



Appendix Exemption from the obligation to apply for a regular provisional residence permit and special situations

Do not enclose this appendix with the form!

Usually, you will need a Regular Provisional Residence Permit (MVV) in order to apply for residence in the Netherlands. You do not apply for a MVV in the Netherlands, but in your country of origin or in the country where you may reside for more than 90 days under a residence permit.

Sometimes, you do not require a regular provisional residence permit. These situations are mentioned and explained below. Please read all situations first. Then tick in the application form the situation that applies and enclose the requested documents with the application form.

My residence permit has expired

The validity of your residence permit is stated in your residence document. If you have been unable to extend the validity of your residence permit or to change the restriction in time, you must state the reason for this in a separate letter. Enclose this letter and as many pieces of evidence and documents as possible with your application in order to substantiate your story.

For health reasons, I am unable to apply for a regular provisional residence permit in my country of origin

If you are in the Netherlands and, for medical reasons, it is not wise for you to travel to your country of origin, you do not have to apply for a regular provisional residence permit. You have to prove this with certain pieces of evidence and documents. You must enclose all the means of evidence mentioned in the Appendix 'Explanation and means of evidence medical circumstances', which you can find on www.ind.nl. Read the appendix carefully and follow the instructions.

The IND asks the independent physician from the IND's Medical Advisors Office (Bureau Medische Advisering or BMA) for advice about your medical situation. If you do not submit all the requested details, then BMA cannot advise and the IND can not assess whether your medical situation is grounds for exemption from the MVV requirement.

I have a valid residence permit issued in a Schengen member state

You do not require a regular provisional residence permit if:

- you have a valid residence permit issued in a Schengen member state; and
- a recognised sponsor has applied for your residence permit; and
- you meet the requirements for the purpose of residence.

Your family members also do not need to have an mvv if:

- they already had a residence permit to stay with you in the other Schengen Member State; and
- their application for a residence permit is submitted by a recognised sponsor.

Schengen member states: Belgium, Denmark, Germany, Estonia, Finland, France, Greece, Hungary, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Norway, Austria, Poland, Portugal, Slovenia, Slovakia, Spain, Czech republic, Iceland, Sweden, Switzerland.

I am residing as a family member with someone who had a privileged status.

My family member qualifies for a permanent residence permit him/herself. If you are residing as a family member with someone having a privileged status and you currently also have a privileged status yourself, you do not require a regular provisional residence permit. This only applies if you and the family member you are residing with have submitted an application for a permanent residence permit simultaneously. Staff member of a foreign diplomatic or consular post or an international treaty organisation have a privileged status, for example.

I worked on a Dutch seagoing vessel or in a mining installation on the continental shelf for 7 years or longer

If you can demonstrate that you worked on a Dutch seagoing vessel or on the continental shelf for 7 years or longer, you do not require a regular provisional residence permit. Please enclose the proof hereof with this application.

I have Turkish nationality and worked legally in the Netherlands over the past year.

If you have Turkish nationality and worked legally in the Netherlands over the past year, you do not require a regular provisional residence permit under an international convention. This convention only applies if you want to remain employed in the Netherlands and apply for a residence permit for this purpose.

I am a (former) family member of an employee having Turkish nationality and lived together with this employee having Turkish nationality

If, as a family member of an employee having Turkish nationality, you lived together with him legally in the Netherlands for three years, you do not require a regular provisional residence permit under an international convention.

I have Turkish nationality and I want to perform work in the Netherlands as a self-employed person

If you have Turkish nationality and you want to perform work in the Netherlands as a self-employed person, the requirement to apply for a regular provisional residence permit will not be enforced against you beforehand if, upon submitting your application for performing work as a self-employed person, you immediately submit a business plan and you appear to have sufficient personal experience and your profession or business has added value for the Dutch economy. If the handling of your application shows that you meet all substantive admission conditions for work as a self-employed person, you do not require a regular provisional residence permit under an international convention.

I was born in the Netherlands, am 12 years of age or younger and did not move the location of my principal residence outside the Netherlands

A child aged 12 or younger, born in the Netherlands and forming part of the family of the sponsor (who did not move the location of his principal residence outside the Netherlands either) does not require a regular provisional residence permit. The parent(s) must lawfully reside in the Netherlands.

I qualify for a residence permit with the purpose of residence 'cross-border service provision'.

You do not need a regular provisional residence if you qualify for this residence permit.

I am a victim of or witness reporting human trafficking

If you are a victim of or witness reporting human trafficking, you must report to the police. You may be entitled to a residence permit based on this report. You are not obliged to submit a separate application for this. In that case, you do not require a regular provisional residence permit.

I do not have a residence permit and I am a victim of or witness reporting human trafficking. I cannot or will not file a report or collaborate in another way with the criminal investigation and prosecution of the human trafficker because of important reasons.

