FAQ 'Orientation year highly educated persons' / 'Zoekjaar hoogopgeleiden'

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- 27. Can my spouse, partner, and/or minor child stay with me during the orientation year?

1. Can I apply online?

You can apply online at www.ind.nl if you have DigiD with sms-code or the DigiD app. You pay the costs of the application immediately with iDEAL. You cannot pay by credit card. This is mostly the fastest way to apply for the orientation year.

It is not possible to apply for a DigiD and to apply for the orientation year online if you do not have a Dutch citizen service number ('burgerservicenummer' or 'BSN').

If you need an MVV (see question 2), you cannot apply online.

2. How can I apply for the orientation year while I am abroad?

Depending on your nationality, you may need a provisional residence permit (in Dutch: 'machtiging tot voorlopig verblijf' or 'MVV') if you want to settle in the Netherlands. An MVV is an entry visa that is required if you want to stay in the Netherlands for more than 90 days and your nationality or circumstances do not <u>exempt</u> you from the MVV requirement.

You can start the Entry and Residence Procedure (TEV procedure) by applying for an MVV at a <u>Dutch embassy or consulate</u> in your country of origin or continuous residence, or, if that is not possible, in a neighbouring country. You can make an appointment through the website of the Dutch embassy or consulate. You can download the <u>application form from www.ind.nl</u>.

The TEV procedure combines the application for an MVV and the application for a residence permit. If an MVV is granted to you, you will automatically obtain a residence permit after arriving in the Netherlands.

You can find more information in the application form.

3. Am I exempt from the obligation to apply for an MVV if I have a valid residence permit issued by another member state of the European Union (EU) or by another Schengen member state?

That depends on the kind of residence permit you have. You are exempt from the obligation to apply for an MVV if:

- You have an EU long-term residence permit issued by another member state of the EU; or
- You are a holder of a European blue card issued by another member state of the EU and you have resided at least 18 months in that other member state as a holder of that blue card; or
- You have a residence permit for researchers under Directive (EU) 2016/801 issued by another EU member state.

The exemption from the MVV requirement can apply to family members in these situations as well.

If you are exempt from the obligation to apply for an MVV, you can apply for a residence permit directly in the Netherlands.

The exemption from the MVV requirement does **not** apply to you if you have a different residence permit (for example for study purposes) issued by another member state of the EU or by another Schengen member state.

4. I have submitted my application at a Dutch embassy or consulate abroad. I have sent the necessary documents to the Netherlands and I have transferred the fee for the application to the bank account of the IND. Will I get an acknowledgement of receipt?

No, the IND does not send acknowledgements of receipt abroad.

If you have sent your documents by post from abroad, it may take up to 1 or 2 weeks after receipt before your documents are registered. It may also take 1 or 2 weeks before your payment from abroad is registered.

The IND will contact you by email if not all of your documents have been received and/or if your payment has not been received. There is no need for you to inquire whether your documents and your payment have been received.

5. How long does the application process take?

The statutory decision period is 90 days, but often a decision is made sooner.

Only if you apply online and your application is complete, the IND strives to handle your application in 2 weeks (3 weeks including making your residence document).

6. Do I have to show that I have sufficient means of existence when I apply for the orientation year?

No, you do not have to submit proof of your financial situation to be eligible for the orientation year. You will have to sustain yourself during the orientation year, but you do not have to show how you can or will do that.

During the orientation year you are not allowed to use <u>public funds</u>, like a social assistance benefit. Receiving, for example, an unemployment benefit (in Dutch: WW-uitkering), a sickness benefit, rent benefit, healthcare benefit, childcare benefit and/or supplementary child benefit is, however, allowed and will have no consequences for you.

7. Which ranking lists are used to determine whether I qualify for the orientation year with my foreign degree?

Publisher:	<u>Times Higher Education</u>
General ranking list:	Times Higher Education World University Rankings
Ranking lists by subject:	Times Higher Education World University Rankings by subject

Publisher:	Quacquarelli Symonds
General ranking list:	QS World University Rankings
Ranking lists by subject:	QS World University Rankings by subject

Publisher:	ShanghaiRanking Consultancy
General ranking list:	Academic Ranking of World Universities
Ranking lists by subject:	ShanghaiRanking's Global Ranking of Academic Subjects

The following conditions must be met to qualify for the orientation year with a foreign degree:

- Your educational institution must be listed in the top 200 of the aforementioned general ranking lists or ranking lists by subject of at least 2 of the 3 aforementioned publishers;
- Your educational institution must be listed in the top 200 of these ranking lists on the date you completed your study programme or PhD;
- The ranking list(s) by subject in which your educational institution is/are listed in the top 200 must relate to your field of study or research.

