



Immigration and Naturalisation
Service
Ministry of Security and Justice

Enabling an employee to come to the Netherlands



1. Why have we written this publication?

Would you like an employee to come to the Netherlands? For a stay of over 90 days, you must apply for a residence permit for him unless he comes from a country that belongs to the European Union, the European Economic Area or Switzerland.

This publication provides information on:

- which residence permit you can apply for
- the conditions for the various residence permits
- how to go about applying for a residence permit
- which rules you must adhere to
- what you have to do if your situation changes
- where you can obtain further information.

Please note! There is a separate admissions procedure for au pairs. For this, please see the publication 'To the Netherlands for cultural exchange' on www.ind.nl

Please note! Wherever the term 'he' is used, you may also read 'she'.

When is a residence permit not required?

An employee does not require a residence permit if he is a national of one of the following countries:

Belgium	Bulgaria	Croatia
Cyprus	Denmark	Germany
Estonia	Finland	France
Greece	Hungary	Ireland
Iceland	Italy	Latvia
Liechtenstein	Lithuania	Luxemburg
Malta	Norway	Austria
Poland	Portugal	Romania
Slovenia	Slovakia	Spain
The Czech Republic	United Kingdom	Sweden
Switzerland		

Specifically for Croats

Does your employee have the nationality of Croatia? He can choose to submit an application for Verification against EU Law. As a result, he may be granted proof of lawful residence. This is not obligatory. For more information see www.ind.nl.

For Croatian employees, you will need a work permit. See www.ind.nl.

2. Which residence permit can you apply for?

As an employer, you can apply for a residence permit for your foreign employee. If you like, you can be represented in this by a specialised agency or lawyer. When you submit the application, your organisation will function as a sponsor. In certain cases, an employee can also apply for a residence permit. As the employer, you can also submit applications for residence permits for your employee's family-members or relatives. In this instance, the employee functions as the sponsor for his family-members or relatives. Below are the various types of residence permits for employees. Sometimes, different applications are possible. In that case, you must make a choice.

Work permit and combined permit for residence and work

If you want to allow an employee to carry out work for you in the Netherlands, then you will normally need to apply for a work permit or a Single Permit (combined permit for residence and work) for the employee. Both applications test whether 'essential interests of the Netherlands' are served thereby. This means that you were unable to find suitable personnel in the Netherlands or elsewhere in Europe. Depending on the purpose of residence, you will need to apply for a work permit or a combined permit for residence and work. You can apply for a work permit from the Netherlands Employees Insurance Agency (UWV). This permit should be applied for with the purpose of residence being seasonal labour and for intra-company transfer. You can submit the applications for the work permit and the residence permit at the same time. You will need to apply for a Single Permit (combined permit for residence and work) for all other residence applications for work. These applications should be submitted to the Immigration and Naturalisation Service (IND). The Immigration and Naturalisation Service (IND) then requests advice from the Netherlands Employees Insurance Agency (UWV). This means that you do not need to submit an application to the Netherlands Employees Insurance Agency (UWV). If a residence permit is granted to the employee, then the employee will receive a Single Permit (combined permit for residence and work). This comprises a residence document and a additional document. As employer you will receive a copy of the additional document. It is stated on the additional document for which employer and under which conditions the employee is permitted to work.

Work experience or seasonal labour

Work experience means that the employee is gaining relevant experience within the context of his studies or work in the country of origin. Seasonal labour, e.g. seasonal work in the agricultural sector or the hospitality industry, corresponds to a maximum period of 24 weeks. Before the application is submitted, the employee must have spent an uninterrupted period of at least 14 weeks outside the Netherlands. A residence permit for seasonal labour or work experience can be requested by any employer with a base in the Netherlands or who is represented in the Netherlands by an authorised trading agent. Your organisation must register in the Chamber of Commerce's trading register as required by the Company Trade Register act 2007. Your organisation does not have to be recognised as a sponsor.

Intra-company transfer

You are being transferred by you employer to an office in the Netherlands. This concerns key employees, trainees or specialists. The organisation must be registered in the Chamber of Commerce's trading register as required by the Company Trade Register act 2007. The employer does not have to be a recognised sponsor.

Regular labour

The term regular labour refers to employees that carry out paid work that is not seasonal or work experience. A residence permit for regular labour can be requested by any employer with a base in the Netherlands or who is represented in the Netherlands by an authorised trading agent. Your organisation must be registered in the Chamber of Commerce's trading register as required by the Company Trade Register act 2007. Your organisation does not have to be recognised as a sponsor.

Highly skilled migrants, guest lecturers and trainee doctors

A highly skilled migrant is a foreign employee who fulfils the wage requirement for highly skilled migrants. In order to apply for a residence permit for a highly skilled migrant, your organisation must be recognised by the IND as a sponsor. A recognised sponsor is not required for Turkish migrants. However, the procedure will progress more quickly if you are a recognised sponsor.

