

Trainee - Sufficient means of subsistence en guarantee for trainee

To obtain an authorisation for trainee, several documents need to be presented. One of these is proof of **sufficient means of subsistence**.

To prove sufficient means of subsistence, **proof must be presented that the applicant has the amount** in article 14, § 1, 2°, of the Act of 26 May 2002 on the right to social integration and as indexed according to article 15 of the aforementioned Act i.e. **€1,214,13 net per month (01/01/2023)** to cover the cost of accommodation.

The employer or host entity is free to act as guarantor for the trainee, which, in case of guarantee, will be taken into account by the Immigration Office when assessing the trainee's sufficient means of subsistence. If the living expenses are financed by another organisation, this will also be taken into consideration as proof of sufficient means of subsistence (taking into account the adequacy of the legal entity's financial resources and the number of trainees for which the legal entity has already guaranteed). The number of trainees guaranteed by the legal entity should not be disproportionate in relation to the available financial resources.

The **guarantee** is only an **additional means of proof** of sufficient means of subsistence. This means that the sufficient means of subsistence are not met if only a valid guarantee has been entered into via the Annex 32bis. Other evidence documents of available financial resources must always be submitted for the condition of sufficient means of subsistence to be met. The Annex 32bis only constitutes a valid guarantee if it is **accepted by the Immigration Office**.

The guarantee by means of Annex 32bis should be supplemented by 2 supporting documents:

(1) Proof of power of representation:

This is proof that the person signing the Annex 32bis (the guarantee) can actually engage the employer as a legal person to this guarantee. This is because the employer or host entity is guaranteeing itself as a legal entity and not as a natural person.

If the external representation power of the signing director is limited and signatures of several directors are required, an Annex 32bis shall be completed and signed for each director.*

(2) Prove sufficient financial resources:

This is proof that the legal entity has sufficient financial resources available to act as guarantor for the trainee. The employer or host entity must have at its disposal at least the amount of one hundred and twenty per cent of the indexed living wage referred to in Article 14, § 1, 3° of the Act of 26 May 2002 (i.e. **€1,969,00 net per month (01/01/2023)**). This amount can be proved by extracts showing that the legal entity can use the necessary capital when the expenses covered by the guarantee are to be reimbursed or paid.

This amount should be proved per trainee for which the legal entity enters into the guarantee.

**The additional documents mentioned here in (1) and (2) need to be added only once to the appendix 32bis and not per completed appendix 32bis, as it concerns the same company and the same trainee.*

The guarantee of the employer or host entity has the effect that the related legal entity becomes jointly and severally liable with the trainee in terms of paying **subsistence, living and accommodation costs**.