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|  | | | | | | |  | | | | | **Aanvraag tot toelating tot arbeid voor bepaalde duur met arbeidskaart en arbeidsvergunning** | | | | | | | | | | | | | | | | | | | | | | LOGO_IS-WERK_NAAKT_CS5 | | | | | | |
|  | | | | | | |  | | | | | Departement Werk & Sociale Economie  Afdeling Tewerkstelling en Competenties  **Dienst Economische Migratie**  Koning Albert II-laan 35 bus 20, 1030 BRUSSEL  e-mail: INFOVRAGEN via [arbeidskaart@vlaanderen.be](mailto:arbeidskaart@vlaanderen.be)  INDIENEN AANVRAAG via [aanvraag.arbeidskaart@vlaanderen.be](mailto:aanvraag.arbeidskaart@vlaanderen.be)  telefoon: 02 553 43 00 | | | | | | | | | | | | | | | | | | | | | | In te vullen door WSE  ontvangstdatum | | | | | | |
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|  | | | | | | |  | | | | | *Dit formulier wordt ingevuld door de* ***Belgische werkgever****, of door de* ***Belgische gebruiker*** *in het geval van een detachering, of door de* ***mandataris*** *van die Belgische werkgever of die Belgische gebruiker (in het geval van een detachering), of door het* ***gastgezin*** *van de au-pair jongere. In geen geval dient de* ***buitenlandse werkgever noch de werknemer*** *dit in te vullen of in te dienen.*  *Deze aanvraag dient* ***minstens één maand en maximaal drie maanden voorafgaand aan de start van de effectieve tewerkstelling (of plaatsing van au-pair jongere)*** *ingediend te worden bij het Departement Werk en Sociale Economie. Dit kan per post (bovenstaand adres), maar ook per e-mail via* [*aanvraag.arbeidskaart@vlaanderen.be*](mailto:aanvraag.arbeidskaart@vlaanderen.be)*.  In geval van een aanvraag tot* ***verlenging*** *dient de aanvraag* ***tenminste twee maanden en maximaal drie maanden voorafgaand aan de beëindiging van de lopende toelating tot arbeid (of plaatsing van au-pair jongere)*** *ingediend worden.*  *De werkgever vraagt de toelating tot arbeid aan om de buitenlandse werknemer (1) voor een periode van maximaal 90 dagen tewerk te stellen, of (2) in geval van plaatsing van au-pair jongere, tewerkstelling van stagiair of tewerkstelling van grensarbeider, voor een periode van maximaal 12 maanden, en hiervoor een* ***arbeidskaart en een arbeidsvergunning*** *te bekomen.*  *Dit formulier zal elektronisch verwerkt worden, daarom mag de structuur of volgorde van dit document in geen geval gewijzigd worden. Het formulier dient in HOOFDLETTERS ingevuld te worden – indien dit manueel-schriftelijk gebeurt: steeds met zwarte of blauwe inkt.* | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | Ondertekende verklaart deze aanvraag als zijnde – ***SLECHTS ÉÉN OPTIE AANDUIDEN***: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | |  | | | | | een aanvraag tot toelating tot arbeid **voor een tewerkstellingsperiode van maximum 90 opeenvolgende dagen;** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | |  | | | | | een aanvraag tot toelating tot arbeid **voor een tewerkstelling van maximum 90 dagen verspreid over een periode van maximaal zes maanden (**berekend conform artikel 6, tweede en derde lid, van de Verblijfswet van 15 december**);** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | |  | | | | | een aanvraag tot toelating tot arbeid voor een tewerkstelling **ZONDER dat de betrokken werknemer zijn hoofdverblijfplaats vestigt op het Belgische grondgebied (GRENSARBEID)** voor een periode van maximum twaalf maanden**;** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | |  | | | | | een aanvraag tot toelating tot arbeid voorofwel **de plaatsing van een AU-PAIR JONGERE** voor een periode van maximum twaalf maanden. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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|  | | | | | | |  | | | | | Deze aanvraag is  een EERSTE aanvraag (buitenlandse werknemer was nog nooit in België als werknemer) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | |  | | | | | een HERNIEUWING (buitenlandse werknemer werkte hiervoor reeds in België) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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|  | | | | | | |  | | | | | Deze aanvraag betreft  een LOKALE TEWERKSTELLING conform de Belgische arbeidsreglementering,  onderworpen aan het Belgische socialezekerheidsstelsel   een DETACHERING waarbij de buitenlandse werknemer verbonden blijft met een