European blue card

The European blue card is intended to facilitate the residence of employees who carry out highly qualified tasks within the European Union. The only proviso is that the national conditions for a residence permit must be fulfilled. In order to be eligible for a European blue card, the employees must fulfil wage and training requirements. The employer in the Netherlands does not have to be recognised as a sponsor; the procedure, however, will progress more quickly if you are.

Scientific researcher

Directive 2005/71/EU applies to scientific researchers. Would you like to apply for a residence permit in the context of this directive? Then your organisation must be recognised by the IND as a sponsor. Turkish scientific researchers do not need a recognised sponsor. However, the procedure will progress more quickly if you are a recognised sponsor.

Recognition as sponsor

For an application for a residence permit for highly skilled migrants, (guest) lecturers and trainee doctors or scientific researchers under directive 2005/71/EU, your organisation must be recognised by the IND as a sponsor. For an application for a residence permit in relation to regular labour, a European blue card, seasonal labour or work experience, this is not necessary. Your organisation may, however, wish to become recognised as a sponsor in these circumstances. This has various advantages:

- The IND will endeavour to make a decision on applications submitted by recognised sponsors within 2 weeks. If a work permit or Single Permit (combined permit for residence and work) is required, this is extended to 7 weeks.
- Recognised sponsors are required to submit fewer documents with the application. In many cases, a personal statement in which you indicate that the employee fulfils the conditions for admission and residence in the Netherlands will suffice.
- Recognised sponsors have a permanent contact within the IND.

In order to become a recognised sponsor, your organisation must be a reliable partner for the IND. The IND must be confident of entering into a relationship with you on a longterm basis. You must submit a separate application in order to become a recognised sponsor. Once you have been recognised as such, your organisation will be listed in a public register on www.ind.nl. A foreign employee can then easily see that you are a recognised sponsor. For more information, see the publication 'Recognition as a sponsor' on www.ind.nl.

3.

Which conditions does the employee have to fulfil?

In order to obtain a residence permit for work in the Netherlands, an employee must fulfil a range of conditions. The conditions vary per residence permit.

The employee and his family-members or relatives

The following applies to every employee and his family-members or relatives:

- He has a valid passport.
- He does not pose a risk to public order or national safety.
- He has not been found guilty of a criminal offence and has not been involved in war crimes, terrorism or crimes against humanity.
- He must take out healthcare insurance in the Netherlands within 4 months of the residence permit being issued.
- He must undergo a test for tuberculosis in the Netherlands. This test must be carried out within 3 months of the residence permit being issued. If necessary, the employee must be treated for TB. Does your employee have the nationality of one of the countries listed in the appendix 'Exemption from the obligation to undergo a tuberculosis (TB) test'? Then the TB test is not required.

Work experience, intra-company transfer or seasonal labour

- There must be evidence of an employment contract.
- For seasonal labour and for intra-company transfer a work permit is necessary. This will be issued by the Netherlands Employees Insurance Agency. You may submit an application for a residence permit at the same time as one for a work permit. This will be issued in the event of there being 'essential interests of the Netherlands'. This means that you have been unable to find suitable personnel in the Netherlands or elsewhere in Europe. However, for intra-company transfers specific conditions apply. For more information, see www.werk.nl and www.ind.nl.
- For work experience a Single Permit (combined permit for residence and work) is necessary. This application should be submitted to the Immigration and Naturalisation Service (IND). The Immigration and Naturalisation Service (IND) then requests advice from the Netherlands Employees Insurance Agency (UWV) if the attendance of the foreign national serves 'essential interests of the Netherlands'. This means that you have been unable to find suitable personnel in the Netherlands or elsewhere in Europe. For more information, see www.werk.nl and www.ind.nl.

- The employee must earn the minimum wage or a percentage thereof. See the 'Table of norms' on www.ind.nl.
- In the case of seasonal labour: the employee works for you for a maximum of 24 weeks. Prior to this period, the employee must have spent a period of at least 14 weeks (uninterrupted) outside the Netherlands.
- In the case of work experience: the employee must be engaged in education at an establishment outside the Netherlands or be working for an employer outside the Netherlands. A residence permit for work experience will be issued for a maximum of 1 year and cannot be extended after this period.

Pleaste note! Do you have a Canadian employee who is taking part in the Young Workers Exchange Program for Canadians? Then take a look at the admission conditions on www.ind.nl.

Admission for regular labour

- There must be evidence of an employment contract. Does this concern the transfer of an employee to a base located in the Netherlands? Then the (parent) company must draw up a report in the foreign country and there must be an employer's testimonial for the relevant centre in the Netherlands.
- The employee must earn the minimum wage or a percentage thereof. See the 'Table of norms' on www.ind.nl.
- A Single Permit (combined permit for residence and work) for paid work is necessary. This application should be submitted to the Immigration and Naturalisation Service (IND). The IND will then request advice from the Netherlands Employees Insurance Agency (UWV) if the attendance of the employer serves 'essential interests of the Netherlands'. This means that you have been unable to find suitable personnel in the Netherlands or elsewhere in Europe. For more information, see www.werk.nl and www.ind.nl.

