



## Business Newsletter

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### In this edition

Quick check with 'orientation year visa tool'

Assess for yourself whether a highly skilled migrant is entitled to a reduced salary criterion

Fix error in application via the Business Portal

Notification of termination of SNA registration is mandatory from 1 July 2023

Do not submit the application for your employee too early

Unusable QR codes on family members' certificates

Highly skilled migrants below the salary criterion in case of statutory leave or right to strike

When is a research institution not required to deregister a scientific researcher?

Cooperating Service closed on 22 June and 4 July in the morning

### Quick check with 'orientation year visa tool'

The Welcome to NL platform offers an online '[orientation year visa tool](#)'. The tool provides a quick answer to the question of whether someone is eligible for a [residence permit orientation year](#) for highly skilled people. After entering the graduation year, the university and the study programme, you will see whether the diploma meets the requirement for this residence permit. Do you have questions about the tool? Send an e-mail to [nlentry@rvo.nl](mailto:nlentry@rvo.nl).

### Assess for yourself whether a highly skilled migrant is entitled to a reduced salary criterion

When applying for a residence permit for a highly skilled migrant, do you appeal for the [reduced salary criterion](#)? Then make sure you have assessed whether the highly skilled migrant is entitled to this. And include the necessary documents for this in your own administration. When assessing the application, the IND will no longer ask you to send supporting documents for assessment (a letter rectifying omission or, in Dutch; *herstel verzuim*).

It is the duty of the recognised sponsor to assess for themselves whether someone is entitled to the reduced salary criterion. All relevant documents relating to the self-declaration on the salary criterion must be included in the administration as well. For example diplomas.

Do you doubt whether your application meets the requirements? Then contact the Highly Skilled Migrants Line. Or with Team Business Services & Account Management via the contact form.

### Fix error in application via the Business Portal

Have you discovered that you made a mistake when completing an application form for a highly skilled migrant? As long as no decision has been made on the application, you can report a change via the Business Portal. During the ongoing procedure, upload an additional

document with the correct information or change. You do not have to call the IND to report your error. This causes large crowds and long waiting times at our Highly Skilled Migrant Line.

### **Notification of termination of SNA registration is mandatory from 1 July 2023**

A recognised sponsor who makes workers available must be registered with the Netherlands Labour Authority (SNA registration). From 1 July 2023, it is also mandatory to inform the IND if your SNA registration has been terminated, but you still provide workers or are engaged in pay-rolling. Are you not reporting this? Then the IND can withdraw the recognition.

Read more about the SNA registration in the newsletter of 3 May 2023 in the archive.

### **Do not submit the application for your employee too early**

With the Summer peak just around the corner, we see applications being submitted earlier and earlier. In the case of an application submitted early, we recommend that you withdraw the application and resubmit when the start date falls within the legal term.

The risk with an application submitted early is that the period for collecting the mvv (90 days) has expired before the employee collects the mvv. Or that the validity of the issued mvv (also 90 days) has expired before the employee enters the Netherlands. We will then ask you to submit a new application.

In the case of an early application for a residence permit without an mvv, there is a long period between receiving the notification and the journey to the Netherlands. We often see that appointments for biometrics, for example, are then forgotten.

### **Unusable QR codes on family members' certificates**

Are you applying for family members of your employee? Then make sure that you enclose the requested legalised certificates and documents. We are increasingly receiving QR codes, especially for certificates and documents from Pakistan. We cannot read those QR codes. That is why we ask you to open the link behind the QR codes yourself and to send the documents attached to it with the application. This way we can process the requests faster for you.

### **Highly skilled migrants below the salary criterion in case of statutory leave or right to strike**

Highly skilled migrants who make use of maternity, parental, adoption and foster care leave or additional maternity leave cannot always meet the salary criterion as a result. This also applies to short- or long-term care leave. These types of leave are included in the Dutch law for work and care (Wet Arbeid en Zorg or WAZO). For these types of leave, the highly skilled migrant may temporarily be allowed to come below the salary criterion. This is also the case when the highly skilled migrant comes below the salary criterion due to use of the right to strike. The right to strike is also laid down by law.

Does the highly skilled migrant come below the salary criterion as a result of one of the above-mentioned types of leave? Or because of participation in a strike? This will have no consequences for the residence permit if the conditions below are met:

- The highly skilled migrant and/or employer notifies the IND of the statutory paid or unpaid leave. Or of the use of the right to strike. And what consequences this has for the highly skilled worker's income; and



- The employer notifies this via the Business Portal or by using the notification form for employment-related residence purposes (recognised sponsor); and
- The IND must have received this notification within 4 weeks of the start of the leave or the strike.

For leave according to the Dutch law for work and care (Wet Arbeid en zorg or WAZO) these additional conditions apply:

- The highly skilled migrant is entitled to statutory leave under WAZO and meets the conditions for this leave; and
- The highly skilled migrant and/or the employer must be able to demonstrate that the highly skilled migrant is entitled to statutory paid or unpaid leave. In the event of care leave, the highly skilled migrant and/or employer must be able to demonstrate that care leave is actually necessary.

The leave or the strike must be well documented and included in the employer's records so that this can be shown during an inspection by the IND.

### **When is a research institution not required to deregister a scientific researcher?**

There are situations in which the research institution does not have to deregister a scientific researcher with the IND. This is not necessary in one of the following situations:

- The researcher is no longer in the Netherlands and this has been reported to the municipality in time.
- The scientific researcher changes his purpose of residence and is still conducting (part-time) research at the research institution. This then still includes research (without a work permit). The researcher must continue to meet the requirements of his residence permit with the new restriction (the purpose of residence). After this change, the research institution is no longer a recognised sponsor for the researcher.
- The researcher has been granted a permanent residence permit, has become a Dutch national or must be treated as a Dutch national by law. The research institution is then no longer a recognised sponsor for the researcher.

### **Cooperating Service closed on 22 June and 4 July in the morning**

The Cooperating Service (Ketenservice) is closed on a couple of days this year between 9:00 and 13:00. During the upcoming period, this concerns the following days:

- Thursday 22 June
- Tuesday 4 July

Waiting times may be longer than usual on these days. And so it is better to call the next day or later in the week. Thank you for your cooperation.