If you do not have a residence permit, are a victim of or witness reporting human trafficking and you cannot or will not file a report or collaborate in another way with the criminal investigation and prosecution of the human trafficker because of important reasons. You do not need a regular provisional residence if you qualify for a residence permit with the purpose of stay 'temporary humanitarian' for these reasons.

I do not have a residence permit and I have fallen victim to (or might fall victim to) honour-related violence or domestic violence.

You do not need a regular provisional residence if you qualify for a residence permit with the purpose of stay 'temporary humanitarian' for these reasons.

I am a minor child of a person who has a residence permit on temporary humanitarian grounds in connection with human trafficking or honour-related violence or domestic violence

If you are the minor child of someone who has a residence permit on temporary humanitarian grounds, as referred to above, and you are staying in the Netherlands with this parent, then you may be eligible for exemption from the requirement for a Regular Provisional Residence Permit.

I am unable to depart from the Netherlands

If you are not to blame for being unable to depart from the Netherlands, because you do not have a valid passport and, for valid reasons, you cannot be put into the possession of alternative travel documents, you do not require a regular provisional residence permit.

I am a minor child and actually resided in the Netherlands for at least three years

You do not require a regular provisional residence permit if you:

- are under age;
- actually resided in the Netherlands for at least three years;
- are of school age; and
- intend to reside with a Dutch citizen or a sponsor with lawful residence.

I want to reside with a family member who has an asylum residence permit, but my nationality differs from the nationality of this family member

You do not require a regular provisional residence permit if you:

- submit the application for family reunification within three months after an asylum residence permit has been granted to your family member residing in the Netherlands;
- you are unable to reside in a country you have special ties with (your country of origin, for example).

I am unable to leave the Netherlands because this is contrary to Article 8 of the ECHR

You believe that you are unable to leave the Netherlands because it is an interference on your family or private life as set out in Article 8 of the ECHR. Enclose the following evidence with your application:

In case of an appeal for protection of your family life:

- evidence showing the relationship pertaining to family law between you and the sponsor, for example a copy of a birth certificate; and
- evidence showing how you conduct your family life with the sponsor.

In case of an appeal for protection of your private life:

- evidence showing your connections with the Netherlands and which also shows the intensity of these connections.

I want to reside with my Dutch minor child of whom I am the only carer parent

If you are the only carer parent of a Dutch minor child who you have to support and who must leave the European Union if no residence permit is granted to you, you do not require a regular provisional residence permit.

I resided in another Member State as a holder of a European blue card

You need not have a regular provisional residence permit if:

- you resided in another Member State for a period of eighteen months as a holder of a European blue card; or
- you resided as a family member with a holder of a European blue card in another Member State for eighteen months. Please enclose with this application the documentary evidence showing the nature and duration of the residence in the other Member State.

You are the victim of human trafficking and you are unwilling or unable to file a report of this or collaborate in another way with the criminal investigation and prosecution of the human trafficker in connection with serious threats, and/or a medical or psychological limitation and/or you being a minor.

You do not need a Regular Provisional Residence Permit if you can show that you are unable or unwilling to file a report or collaborate in another way with the criminal investigation and prosecution of the human trafficker in connection with serious threats, and/or a medical or psychological limitation and/or you being a minor. You are required to prove this by means of the following evidence:

- a statement from the police showing that there are indications that you are the victim of trafficking in human beings.

Add at least one of the three following statements:

- a statement from the police showing that you cannot be expected to collaborate in the criminal proceedings because of serious threats here in this country from the trafficker in human beings; or
- a dated and signed written declaration, not older than six weeks, from a medical practitioner, including:
 - the medical practitioner's name, address and registration number under the medical practitioner in the Individual Healthcare Professions Register (BIG), or the Netherlands Institute of Psychologists register;
 - which medical symptoms you have;
 - the effect of your medical symptoms for the collaboration in the criminal proceedings.
- a statement from the police or Royal Netherlands Marechaussee (KMar) stating that you, in connection with being a minor, can not be expected to collaborate with the criminal proceedings. This statement contains detailed and specific comments on your individual situation, addressing the consequences of you being a minor for the collaboration in the criminal proceedings. You will only assumed to be a minor based on identifying documents, or when established by the IND (as described in paragraph C1/2.2 of the Aliens Act Implementation Guidelines).

Other

You want to apply for a regular residence permit and do not have a valid or correct regular provisional residence permit. Only in case of special and individual circumstances could you be granted a residence permit without a regular provisional residence permit. This only applies if you cannot be expected to apply for a regular provisional residence permit in your country of origin or a country of continuous residence outside the Netherlands. Please state in a separate letter why this is not possible for you. Enclose this letter with the application form.

How do you submit the application?

If you rely upon one of the exemptions from the MVV-requirement, you must submit the application immediately at the counter. Submitting an application to an Immigration and Naturalisation Service (IND) counter is by appointment only. Information about making appointments can be found on the website www.ind.nl. You will receive an invitation letter after making the appointment.