Pleaste note! Is your employee coming to the Netherlands to carry out a role as a contemplative, internal officer or board member for a religious or philosophical organisation but will also carry out other work? Then your employee, just like other employees who are carrying out religious or philosophical work in the Netherlands, must undergo the civic integration process at the Dutch embassy or the consulate. Only if he passes this successfully, can an application for a residence permit be submitted. In the Netherlands, your employee must then follow the further civic integration process. For more information about civic integration in the Netherlands, see www.inburgeren.nl.

Admission as a highly skilled migrant, (guest) lecturer or trainee doctor

- An employment contract, guest contract or appointment decision must be drawn up. A work permit is not required. Does this concern the transfer of an employee to a base located in the Netherlands? Then the (parent) company must draw up a report in the foreign country and there must be a statement from the business unit in the Netherlands.
- Highly skilled migrants must fulfil the wage requirement. For employees aged over 30, there is a higher wage requirement than for employees under the age of 30.
- A different wage requirement applies to highly educated persons who use an orientation year. An orientation year is a residence permit for a maximum of 1 year in order to find a job as a highly skilled migrant in the Netherlands. Both external students that have studied in the Netherlands and foreigners who have a Master's degree or higher from a university that is listed in the top-200 of two internationally recognised ranking lists, as published by the 'Times Higher Education Supplement' (see www.timeshighereducation.co.uk/worlduniversity-rankings), the 'QS World University Rankings' (see www.topuniversities.com/university-rankings/worlduniversity-rankings) and the 'Jiao Tong Shanghai University' (see www.shanghairanking.com), can use this scheme. Guest lecturers and trainee doctors must earn at least 70% of the legal minimum wage. The amounts are indexed each year. See a summary of wage requirements on www.ind.nl.

Admission as a holder of a European blue card

- There must be evidence of an employment contract for a highly qualified job for at least 1 year.
- Does this concern the transfer of an employee to a business unit located in the Netherlands? Then the (parent) company must draw up a report in the foreign country and there must be a statement from the business unit in the Netherlands.
- Holders of European blue cards must fulfil the set requirements. The wage requirement is indexed each year. For a current summary of wage requirements, see www.ind.nl.

- A certificate must be provided which demonstrates that the employee has completed a higher education course that lasted at least 3 years. Foreign higher education certificates will be evaluated by Nuffic (Dutch organisation for international cooperation in higher education). The evaluation must be sent with the application. A copy of the authenticated certificate must be provided for Dutch qualifications.
- For a (regulated) profession such as doctor or lawyer, there must be evidence that the legal requirements for carrying out this profession have been fulfilled.
- Over a period of 5 years, the employer may not have been subject to a fine for breaching article 2 of the Labour Act for Aliens (Wav), or for not or insufficiently deducting wage taxes or premiums for employees or national insurance.

Admission as a scientific researcher under directive 2005/71/EU

- The scientific researcher must have a higher education certificate that entitles him to enter into a doctorate programme.
- The scientific researcher has been selected by a recognised research institution in order to conduct a research project for which a certificate is required.
- The scientific researcher has an employment or guest contract with the research institution.
- The scientific researcher has sufficient resources to support himself. Each month, he earns at least the minimum wage or a percentage thereof. See the 'Table of norms' on www.ind.nl.

PLEASE NOTE! Would you like to recruit a carer abroad? Then check to ensure whether they have to be enrolled in the BIG register. BIG stands for professions within individual healthcare. If they are registered, you may allow a carer with a foreign qualification to work independently. You must have proof of this registration in your administration. See www.bigregister.nl for further information.

4. Which documents do you need?

Before you apply for a residence permit, you must collate all of the necessary documents and evidence.

Documents and evidence

Which documents and evidence are required depends on the purpose of residence. The application form for a residence permit indicates which documents and evidence are required. This form can be found on www.ind.nl.

Examples of the necessary documents and evidence include:

- the employment contract, the appointment decision or the hosting agreement
- the work permit or an application for this
- a copy of the employee's passport
- in the case of work experience: a work placement or work experience agreement
- if the foreigner must undergo the civic integration process abroad: evidence that the civic integration exam has been passed
- antecedents certificate. With this, the employee indicates whether he has been convicted of a criminal offence.

Your employee may have to have documents legalised and translated. Bear in mind that this can take some time. It also costs money.

In order to register in the Municipal Personal Records Database in the Netherlands, a legalised and translated birth certificate is required.

Would the employee like to bring his family with him to the Netherlands? Then documents that prove the family ties will also be required. Examples include passports, birth certificates and marriage certificates.

Is your organisation recognised as a sponsor by IND? Then you can include a 'personal statement' with your application for a residence permit. In this, you state that the labour or highly skilled migrant fulfils all of the residence conditions. The evidence does not need to be submitted but you do need to retain it in your administration.

