210 Brussels
Website: <http://www.hdp.be>

KMO DIRECT v.z.w

Spastraat 8
1000 Brussels
Website: <http://www.kmodirect.be>

PARTENA ONDERNEMINGSLOKET vzw

Anspachlaan 1

1000 Brussels

Website: <http://www.ondernemingsloket.partena.be>

SECUREX ONDERNEMINGSLOKET - GO-START vzw

Genèvestraat 4

1140 Brussels

Website: <http://www.go-start.be>

U.C.M. ONDERNEMINGSLOKET vzw

Adolphe Lacomblélaan 29

1030 Brussels

Website: <http://www.ucm.be>

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Aanspreekpunt voor zakelijk advies