buitenlandse onderneming door middel van een lokale arbeidsovereenkomst met die werkgever | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | |  | De werknemer verblijft |  | in België |  | in buitenland | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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|  | | | | | |  | | | | | **Categorie van tewerkstelling – VERPLICHT SLECHTS ÉÉN CATEGORIE AANDUIDEN** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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|  | | | | | | |  | | | | | POSTDOCTORAAL ONDERZOEKER (art.17,5°) | | | | | | | | | | | | |  | | GESPECIALISEERDE TECHNIEKER (art.17,16°) | | | | | | | | | | | | | | | | | |
|  | | | | | | |  | | | | | VERPLICHTE STAGE VERVOLGDIPLOMA (art.17,9°) | | | | | | | | | | | | |  | | OPLEIDING in kader van VERKOOPSCONTRACT (art.17,17°) | | | | | | | | | | | | | | | | | |
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|  | | | | | | |  | | | | | SCHOUWSPELARTIEST (art.17,13°) | | | | | | | | | | | | |  | | AU-PAIR JONGERE (KB 9/6/1999; art.9,14°) | | | | | | | | | | | | | | | | | |
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|  | | | |  | | **Gegevens van de Belgische onderneming *(Belgische werkgever of Belgische gebruiker bij detachering)*, of van het gastgezin, of van de natuurlijke persoon (werkgever), of van de benoemende/aanstellende overheid** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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|  | **enkel invullen indien de werkgever een natuurlijk persoon is:** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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|  | | |  | | **Gegevens van de buitenlandse onderneming *(steeds invullen in geval dat de werknemer verbonden blijft met de buitenlandse onderneming)*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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|  | | | | | | |  | | | | | LEIDINGGEVEND PERSONEEL (BVR 7/12/2018, art.17,2°) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | BEDIENAAR ERKENDE EREDIENST (BVR 7/12/2018, art.17,14°) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | |  | | | | | POSTDOCTORAAL ONDERZOEKER (BVR 7/12/2018, art.17,5°) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |  | | | | | | JOURNALIST (BVR 7/12/2018, art.17,15°) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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|  | | | | |  | | | | | AU-PAIR JONGERE (KB 9/6/1999, art.9,14° en art.24 tot en met 29) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | |  | | | | | KNELPUNTBEROEP (BVR 7/12/2018, art.18,§2) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | |  | | | | | OVERIGE (BVR 7/12/2018, art.18,§1): “*Onder voorbehoud van de toepassing van artikel 16, 17 en 19, wordt de toelating tot arbeid van bepaalde duur alleen uitgereikt als het niet mogelijk is binnen een redelijke termijn onder de werknemers op de arbeidsmarkt een werknemer te vinden die, al of niet door een nog te volgen beroepsopleiding of individuele beroepsopleiding, geschikt is om de arbeidsplaats in kwestie op een bevredigende wijze en binnen een billijke termijn te bekleden. Op straffe van onontvankelijkheid wordt de aanvraag op grond van het eerste lid gestaafd door bijzondere economische of sociale reden*.”  **Gelieve als bijlage uw schriftelijke uiteenzetting van de bijzondere economische of sociale redenen toe te voegen, indien u deze categorie ‘overige’ aangeduid heeft – bij het ontbreken van deze uiteenzetting wordt deze aanvraag onontvankelijk verklaard!** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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|  | | | | | | | |  | | | | **Details van de plaatsing van au-pair jongere *(enkel van toepassing op plaatsing van au-pair jongere conform KB 9/6/1999, art.9,14°)*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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|  | *\*nutvoorzieningen: elektriciteit, water, aardgas, kabeldistributie…* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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|  | | |  | | **Betrokken sportmakelaar *(enkel invullen in geval van tewerkstelling van BEROEPSSPORTER conform art.17,12°)*** | | | | | | | | | | | | | | | | | | | | | | | | |