Official means of evidence

Official foreign means of evidence must be issued and legalised by the competent authorities of the country that issued the means of evidence. The document must also be legalised or provided with an apostille stamp by the Dutch embassy or consulate in the country concerned. If no Dutch embassy or consulate is available in that country, the document must be legalised by the Dutch embassy or consulate responsible for that country. Official foreign means of evidence include, for example, birth certificates and marriage certificates. Having these means of evidence legalised or provided with an apostille stamp can take a long time. You should start several months in advance of submitting your application with having documents legalised or provided with an apostille stamp in the country of origin.

For more information about legalisation or apostille requirements for documents per country and any exceptions to these requirements, you can telephone the 'Public Information Service', telephone number 1400 (Monday to Friday from 08.00 to 20.00 hrs, local rates apply). You can also visit the website www.government.nl.

Legalisation

A document that is legal in one country is not necessarily legal in another. That is why official foreign documents must be legalised for use in the Netherlands. This means that the authorities that issued the document must declare that it is official. This confirms the authenticity of the signature on the document and the capacity of the signatory. The Dutch embassy or consulate then legalises the document. The embassy or the consulate then checks to ensure that the signature is genuine.

If no Dutch embassy or consulate is available in that country, the document must be legalised by the Dutch embassy or consulate responsible for that country.

Sometimes a so-called apostille stamp on the document will suffice. The Ministers of Justice or Foreign Affairs can issue this type of stamp abroad. The document does not then need to be legalised by the Dutch embassy or consulate. An apostille stamp is only an option if the document comes from a country that is affiliated to the Netherlands via the Apostille treaty. You can ask the Consular Services Centre within the Foreign Office whether the country is affiliated via the Apostille treaty. Look at www.government.nl for more information.

For legalisation or an apostille stamp, your employee can contact the local authorities.

Legalisation costs money. These costs must always be paid, even if your employee does not obtain the document or it arrives late. The amount you have to pay for legalisation varies per country. The authorities in the country of origin can provide these details. The Dutch embassy or consulate in the country of origin may also impose additional charges (e.g. fax costs).

Translation

All of the documents that you submit with the application must be drawn up in Dutch, English, French or German.

If this is not the case, you must have them translated by a translator who has been certified by a court.

Certified translators are listed in the Register of certified translators and interpreters (Rbtv). See www.bureaubtv.nl for further information. Has the document been translated abroad? Then the translation must be legalised. You can thus demonstrate that a certified translator has been used.

5. How does the application procedure work?

Once you have collated all of the necessary documents and evidence, you can submit your application for a residence permit.

In order to travel to the Netherlands for a stay of over 90 days, your employee may well need a special visa. This is called a Regular Provisional Residence Permit (mvv). The procedure is then slightly different to a case which does not require an mvv.

Residence permit without mvv

If your employee does not require an mvv, you can submit an application for a residence permit. You are advised to do so while your employee is still abroad. Once the IND has indicated it will issue a residence permit, your employee can come to the Netherlands. Then you can be sure that he is not travelling to the Netherlands unnecessarily. You can also submit an application if your employee is already in the Netherlands. The problem with this is that you do not know, at that moment, whether your employee will be issued with a residence permit. It can also be difficult to obtain all of the necessary documents in the Netherlands. If the application is granted, you will be told when the employee can collect his residence permit.

Access and residence

If your employee requires an mvv, you can submit an application for a residence permit and the mvv in one go. This is the 'Access to Residence' procedure. If the IND issues an mvv, you must notify your employee. The employee can then collect the mvv within 3 months from the Dutch embassy or consulate. He then has 3 months to travel to the Netherlands. Once he has arrived in the Netherlands, he can collect his residence permit within 2 weeks. The IND will notify you as to where and when he can collect the residence permit.

Application forms

All application forms can be found on www.ind.nl. You are advised to download a new application form for each application from the site. Then you can be sure that you have the most recent version. On www.ind.nl you can request all of the information that you need to prepare your application.

Pleaste note! *Would your employee like to come to the Netherlands with his family-members or relatives? If they travel with the employee to the Netherlands, it is useful to have submitted all of the applications at the same time. See the publication 'Enabling a family-member or relative to come to the Netherlands' on www.ind.nl.*

The cost of the procedure

Applying for an mvv and a residence permit costs money. These costs are referred to as 'fees'. You must pay the fees when you submit the application. If you do not pay the fees, the IND will not process your application. You will not be refunded your money if the application is turned down. There is a summary of the fees on www.ind.nl. Search for 'fee rates'.

Duration of the procedure

- Is your organisation recognised as a sponsor? If the application is complete, the IND will usually decide within 2 weeks. If a work permit or a Single Permit (a combined permit for residence and work) is required, the IND will need about 7 weeks.
- Is your organisation not recognised as a sponsor? If the application is complete, the IND will usually decide within 90 days. The legal time limit in both cases is 90 days.

You will receive a letter explaining the IND's decision. The IND may well also require further details in order to make its decision. You will then receive a letter about this. If the application is granted, your employee will be issued with an mvv and/or residence permit. The employee can then work for you. If the application is rejected, the letter will provide details of why. If you are not in agreement with the IND's decision, you can submit an appeal. Details of how to proceed with this are given in the letter.

