



Business Newsletter

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Income below salary criterion sometimes permitted for legally determined leave or use of the right to strike

Does a highly skilled migrant use maternity, parental, adoption and foster care leave, or additional maternity leave? Then the income of the highly skilled migrant is allowed to sometimes be lower than the salary criterion. This also applies to short-term and long-term care leave. These types of leave are included in the Work and Care Act (WAZO). The income of a highly skilled migrant may also be temporarily lower by using the right to strike. The right to strike is also included in the law.

Is the income of the highly skilled migrant lower than the salary criterion due to one of the above types of leave? Or because they are participating in a strike? This has no consequences for the residence permit if the following requirements are met:

- The highly skilled migrant and/or employer report the legally determined (un)paid leave. Or the use of the right to strike. And also report what consequences this has for the level of income to the IND; and
- The employer reports this via the Business Portal or with the [reporting form for work-related residence purposes \(recognised sponsor\)](#); and
- The IND has received this notification within 4 weeks after the start of the leave or strike.

The following additional requirements apply to leave under the Work and Care Act (WAZO):

- The highly skilled migrant has legally established leave under the WAZO and meets the requirements for granting this leave; and
- The highly skilled migrant and/or the employer can demonstrate that the highly skilled migrant has legally established (un)paid leave. In the case of care leave, the highly skilled migrant and/or employer must be able to demonstrate that the leave is necessary care leave.

The leave or strike must be properly documented and this must be included in the employer's administration. In the event of an inspection by the IND, the employer must be able to show the evidence.

Target decision periods during summer at Knowledge and Talent

Summer is coming. We are trying to meet the target decision periods. During this period, many applications are submitted as well. However, due to the holidays, there are fewer decision-making employees present. This means that you may have to wait longer for a decision than you are used to from us. This applies to the months of July, August and September. We ask for your understanding.

Cooperating Service closed during a few mornings

- Thursday 19 June 2025 from 9:00 to 13:00.
- Thursday 17 July 2025 from 9:00 to 13:00.

Waiting times in the afternoon may be longer than normal because of this. Please call the next day or later in the week. Thank you for your understanding.