Examples

You may, for example, qualify for the orientation year if you meet the other conditions and:

- Your educational institution is listed in the top 200 of the 'Times Higher Education World University Rankings' and in the 'QS World University Rankings' on the date you completed your study programme or obtained your PhD; or
- Your educational institution is listed in the top 200 of the 'Academic Ranking of World Universities'
 and in the specific ranking list of the 'QS World University Rankings by subject' related to your field
 of study or research on the date you completed your study programme or obtained your PhD; or
- Your educational institution is listed in the specific ranking list of the top 200 of the 'Times Higher Education World University Rankings by subject' that relates to your field of study or research and in the specific ranking list of the 'ShanghaiRanking's Global Ranking of Academic Subjects' that relates to your field of study or research on the date you completed your study programme or obtained your PhD.

You do not qualify for the orientation year if your educational institution is not listed in the top 200 of the aforementioned ranking lists or is only listed in the aforementioned ranking lists of 1 of the aforementioned publishers. Nor if your educational institution is (additionally) listed in (the top 200 of) other ranking lists, not mentioned above, of Times Higher Education, Quacquarelli Symonds, ShanghaiRanking Consultancy or another organisation.

8. Does my foreign diploma have to be evaluated by Nuffic?

Every foreign diploma has to be evaluated by Nuffic before it can be accepted. The only exception to this rule are diplomas from accredited higher education programmes in Flanders, Belgium, that can be found in the Higher Education Register: www.highereducation.be/home.

The credential evaluation indicates the value of a foreign diploma or study programme in the Netherlands. Furthermore, Nuffic can assess the authenticity of foreign diplomas.

Information on how to apply for a credential evaluation and which documents are needed for the credential evaluation is available on the following website: www.idw.nl/en/to-work.

Your diploma does not have to be legalised by the authorities.

9. How can I see if I have obtained a master's degree on the basis of an Erasmus Mundus Masters Course or an Erasmus Mundus Joint Master Degree?

If you have completed an Erasmus Mundus Masters Course or an Erasmus Mundus Joint Master Degree (the successor of the Erasmus Mundus Masters Course), you must have obtained a joint degree or multiple degrees, issued by at least 2 participating higher educational institutions.

You can find all Erasmus Mundus Masters Courses and Erasmus Mundus Joint Master Degrees here: www.eacea.ec.europa.eu/scholarships/erasmus-mundus-catalogue en.

10. Am I eligible to apply for the orientation year with a foreign bachelor's degree?

No, you are not. If you graduated from a foreign educational institution (outside the Netherlands), you need at least a master's degree to qualify for the orientation year.

11. I completed my study programme at a Dutch educational institution, but I do not have my diploma yet. Can I apply for the orientation year?

Yes. If you do not receive your diploma immediately after your graduation, you can add the appendix 'Statement on completion of study' of the application form to your application. This appendix has to be completed and signed by your educational institution. You cannot use the 'Statement on completion of study' if you have graduated from an educational institution abroad.

12. Is my residence permit for study purposes still valid after I completed my study programme in the Netherlands?

When you graduate, your enrollment at you educational institution will be ended. How long your residence permit remains valid, depends on your situation:

- Your residence permit for study purposes is valid until 3 months or less after the date your enrollment at your educational institution ends.
 In this case, your residence permit will remain valid until its end date of until the start date of your orientation year, whichever comes first.
- Your residence permit for study purposes is valid for more than 3 months after the date your enrollment at your educational institution ends.
 In this case, your residence permit can be revoked after those 3 months if you do not apply for the orientation year, or for a residence permit with another purpose of stay, within those 3 months.
- You end your study programme without graduating.
 In this case, your residence permit may be revoked immediately.

13. How much time do I have to apply for the orientation year after I completed my study programme or my doctoral programme, or after my scientific research in the Netherlands? If you have completed a study programme or a doctoral programme in the Netherlands or abroad, you can apply for the orientation year until 3 years after the date on your diploma or certificate.

If you have performed scientific research in the Netherlands, you can apply for the orientation year until 3 years after the expiry date of your residence permit for scientific research.

If you already have a Dutch residence permit and you want to prevent a residence gap (an interruption in your lawful residency), you will have to apply before your residence permit for study purposes or scientific research expires. If you prefer to apply later, after your residence permit has expired, and you are not exempt from the MVV requirement (see question 3), you can apply at a Dutch embassy or consulate abroad.