In the appendix, you can find a detailed summary of all steps in the procedure and the parties that are involved.

6. What rights correspond to the residence permit?

Here, you can find details of the rights that are granted via a residence permit to employees with a residence permit for regular labour, seasonal work, work experience or highly skilled migrants, guest lecturers, holders of a European blue card or scientific researchers under Directive 2005/71/EU.

Validity

The residence permit or Single Permit (a combined permit for residence and work) entitles the employee to reside in the Netherlands for the duration of the employment contract or the appointment. Has a work permit been issued? Then the residence permit is valid for the same amount of time as the work permit. Has a Single Permit (combined permit for residence and work) been issued? Then the period of validity is mentioned on the residence permit. A Single Permit (a combined permit for residence and work) for work experience can last for up to one year.

The residence permit is valid as long as the employee fulfils the conditions, even if he changes job or goes to work for another employer. The residence permit does not need to be altered in this event. If the employee has a work permit, you or the new employer must apply for a new work permit if required.

If the employee has a Single Permit (combined permit for residence and work), and will work for another employer, then the new employer must submit a new application to the IND. If the residence document is still valid, and the employee fulfils the conditions, the employee will only receive a new additional document. The residence document will not be replaced. The new employer receives a copy of the new additional document.

Family-members or relatives

Employees with a residence permit for regular labour, those who are highly skilled migrants, (guest) lecturers or trainee doctors, holders of a European blue card or scientific researchers can apply for a residence permit for their family-members or relatives. This is not possible in relation to residence for seasonal work or work experience. For the conditions, see the publication 'Bringing a family-member or relative to the Netherlands'.

In both cases, the employee functions as a sponsor for the family-member or relative. Only employees with Turkish nationality are not required to function as a sponsor for family-members or relatives. The employer only functions as the sponsor for the employee.

Does the employee need a work permit or Single Permit (combined permit for residence and work)? Then the family-members or relatives need a permit to work. If the employee does not need a work permit or Single Permit (combined permit for residence and work), his family-members or relatives do not require a permit to work.

***Please note!** If your employee has applied for benefits in the Netherlands, this could impact upon the residence permit. It could be withdrawn. A residence permit can also be withdrawn or not extended if your employee has to undergo a civic integration process but fails to pass the integration exam within 3 years. For more information about civic integration in the Netherlands, see www.inburgeren.nl.*

7. Which rules must you adhere to?

If you apply for a residence permit for an employee, you function as the sponsor. This corresponds to certain responsibilities. As a sponsor, you must ensure that the employee fulfils the conditions for a residence permit. Not only when the application for the residence permit is made but also thereafter. If the employee can no longer legally remain in the Netherlands, you are responsible for ensuring that he leaves the country. Tell your employee about the rules to which he needs to adhere and what he has to do himself.

Your obligations

Information obligation

As a sponsor, you have a so-called information, administration and retention obligation. You must notify the IND of any changes that could impact upon the employee's right to reside. For example:

- if the employee no longer fulfils the wage requirement
- if the contract has been terminated
- if the employee has obtained another position
- if the employee goes back to his country of origin
- if you can no longer monitor the employee.

Administration obligation

You must collate and retain relevant information about your employee. For example:

- the employment, guest or work placement contract or the appointment decision
- if an employee is being transferred, the (parent) company must draw up a report in the foreign country and there must be a statement from the business unit in the Netherlands
- the work permit or the additional document
- the wage specifications
- for a (regulated) profession such as doctor, proof of registration in the BIG register
- a copy of the passport

If you are no longer functioning as sponsor for the employee, you must still retain this information for 5 years. The IND can request these details at any moment in order to check whether you are fulfilling your obligations.

Duty of care, extra rules for recognised sponsors

The same rules apply to recognised sponsors as for non-recognised sponsors. In addition, recognised sponsors also have a duty of care towards highly skilled migrants. This means that you must recruit and select the highly skilled migrant carefully. You must also inform the highly skilled migrant of the admission and residence conditions that he must fulfil.

The sponsor

You remain sponsor until:

- the employee no longer works for you and you have reported this to the IND
- the employee has left the Netherlands and is not returning and you have reported this to the IND
- the residence permit for the employee has been withdrawn
- the employee has obtained a permanent residence permit or a residence permit for another residence purpose
- your organisation can no longer function as a (recognised) sponsor
- the employee has become a Dutch citizen.

Carrying out paid work

If your employee must undergo the civic integration process, he must report to the Executive Agency for Education. He must do so within 4 weeks of obtaining the residence permit.

It goes without saying that you, as the recognised sponsor, must continue to fulfil the conditions for recognition. As a recognised sponsor, you are also obliged to report any changes that could impact upon your recognition. For further details, see the publication 'Recognition as sponsor' and www.ind.nl.

The employee's obligations

The employee has a duty to provide information. He must report important changes to the IND. Among other things, this includes changes of employer. Moreover, the employee is also a sponsor for his family-members or relatives. As the employer, you therefore have no information, administration or retention obligation when it comes to the familymembers or relatives of the employee.