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|  | |  | | | | | Ondertekening | | | | | | | | | | | | | | | | | | | | | |
|  | | | | | Ik verklaar dat ik de gegevens van het aanvraagformulier naar waarheid heb ingevuld en de hieronder vermelde algemene voorwaarden onderschrijf: | | | | | | | | | | | | | | | | | | | | | | |
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|  | | | | | | | | |  | als Belgische WERKGEVER, als GASTGEZIN, of als AANSTELLENDE/BENOEMENDE OVERHEID | | | | | | |  | als MANDATARIS van de Belgische werkgever, of van het gastgezin, of van de Belgische gebruiker in geval van detachering, of van de aanstellende/benoemende overheid | | | | | | | | |
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|  | | |  | | | | | **Algemene voorwaarden** | | | | | | | | | | | | | | | | | | | | |
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| (dit is een louter informatieve samenvatting van bepalingen die rechtstreeks of onrechtstreeks verplichtingen opleggen aan of gevolgen hebben voor de aanvrager) | Dit is een louter informatieve samenvatting van bepalingen die rechtstreeks of onrechtstreeks verplichtingen opleggen aan, of gevolgen hebben voor de aanvrager.   1. De aanvraag wordt ingediend door een natuurlijke persoon die daarvoor beschikt over de **vereiste rechtsbekwaamheid**. Dat kan de werkgever zelf zijn, of een natuurlijke persoon die op regelmatige wijze in België verblijft en die in naam en voor rekening van de werkgever handelt. Als de werkgever in het buitenland gevestigd is, kan alleen de natuurlijke persoon voor hem optreden (BVR 7/12/2018, art.70). 2. De arbeidsvergunning en de arbeidskaart **verliezen hun geldigheid** als de toelating tot arbeid niet langer geldig is, of ingetrokken is (BVR 7/12/2018, art.2, laatste lid). 3. De toelating tot arbeid voor een bepaalde duur is beperkt tot de tewerkstelling bij één werkgever. In afwijking hiervan:  - kan wie toegelaten is tot arbeid op grond van artikel 17, eerste lid, 1°, 2°, 3°, 5°, 6° of 11°, **bijkomend activiteiten als internationaal docent** uitvoeren;   - kan, in het geval van **detachering**, de werknemer prestaties uitvoeren bij verschillende gebruikers in het Vlaamse Gewest, indien de detacheringsovereenkomst de gegevens aangaande al deze gebruikers opgeeft;  - geldt de **Europese blauwe kaart** na afloop van twee jaar tewerkstelling voor elke werkgever.   Tijdens de tewerkstelling van de werknemer die gedekt is door een toelating tot arbeid van **bepaalde duur** (BVR 7/12/2018, art.9):  - verwittigt de werkgever de bevoegde overheid **bij een verbreking van de arbeidsovereenkomst**.  - verwittigt de werkgever de bevoegde overheid **bij elke betekenisvolle wijziging van de arbeidsvoorwaarden** die gevolgen kan hebben op de geldigheid van de toelating. De Dienst Economische Migratie deelt de werkgever mee of een nieuwe toelating tot arbeid aangevraagd moet worden, en doet dit uiterlijk 15 dagen na de melding van de betekenisvolle wijziging.  De toelating tot arbeid kan aan **bijzondere voorwaarden** worden verbonden. Die voorwaarden worden in de beslissing tot toekenning van de toelating tot arbeid vermeld (BVR 7/12/2018, art.10).  De aanvraag van hernieuwing of wijziging van de toelating tot arbeid wordt ingediend uiterlijk **twee maanden** voor het verstrijken van de geldigheid van de lopende toelating – voor seizoensarbeid is dit één maand (BVR 7/12/2018, art.11).  De toelating tot arbeid voor een bepaalde duur verliest haar geldigheid als de houder ervan niet langer beschikt over een **wettig verblijf** in België (BVR 7/12/2018, art.14, lid 1).  De van rechtswege toelating tot arbeid in het kader van kortetermijnmobiliteit vervalt als de bevoegde overheid de aanvraag van langetermijnmobiliteit die wordt ingediend voor de persoon afwijst (BVR 7/12/2018, art. 14, lid 2).  Tijdens het onderzoek van de aanvraag kan aan de onderdaan van een derde land of aan de werkgever worden gevraagd om binnen vijftien dagen **aanvullende inlichtingen of documenten** voor te leggen (art. 64). Als de aanvullende documenten of inlichtingen niet binnen de termijn, geleverd werden, verklaart de bevoegde overheid de aanvraag onontvankelijk (BVR 7/12/2018, art.72, §3). | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | |  | | | | | Vereiste documenten toe te voegen bij de aanvraag tot toelating tot arbeid | | | | | | | | | | | | | | | | | | | | | |

