



Inspection visit

Employers employing highly skilled migrants and/or foreign academic researchers must have been recognised as sponsors by the IND. The same applies to educational institutions with foreign students, au pair agencies and cultural exchange organisations. The advantage of recognised sponsorship is that the application procedure for residence permits - on the basis of good faith - is relatively fast and smooth. But that does mean that the recognised sponsor must demonstrably meet a number of obligations. For example, highly skilled migrants, academic researchers, students and au pairs must carefully be recruited, selected and counselled, and the recognised sponsor must keep records of all relevant information (passport copy, diplomas, salary specification, etc.). There is also a duty to provide information. The IND has to be notified about changes in the foreign national's situation as soon as possible, but at least within four weeks.

Inspection into correct compliance with obligations

It may be that the sponsor does not comply with all its obligations - for example as a result of a lack of awareness - and that in the most serious case it does not, or no longer, meet the requirements for recognition as a result. Or that, as a result, the employee, student or au pair no longer has a right to residence. For this reason, the IND visits one or several recognised sponsors on a weekly basis.

Announced in advance

In principle, inspection visits by the IND are announced in advance and agreements are made about the necessary preparation the organisation to be inspected must make for the inspection visit to run as smoothly as possible. This is done by telephone and confirmed by email. The inspection visit consists at least of an interview and inspection of all documents related to the obligations of the recognised sponsor. During the visit all facts related to compliance with the obligations are recorded in a report, which will be signed after the interview and of which the recognised sponsor immediately receives a copy. A Report of Findings is drawn up on the basis of the report, the documents provided and other findings.

Assessment

On the basis of the Report of Findings, the IND will determine whether the inspected organisation does not, or not fully, meet its obligations as recognised sponsor, and whether this will have any consequences. It will also be determined whether the findings have consequences for the residence permit of the highly skilled migrant, student, or au pair. Within no more than 13 weeks, the recognised sponsor is informed about the Report of Findings and the outcome of its assessment. You will always be notified about the outcome of the inspection, so also when the company fully meets all obligations.

Possible consequences

In most cases, the conclusion will be that the recognised sponsor satisfactorily meets the obligations. If, however, imperfections have been detected, this may lead to a warning or administrative fine, depending on the circumstances (also see 'An administrative fine from the IND'). In special cases - in case of serious abuse or non-compliance - it may be decided to revoke recognised sponsorship. The findings may also have consequences for the residence permit of the employee, student, or au pair. In addition to these inspection visits, the IND participates in joint inspections with the NLA (Nederlandse Arbeidsinspectie/Netherlands Labour Authority), where the latter additionally checks for compliance with the Foreign Nationals Employment Act (in Dutch: Wet Arbeid Vreemdelingen or Wav).

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