8. What happens if your situation changes?

As an employer, you have a duty to report changes. The IND will then investigate whether there is good reason to withdraw or amend the residence permit.

Changes in age

If the highly skilled migrant is under the age of 30 at the moment of application, a lower wage requirement will apply. This requirement applies as long as he works for you.

Changing employer or position

In principle, the residence permit continues as long as the employee fulfils the conditions, even if he changes employer or obtains another position.

If the employee no longer works for you or his position changes, you must report this to the IND within four weeks. If the employee has another employer, the employee himself must report each of his employers to the IND. The IND will then review whether the conditions are still being fulfilled.

If an employee with a Single Permit (a combined permit for residence and work) for paid work finds another job, the new employer must apply for a Single Permit (a combined permit for residence and work) if this is required.

Changes to the residence permit

Does the employee have a residence permit as a regular labour migrant but is, in fact, fulfilling the criteria for residence as a highly skilled migrant? Then you can submit an application to change the residence permit. The same goes if a highly skilled migrant who is working as a regular labour migrant. There are certain costs associated with changing the residence permit.

If the employee wants to apply for residence for his family-members or relatives in the Netherlands, he must also submit an application to change his residence permit.

Extension

If the employment contract or appointment is extended, you must apply in good time for an extension to the residence permit. Extension will not be possible for a residence permit for seasonal labour or work experience if the employee thus exceeds the maximum period of residence. Bear in mind that you must apply for a Single Permit (a combined permit for residence and work) or for a work permit (if this is required) in good time. The employee can apply for a permanent residence permit after 5 years if they have been issued with a residence permit for regular labour, as a highly skilled migrant, (guest) lecturer and trainee doctor, or as a holder of a European blue card or scientific researcher.

Withdrawal of the residence permit

If you and the employee no longer fulfil the conditions for the residence permit, the IND will withdraw the permit.

This also applies if the employment contract is terminated, e.g. in the case of summary dismissal. In this situation, the employee must leave the Netherlands unless he can legally reside in the Netherlands on another basis.

If the dismissal is not the fault of the employee, he can take 3 months to seek another job.

9. What happens if you do not abide by the rules?

The IND can check whether you and the employee are abiding by the rules as and when they see fit. If this is not the case, the IND may take a range of measures.

Warnings and governmental fine

The first time that your organisation is found to be disobeying the rules, you will be issued with a warning. In the event of a subsequent breach, the IND can impose a fine on the organisation. The level of the fine depends on issues such as the severity of the breach and the number of breaches that have taken place. In the event of serious breaches, the IND can also impose an immediate fine, without issuing a prior warning.

Reporting a criminal act

The IND has a duty to report any reasonable suspicions of a criminal act. For example, if your organisation has deliberately provided incorrect data. The Public Prosecution Service will then assess whether your organisation will face criminal proceedings. If this is the case, the organisation may be fined or the director could receive a prison sentence.

Suspension and withdrawal of recognition

The measures detailed also apply to recognised sponsors. In addition, you could also lose your recognition if you fail to adhere to the rules on numerous occasions. The IND can also suspend your organisation in order to investigate whether you are still fulfilling the conditions. If that is no longer the case, the IND can withdraw its recognition. This may also be the case if your organisation does not fulfil its obligations. In the event of suspension or withdrawal of the recognition, the residence permit for the employee may also be withdrawn.

Withdrawal of the residence permit

If your organisation provided incorrect details on the application for a residence permit, the permit may well be withdrawn. This also applies if your employee no longer fulfils the conditions for residence.

Recuperating the costs of deportation

If the employee no longer fulfils the conditions of residence, the IND will check to ensure that the employee leaves the Netherlands. If the employee does not leave of his own accord, the government may deport him. The costs for this must be borne by you. This involves the cost of transport to the airport or border, the flight ticket and the costs for travel documents, such as a replacement passport. The costs can be recovered from you up to one year after you cease to be a sponsor.

10. Frequently asked questions

My employee needs a Single Permit (combined permit for residence and work). What does that mean?

A foreign national who would like to come to the Netherlands or who would like to stay for work experience or paid work has to (or his employer) start single procedure. You must submit an application for a Single Permit (combined permit for residence and work) to The Immigration and Naturalisation Service (IND). In this case it is not possible to start a procedure for a work permit by the Netherlands Employees Insurance Agency (UWV). Instead, you need to send all the means of evidence of the labour of the employee to the IND. The IND then requests advice from the Netherlands Employees Insurance Agency if the employee fulfils the criteria of the Labour Act for Aliens. The advice of the Netherlands Employees Insurance Agency forms part of the decision of the IND. You will receive only this decision of the IND.

What is an additional document?

The Single Permit (combined permit for residence and work) consists of a residence permit and an additional document stating for which employer the foreign national and under which conditions it is permitted to work.

My employee needs a work permit for seasonal labour. Can I only apply for a residence permit once the work permit for seasonal labour has been issued?