*Steeds toe te voegen documenten en/of informatie*:

(1) een fotokopie van het **internationaal paspoort** (of de daarmee gelijkgestelde reistitel) van de werknemer, en tevens indien betrokken werknemer reeds in België verblijft: een fotokopie van de huidig geldige **Belgische verblijfsvergunning**;

(2) een fotokopie van het **identiteitsbewijs** van de werkgever, of dat van de benoemende/aanstellende overheid, of dat van zijn volmachthouder;

(3) een fotokopie van de **arbeidsovereenkomst** ondertekend door werknemer en werkgever (bij gebrek hieraan: bewijs van andere bestaansmiddelen (art.61/25-5, §1, 2° van Wet 15/12/1980), of in geval van een au-pair jongere een fotokopie van de **overeenkomst van plaatsing** ondertekend door au-pair jongere en gastgezin;

(4) in geval van **detachering**, een kopie van het document, afgegeven door de buitenlandse instelling, dat verklaart dat de socialezekerheidswetgeving van dat land van toepassing blijft tijdens de tewerkstelling op het Belgische grondgebied, of, als een internationale overeenkomst daarover ontbreekt, een verklaring van de Rijksdienst voor Sociale Zekerheid dat de voorwaarden om onderworpen te zijn aan het Belgische stelsel voor werknemers, niet vervuld zijn;

(5) het bewijs dat hij over een **ziektekostenverzekering** beschikt die alle risico’s in België voor hemzelf en zijn familieleden dekt;

(6) als de aanvraag betrekking heeft op de uitoefening van een **gereglementeerd beroep**, de documenten waaruit blijkt dat de werknemer voldoet aan de voorwaarden voor de uitoefening van dat beroep;

*In geval van hernieuwing (buitenlandse werknemer werkte hiervoor reeds in België)*:

(7) een fotokopie van de **loonfiches of loonafrekeningen** voor de volledige periode van de toelating tot arbeid die verstrijkt en/of een fotokopie van de **individuele rekening** na een volledig kalenderjaar waarin de betrokkene heeft gewerkt, of in geval van plaatsing van een au-pair jongere het bewijs van betaling van het zakgeld;

(8) het bewijs van **inschrijving in het Limosakadaster** als de aanvraag gaat over een detachering binnen het toepassingsgebied van titel IV, hoofdstuk 8, van de programmawet (I) van 27 december 2006

**Opgelet**: bijkomende **specifieke documenten en/of informatie zijn vereist naargelang de specifieke categorie** van tewerkstelling waarvoor deze aanvraag ingediend wordt. Deze concrete documenten en/of informatie staan per categorie vermeld in BVR 07/12/2018, meer bepaald in artikelen 45 tot en met 63.  
De Dienst Economische Migratie kan steeds **bijkomende documenten en informatie** opvragen die de dienst nodig acht voor het onderzoek van de aanvraag tot toelating tot werk in het Vlaamse Gewest.

De Dienst Economische Migratie is tevens **telefonisch** elke werkdag bereikbaar van 9u tot 17u op het nummer **02 / 553 43 00**.  
  
Alle informatie en documentatie aangaande de toelatingen tot arbeid,  
alsook de adressen en contactgegevens van de Dienst,  
vindt u op de **website** [www.vlaanderen.be/werken/in-vlaanderen-komen-werken](http://www.vlaanderen.be/werken/in-vlaanderen-komen-werken)

**1**

**Aanvraag tot toelating tot arbeid  
voor bepaalde duur (maximaal 90 dagen)  
met arbeidskaart en -vergunning**

Dit betreft een volledig ingevuld formulier “**aanvraag tot toelating tot arbeid voor bepaalde duur met arbeidskaart en -vergunning**”

Wanneer het gaat om een werkgever die in het buitenland gevestigd is, moet de aanvraag worden ingediend via een **mandataris** die op regelmatige basis in België verblijft, en die hiertoe door de buitenlandse werkgever werd gemachtigd. Wanneer de aanvraag wordt ingediend door een mandataris of gemachtigde, dient een kopie te worden toegevoegd van het identiteitsdocument van de betrokken mandataris.

