



BELGIUM - CHECKLIST FOR DIRECTIVE 2004/38/EC

on the right of citizens of the EU and their family members to move
and reside freely within the territory of the Member States

Documents to be provided by all visa applicants must be in English, Dutch, French or German.
Official documents in Arabic have to be submitted with a translation

The right to move and reside freely within the territory of the Member States

A citizen of the European Union has the right to move and reside freely within the territory of the Member States. His family members enjoy the same right, irrespective of their nationality. Only the obligation to hold an entry visa may be imposed by the Member States on family members who are nationals of third countries.

This Directive shall apply to all Union citizens who move to or reside in a Member State other than that of which they are a national, and to their family members as defined in point 2 of Article 2 who accompany or join them.

Please refer to the Directive 2004/38/EC.

Nationals of the European Economic Area (European Union + Norway, Iceland and Lichtenstein) and members of their families are likewise beneficiaries of these provisions.

Family members

A. The following are considered to be members of the family of a citizen of the Union:

- a) The spouse with whom he/she is linked by a registered partnership considered to be equivalent to a marriage in Belgium, who is accompanying or joining him.
- b) The partner with whom he is linked by a registered partnership in accordance with a law and who is accompanying or joining him, if the partners meet the following conditions:
 - > they prove that they are in a permanent, stable relationship
 - > they are coming to live together
 - > they are aged over 21
 - > they are single and are not in a permanent, stable partnership relationship with another person
 - > they are not any of the persons referred to in Articles 161 to 163 of the civil code
 - > neither one of them has been the subject of a decision on the basis of Article 167 of the civil code, provided that the decision has been converted into res judicata.
- c) His descendants and the descendants of his spouse or partner referred to in points 1 and 2, aged

under 21 or who are dependent on them, who are accompanying them or joining them, provided that the citizen of the Union, his spouse or partner has custody of them and, in the case of shared custody, on condition that the other person with custody has given their agreement.

NB: Where the citizen of the Union/EEA supplying the right to a family reunion is a student (Article 40, § 4, 3°), only his children or those of his partner (1° and 2°) who are dependent may accompany or join him.

d) His ascendants and the ascendants of his spouse or partner referred to in points 1 and 2, who are dependent on them, who are accompanying them or joining them.

NB: The ascendants of a student (Article 40, § 4, 3°) cannot accompany or join him.

B. The following are considered to be members of the family of a Belgian:

a) His spouse or the alien with whom he is linked by a registered partnership considered to be equivalent to a marriage in Belgium, who is accompanying or joining him. The spouse and partner must be aged over 21.

b) The partner with whom he is linked by a registered partnership in accordance with a law and who is accompanying or joining him, if the partners meet the following conditions:

> they prove that they are in a permanent, stable relationship

> they are coming to live together

> they are aged over 21

> they are single and are not in a permanent, stable partnership relationship with another person

> they are not any of the persons referred to in Articles 161 to 163 of the civil code > neither one of them has been the subject of a decision on the basis of Article 167 of the civil code, provided that the decision has been converted into res judicata.

c) His descendants and the descendants of his spouse or partner referred to in points 1 and 2, aged under 21 or who are dependent on them, who are accompanying them or joining them, provided that the citizen of the Union, his spouse or partner has custody of them and, in the case of shared custody, on condition that the other person with custody has given their agreement.

d) The father and mother of a Belgian who is a minor, who establish their identity and who are accompanying or joining him.

Required documents

You must prove that you are a beneficiary of directive 2004/38/EC.

When you lodge your visa application, you must therefore produce documents establishing :

- a) your identity,
- b) that you are accompanying or joining a citizen of the Union who is himself a beneficiary of the directive,
- c) that you are a family member within the meaning of Article 40bis or 40ter of the law of 15 December 1980 on entry, stay, settlement and removal of foreign nationals.

In other words:

- a) a valid national passport or a travel document serving as a passport,
- b) proof of the tie of kinship, marriage or partnership considered to be equivalent to a marriage in Belgium or registered in accordance with a law. Foreign civil status documents require a legalization and translation. **Please check the legalization procedure**
<https://lebanon.diplomatie.belgium.be/en/legalisation-documents-lebanon>. The documents must not be older than 6 months.
- c) if applicable, proof that you are a descendant or an ascendant **dependent** upon a citizen of the Union, his spouse or his partner. Foreign civil status documents require a legalization and translation. **Please check the legalization procedure**
<https://lebanon.diplomatie.belgium.be/en/legalisation-documents-lebanon>. The documents must not be older than 6 months.
- d) Proof that you are a beneficiary of directive 2004/38/EC :

- If you are joining a citizen of the EU but other than Belgian :

proof that you are accompanying or joining a citizen of the EU (other than Belgian) who is himself a beneficiary of the directive and thus, proof that the citizen of the Union is already residing in Belgium (residence permit for nationals of the EEA, application for an attestation of registration/annex 19, attestation of registration/annex 8, E card, document attesting to the permanence of his stay/annex 8bis or E+ card) or confirmation that he intends to travel there or stay there for more than 3 months (declaration of presence/annex 3ter, work contract, lease contract, registration in an organized, recognized or subsidized educational establishment, concrete plan shown during an interview, etc.) and a copy of his identity card or valid national passport.

- If you are accompanying or joining a Belgian :

proof that he is returning to Belgium after having stayed regularly for more than 3 months in another Member State.

ATTENTION!

26/06/2022

If you cannot prove that you are a beneficiary of directive 2004/38/EC, your visa application will be rejected, or if you wish, processed in line with the general provisions in the Community code on visas (family visit).

Any Arabic document provided without translation will not be considered.

Since the processing time differs from case to case, it is advisable to apply in advance, up to 180 days before departure. In any event, the processing time will be at least 2 weeks. In case the visa application has to be submitted to the Home Office in Brussels for decision, the processing time will be approximately an **additional 4 weeks**.

The verification of the submitted documents can delay or impede the issuance of the requested visa. These delays depend exclusively upon the instance that issued the documents. Any false statements or documents will lead to your application being rejected.

Please note that the application will be processed with the documents handed over at the submission. No additional documents can be submitted at TLS or at the Embassy if the Embassy has not requested them. An incomplete file will often lead to a visa refusal. A complete file does not either guarantee the issuance of a visa. Applicants, who cannot enclose all documents from the list, should consider adding alternatives or making an explanation about the reason for not handing them in. Additional documents

A later change to the purpose of the visit is not possible. It is not possible to extend a visa.

Family members of EU citizens proving that they fall under Directive 2004/38 are exempt from visa fees and can apply free of charge directly at the Embassy by appointment. Please send an email to beirut.visa@diplobel.fed.be with proof that the Directive applies and with the subject line: Appointment - Directive 2004/38 - Name, surname and passport number of the applicant.

In case you have submitted your fingerprints for a previous visa application in the last 59 months, you are not required to submit them again. However if you are uncertain whether your fingerprints have been captured within this period, you are advised to have your fingerprints be taken again.