No, you can submit the application for a residence permit while the application for a work permit is being processed. The IND obtains this from the Netherlands Employees Insurance Agency or the application will be granted.

Can the family-members or relatives of my foreign employee also work in the Netherlands?

Yes, they can work in the Netherlands. If your employee needs a work permit or a Single Permit (combined permit for residence and work), his family-members or relatives needs a work permit. If the employee does not need a work permit or a Single Permit (combined permit for residence and work), his family-members or relatives do not require a work permit. The family-members or relatives of highly skilled migrants, holders of European blue cards and scientific researchers may always work freely in the Netherlands.

What does the duty of care for highly skilled migrants actually involve?

The duty of care means that you must recruit and select your highly skilled migrants carefully and inform them of the conditions for admission to and residence in the Netherlands.

Does my organisation have to be recognised if I wish to take on a highly skilled migrant?

Yes, your organisation must be recognised as a sponsor in order to apply for a residence permit for a highly skilled migrant.

Can my employee apply for an mvv himself or do I have to do it?

As employer, you must submit the application for admission and residence, i.e. for an mvv and residence permit, in one go.

In terms of an employee, am I better off applying for a residence permit for a highly skilled migrant or a residence permit for paid labour?

A residence permit for a highly skilled migrant does not require a work permit; a residence permit for paid labour does. The family-members or relatives of a highly skilled migrant do not need work permits either in order to work in the Netherlands. The employee, however, must fulfil the valid wage requirement in order to be regarded as a highly skilled migrant.

In terms of a scientific researcher, am I better off applying for a residence permit for a highly skilled migrant or a residence permit as a scientific researcher under Directive 2005/71/EU?

In both cases, a work permit is not required. There are stricter wage requirements for highly skilled migrants.

What is the advantage of a residence permit as a holder of a European blue card compared to a Dutch residence permit as a highly skilled migrant?

In addition to the options provided by having a European blue card, the Netherlands also has a national highly skilled migrant scheme which corresponds to lower wage criterion and for which there are no educational requirements. With a European blue card, however, it is easier to become eligible for the status 'long-term third country national from outside the EU'. In order to gain this status, highly skilled migrants will usually have to have spent the 5 years directly before the moment of application legally residing in the Netherlands. There is an exception to this rule for holders of European blue cards. Holders of a European blue card in the Netherlands can apply for the status of a long-term third country national from outside the EU after just 2 years. There is an additional condition that the holder of a European blue card must have been legally residing for an uninterrupted period of 5 years within the territory of an EU member state and, directly before his residence in the Netherlands, have resided for 18 months with a blue card in another EU member state.

There is also the advantage that the family-members or relatives of a holder of a European blue card, once he has legally resided in the Netherlands for 2 years, can apply for a residence permit for continued residence. With other residence purposes, this is only the case after 3 years of legal residence in the Netherlands. The family-members or relatives must have resided for 5 uninterrupted years within the territory of an EU member state as family-members or relatives of the holder of a blue card. The family-members or relatives must also fulfil the conditions for residence within the context of 'continued residence'.

What are the advantages of being recognised as a sponsor?

In relation to an application for regular labour, seasonal labour and work experience, your organisation does not need to be recognised as a sponsor by the IND, but it can be. Recognition corresponds to various advantages:

- The IND will endeavour to make a decision on applications submitted by recognised sponsors within 2 weeks. If a work permit is required, this is extended to 7 weeks.
- Recognised sponsors are required to submit fewer documents with the application. In many cases, a personal statement in which you indicate that the employee fulfils the conditions for admission and residence in the Netherlands will suffice.
- Recognised sponsors have a permanent contact within the IND.

What should I do if the contract with an employee expires?

Once the contract has expired and you do not intend to extend it, you must notify the IND that the employee is no longer working for you. This also applies if the employment contract is terminated, e.g. in the case of summary dismissal. In this situation, the employee must leave the Netherlands unless he can legally reside in the Netherlands on another basis.

If the employment contract or appointment is extended, you must apply in good time for an extension to the residence permit. Extension will not be possible for a residence permit for seasonal labour or work experience if the employee thus exceeds the maximum period of residence. Bear in mind that you must apply for a Single Permit (combined permit for residence and work) or work permit (if this is required) in good time.

11. More information

Do you have further questions? There are a range of options for contacting the IND.

Internet

You can indicate the situation that applies to you on www.ind.nl. You will then be provided with the information that you need to prepare your application.

Letter or e-mail

General questions

Immigratie- en Naturalisatiedienst
Postbus 287
7600 AG Almelo

E-mail: klantinformatiecentrum@ind.minvenj.nl
(or use the e-mail form on www.ind.nl > Contact)

Telephone

The IND is available on 088 043 04 30 (local call charges plus any additional costs charged by your operator if you are calling from a mobile phone). From abroad, please call +31 88 043 04 30.

Do you have a question about the progress of an ongoing application? Please have the following details to hand:

- V-number, if known
- Surname and first name (and maiden name if applicable)
- Place of birth and date of birth
- Nationality

Visit

In the Netherlands, you can also go to an IND desk. Find your closest branch on www.ind.nl.