Belangrijk: op de nieuwe aanvraagformulieren worden specifieke persoons- en andere gegevens gevraagd die voorheen mogelijk niet voorkwamen op de 'oude' aanvraagformulieren (versies uit 2019). Zo wordt er heden steeds gevraagd naar concrete **ondernemings**- of **vestigingsnummers** van betrokken ondernemingen, of naar concrete **rijksregister**- of **BISnummers** van betrokken personen. Dit staat ten dienste van een correcte identificatie en tevens voor het ophalen van authentieke gegevens uit verschillende externe digitale databanken. Het gebruik van die **authentieke bronnen** worden noodzakelijk geacht voor het correct verwerken van de ondernemings- en persoonsgegevens door de Dienst Economische Migratie.

Ook wordt er heden bij een tewerkstelling steeds gevraagd naar de **ISCO-code van de concrete functie of job** die uitgevoerd zal worden. Deze International Standard Classification of Occupations wordt gebruikt voor het classificeren van beroepen in een gedefinieerde set van groepen volgens de taken die verricht worden. De concrete codes en bijkomende uitleg kan u terugvinden bij Statbel - voor onze aanvraagformulieren dient u steeds een viercijferige ISCO-code op te geven van de concrete functie of job die uitgevoerd zal worden;

**2**

**Documenten inzake het verblijf**

**2.1 identiteits- en verblijfsbewijs**

**2.2 ziektekostenverzekering**

2.1 identiteits- en verblijfsbewijs: een kopie van de **buitenlandse identiteitskaart** of een kopie van de persoonsgegevens van het **internationaal paspoort**, en tevens wanneer de werknemer reeds in België aanwezig is op het ogenblik van de indiening van de aanvraag, een kopie van de Belgische verblijfsvergunning;

2.2 ziektekostenverzekering: het bewijs dat hij over een **ziektekostenverzekering** beschikt die alle risico’s in België voor hemzelf en zijn familieleden dekt;

**3**

**Arbeidsovereenkomst**

Arbeidsovereenkomst:

* een fotokopie van de arbeidsovereenkomst, vermeld in titel I en III van de wet van 3 juli 1978 betreffende de arbeidsovereenkomsten, of van de arbeidsovereenkomst, vermeld in hoofdstuk II, afdeling 1, van de wet van 24 juli 1987 betreffende de tijdelijke arbeid, de uitzendarbeid en het ter beschikking stellen van werknemers ten behoeve van gebruikers, die beide partijen dagtekenen en ondertekenen, of het bewijs van aanstelling of, in geval van detachering, een kopie van de arbeidsovereenkomst tussen de werknemer en zijn werkgever die in het buitenland is gevestigd, in voorkomend geval met een vertaalde versie ervan,
* In geval van een andere toelating tot arbeid, zoals voor au-pair jongere, dient in plaats van een arbeidsovereenkomst hier respectievelijk de overeenkomst van plaatsing toegevoegd te worden.

**4**

**Identiteitsbewijs van werkgever**

Identiteitsbewijs van werkgever: een fotokopie van het identiteitsbewijs van de werkgever of dat van zijn volmachthouder;

**5**

**Documenten inzake de tewerkstelling**

Hier voegt men alle vereiste documenten toe zoals ze vereist zijn als voorwaarde **conform de concrete categorie** waarin deze aanvraag tot toelating tot arbeid wordt ingediend, zoals beschreven in BVR 7/12/2018.

Daarnaast dient men in geval van **detachering** te voorzien in:

* een kopie van het document, afgegeven door de buitenlandse instelling, dat verklaart dat de socialezekerheidswetgeving van dat land van toepassing blijft tijdens de tewerkstelling op het Belgische grondgebied, of, als een internationale overeenkomst daarover ontbreekt, een verklaring van de Rijksdienst voor Sociale Zekerheid dat de voorwaarden om onderworpen te zijn aan het Belgische stelsel voor werknemers, niet vervuld zijn;
* een attest, ondertekend door de werkgever, waarin hij de duur van de detachering bepaalt, alsook de arbeids- en loonvoorwaarden tijdens de duur van de detachering;
* bij een verlenging of hernieuwing van een tewerkstelling: het bewijs van inschrijving in het Limosakadaster als de aanvraag gaat over een detachering binnen het toepassingsgebied van titel IV, hoofdstuk 8, van de programmawet (I) van 27 december 2006.

Bij een **verlenging of hernieuwing** van een lopende toelating tot arbeid dient men te voorzien in een fotokopie van de loonfiches of loonafrekeningen voor de volledige periode van de toelating tot arbeid die verstrijkt, of een fotokopie van de individuele rekening na een volledig kalenderjaar waarin de betrokkene heeft gewerkt.