14. I have submitted my application for the orientation year within 3 years after completing my study programme or my doctoral programme or after the expiry date of my Dutch residence permit for scientific research. Is it a problem if the decision is made after the 3-year period has passed?

No, that is not a problem. The application has to be received – by post, online, or at a Dutch embassy or consulate abroad – within 3 years after you have completed your study programme or your doctoral programme or after the expiry date of your Dutch residence permit for scientific research.

15. When does the orientation year start?

- You are legally residing in the Netherlands, but you do not have a valid Dutch residence permit, or you have a valid Dutch residence permit for study purposes when you submit the application:
 If a residence permit for the orientation year is granted to you, it will start on the application date if you have submitted all requested documents with your application and you qualify for the orientation year at that moment, even if the decision is made after that date.
- You have a valid Dutch residence permit for the purpose of scientific research (or a 'highly skilled migrant' residence permit to perform scientific research) when you submit the application:
 If a residence permit for the orientation year is granted to you and your employment contract or hosting agreement has not been terminated prematurely, it will start immediately after your current residence permit expires.
 - If your employment contract or hosting agreement has been terminated prematurely, your residence permit for the orientation year will start on the date your employment contract or hosting agreement ends of on the application date. In this case, your residence permit for the orientation year will start on the last of these 2 dates.
- You apply at a Dutch embassy or consulate abroad:
 If an MVV (see question 2) is granted to you, you will automatically receive a residence permit after arriving in the Netherlands. Your residence permit will start on the day after the date on which the MVV sticker is placed in your passport by the Dutch representation. You can also choose to have your residence permit start on the date you enter the Netherlands.
 In this case, you must inform the IND about your entry date before you enter the Netherlands. You can do this until the day on which you collect your passport with the MVV sticker in it.
 Please take into account that it will take 1 or 2 weeks to make your residence document.

16. I have applied for the orientation year while residing legally in the Netherlands. How soon can I start working?

If you want to start working soon, it is recommended that you apply for the orientation year online if that is possible (see question 1). The IND strives to handle your online application in 2 weeks if it is complete. In general, you can collect your residence permit within a week after your application has been handled.

If you cannot wait 3 weeks, because you have already found a job and your employment contract starts within 3 weeks, you can get a (free) residence endorsement sticker in your passport at an IND desk. The sticker will be valid while your application is pending and states that you reside legally in the Netherlands and that you have free access to the Dutch labour market. This means you can start working immediately after you have collected the sticker. You do not have to wait for the residence permit itself.

If you apply online or by post and you application is complete, you can get the sticker after your application has been registered. You will have to make an appointment online to collect the sticker: ind.nl/en/service-and-contact/book-an-appointment-with-the-ind.

If you apply at an IND desk, you can get the sticker immediately if you submit all requested documents with your application. You will have to make a an appointment by phone if you want to submit your application at an IND desk.

You cannot get a residence endorsement sticker if you applied for an MVV abroad and that application is still pending.

17. Can I do an internship or work as a freelancer or start my own company during the orientation year?

Yes, you are allowed to accept any (temporary) job, including internships (paid or unpaid), during the orientation year. You are also allowed to work as a freelancer or to start your own company during the orientation year. You have free access to the Dutch labour market during the orientation year, without restrictions.

18. What are other benefits of the orientation year?

You are granted free access to the Dutch labour market during the orientation year. This means that there is, apart from the Minimum Wage and Minimum Holiday Allowance Act (WML), no salary criterion and that an employer does not have to apply for a work permit for you.

Furthermore, the <u>reduced salary criterion</u> applies to you when you find a job as a highly skilled migrant. This may encourage an employer to hire you.

You can find the conditions for a highly skilled migrant residence permit on the website of the IND: ind.nl/en/residence-permits/work/highly-skilled-migrant.

19. I already found a job as a highly skilled migrant without needing an orientation year first. Am I still eligible for the reduced salary criterion?

Yes, you are. If you qualify for the orientation year, but you do not apply for it because you already found a job as a highly skilled migrant, your employer can still make use of the <u>reduced salary</u> <u>criterion</u>.

20. I have had a residence permit for paid employment or for working as a highly skilled migrant, immediately after I had graduated or performed scientific research. Am I still eligible to apply for the orientation year?

Yes, that is possible. You can apply for the orientation year until 3 years after you have completed your study programme or your doctoral programme or after the expiry date of your residence permit for scientific research, regardless whether you have had a different residence permit in the meantime or not.

21. I found a job as a highly skilled migrant during the orientation year? Does my employer have to apply for a new residence permit for me immediately?

No, that is not necessary. You have free access to the Dutch labour market during the orientation year, so your employer can wait until the end of your orientation year before he applies for a new residence permit for you.