Complaints

If you have a complaint about the way in which you have been treated by the IND, we advise you to check www.ind.nl > Klantdienstwijzer > Contact > Ik wil een klacht indienen. Here, you will find a complaint form. You can print this form, complete it and then send it to:

Immigratie- en Naturalisatiedienst
Postbus 10
7600 AA Almelo

If you would rather write a letter, you can also send written correspondence to the above postal address.

For complaints you can also call +31 88 043 04 70.

Questions about legalisation?

For information about the legalisation of documents (birth certificate, marriage certificate), you can call number 1400 (Central government Information). Via internet: www.government.nl.

Data Protection Act

The Data Protection Act obliges the IND to inform you that the IND is the organisation that processes the data in your application or request. The IND does this in order to evaluate your request or application. Questions you may have about this data processing can be asked via a letter sent to the IND, Postbus 287, 7600 AG Almelo. You may also ask for a summary of the data processed about you. On the basis of this request, you may ask for your personal data to be amended, deleted or protected.

APPENDIX

Overview of the application procedure for a residence permit

The table below indicates what you, your employer and the IND must do in order to obtain a residence permit for a foreign employee.

Application for residence permit to work: who does what?		
What do you do?	What does your employer do?	What does the IND do?
1 Read the conditions relating to a residence permit for a foreign employee and ensure you fulfil them. Check which paperwork and documents you will need and whether a Regular Provisional Residence Permit (mvv) and a work permit are required on www.ind.nl .	Will your employee have to undergo the civic integration process? Then he must first complete an exam. Consult the Dutch embassy or the Dutch consulate for more information.	
2 Let the employee know which paperwork and documents are required in order to submit an application.	The employee ensures that you are provided with all of the paperwork required to submit the application.	
3 You must submit the application for a residence permit to the IND. If the employee needs an mvv, your application will cover both the mvv and the residence permit. You pay the fees in the indicated manner. If the employee needs to apply for a Single Permit (combined permit for residence and work), send the application together with the documents as required to the IND.		Once the fees have been paid, the IND will process the application. The IND will let you know what they decide. If you are a recognised sponsor and the application is complete, the decision can be made in 2 weeks. If your employee needs a work permit, it could take up to 7 weeks. If you are not a recognised sponsor, it could take up to 90 days. If the application for a Single Permit (combined permit for residence and work) is complete, the IND requests advice from the Netherlands Employees Insurance Agency if the attendance of your employee serves 'essential interests of the Netherlands'.
4 Explain the IND's decision to your employee. You can appeal against the decision.	If the decision is positive and the employee must have an mvv, he can collect the mvv from the Dutch embassy or consulate. You can then travel to the Netherlands within 3 months. If the employee does not need an mvv, he may travel to the Netherlands immediately.	
5 Tell the employee where he has to report to the IND once he arrives in the Netherlands.	The employee reports to the IND within 2 weeks.	The IND will check the identity of the employee and then issue the residence permit or the Single Permit (combined permit for residence and work).
6 Ensure the employee is aware that he must take out healthcare insurance and that, if necessary, he must undergo a TB test.	The employee takes out healthcare insurance as quickly as possible. If applicable, the employee will have an examination conducted by the Municipal Health Service within 3 months of arriving in the Netherlands. If the employee must undergo a civic integration process, he must continue this in the Netherlands.	

APPENDIX

Exemption from the obligation to undergo a tuberculosis (TB) test

If you have the nationality of one of the countries on this list, you do not have to undergo a tuberculosis (TB) test.

Albania	Latvia	United Kingdom
Andorra	Lebanon	United States of America
Antigua and Barbuda	Libya	Uruguay
Argentina	Liechtenstein	Venezuela
Australia	Lithuania	
Austria	Luxembourg	
Bahamas	Macedonia	
Bahrain	Maldives	
Barbados	Malta	
Belgium	Mauritius	
Belize	Mexico	
Bosnia and Herzegovina	Monaco	
Brazil	Montenegro	
Bulgaria	Netherlands	
Canada	New Zealand	
Chile	Nicaragua	
Colombia	Niue	
Comoros	Norway	
Costa Rica	Oman	
Croatia	Panama	
Cuba	Paraguay	
Cyprus	Poland	
Czech Republic	Portugal	
Denmark	Qatar	
Dominica	Romania	
Egypt	Samoa	
El Salvador	San Marino	
Estonia	Saudi Arabia	
Fiji	Serbia	
Finland	Seychelles	
France	Singapore	
Germany	Slovakia	
Greece	Slovenia	
Grenada	Spain	
Hungary	St Kitts & Nevis	
Iceland	St Lucia	
Iran	St Vincent and the Grenadines	
Iraq	Suriname	
Ireland	Sweden	
Israel	Switzerland	
Italy	Syria	
Jamaica	Tonga	
Japan	Trinidad and Tobago	
Jemen	Tunisia	
Jordan	Turkey	
Kuwait	United Arab Emirates	



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