22. I work as a highly skilled migrant and my contract ends, but I did find another job/employer. Will the reduced salary criterion remain?

Yes, if you change jobs or employers, your new employer can still make use of the <u>reduced salary criterion</u>. This reduced salary criterion applies to you for as long as you keep working as a highly skilled migrant continuously, even if you turn 30 or change employers.

Make sure that you avoid a residence gap. This means your new employer should apply for an extension of the validity of your residence permit before it expires.

23. Can I work in other Schengen member states with a Dutch residence permit for the orientation year?

No. A Dutch residence permit allows you to enter and exit the Netherlands and travel through the Schengen Area. However, a Dutch residence permit does not give you the right to work in other countries. If you want to work in another (Schengen member) state, you will have to apply for a residence permit and/or a work permit in that state.

Your stay in other Schengen member states is limited to a maximum of 90 days within a period of 180 days. If you intend to stay in another Schengen member state longer, you must comply with the immigration regulations of that country.

24. Can I use my residence permit for the orientation year to look for a job in the Netherlands while living abroad?

No. If you do not have and keep your <u>main residency</u> in the Netherlands during the orientation year, your residence permit can be revoked. Having main residence in the Netherlands is a key requirement to retain a Dutch residence permit.

25. Am I eligible to apply for a second orientation year if I have completed another study or doctoral programme or if I have performed another scientific research?

Yes, a residence permit for the orientation year can be granted after each completed study programme or doctoral programme, or after each performed scientific research. The new study programme or (foreign) doctoral programme must have been completed **after** your previous orientation year. The new scientific research must also have been carried out **after** your previous orientation year.

You can therefore apply for another orientation year if, **after** your previous orientation year, you have completed another study programme or doctoral programme or you have carried out another scientific research. You must have carried out this new scientific research on the basis of a residence permit for the purpose 'Research within the meaning of Directive (EU) 2016/801' ('Onderzoek in de zin van richtlijn (EU) 2016/801)' or for the purpose 'Work as highly skilled migrant' ('Arbeid als kennismigrant').

26. Am I obliged to take out Dutch public health insurance once I have found a job or internship during the orientation year?

You are obliged to take out Dutch public health care insurance once you have found a job or when your internship allowance is at least as high as the Dutch minimum wage. If it is established that you are obliged to take out Dutch health insurance, you have 3 months to do that. Keep in mind: the start date of this insurance is the first day you became obliged to take out health insurance. In other words: the start date of your job or internship.

You can find more information on the website of the **Zorgverzekeringslijn**.

27. Can my spouse, partner, and/or minor child stay with me during the orientation year? Yes, that is possible if the conditions are met. You can find the conditions on ind.nl/en/residence-permits/family-and-partner.

If your family members already have a Dutch residence permit, they can apply for a change of purpose of stay or for an extension of the validity of their residence permit.

You do not have to show that you have sufficient means of existence to be able to support your family members in the Netherlands during the orientation year. However, you and your family members are not allowed to use <u>public funds</u>, like a social assistance benefit. Receiving, for example, an unemployment benefit (in Dutch: WW-uitkering), a sickness benefit, rent benefit, healthcare benefit, childcare benefit and/or supplementary child benefit is, however, allowed and will have no consequences for you and your family members.

If you and your family members do not have a Dutch residence permit yet, your family members can submit an application together with you (see question 2).

If your family members do not have a Dutch residence permit yet, but you do have a valid Dutch residence permit, you can submit an application for them. On ind.nl/en/residence-permits/family-and-partner, you can find information on how you can do that.

If your family members do not have a Dutch residence permit yet, you will have to show that you have sufficient means of existence to be able to support your family members in the Netherlands during the orientation year. You have sufficient means of existence, if:

- Your income is independent, sufficient and long-term. You can find information about independent, sufficient and long-term income here; or
- The balance of your bank account equals at least 12 times (or less, depending on how long your residence permit for the orientation year is still valid) the monthly amount of a social assistance benefit for families in the Netherlands, including holiday allowance. You can find information about social assistance benefits here.

If the applications of your family members are approved, they will also have free access to the Dutch labour market during your orientation year, without restrictions.

Do you have other questions?

If you still have questions regarding the orientation year, you can contact the Public Information Centre of the IND: ind.nl/en/service-and-contact.

If you have questions about housing, finding jobs, the 30% ruling/facility, taxes, unemployment benefit, rent and other subjects that do not concern obtaining or retaining legal residence in the Netherlands, please check the internet or contact the responsible authorities or organizations.