GENERAL QUESTIONS

Where and how can I submit my application for a residence permit?
You can submit your application to the Immigration and Naturalisation Service (IND). The application form can be downloaded from the website www.ind.nl. The direct link is https://ind.nl/EN/ Documents/7529.pdf. If you live abroad, you can submit the application at a Dutch diplomatic representation.

How can I contact the IND?
For questions please contact us by email: arbeid@ind.nl. The IND can be contacted by telephone on working days from 9.00 am to 5.00 pm. Call 088 0430 430 (local rate). From abroad, you can call +31 88 0430 430. You can find information on the website www.ind.nl.

How can I get in touch with the Netherlands Enterprise Agency [Rijksdienst voor Ondernemend Nederland; RVO] for more information about the assessment?
You can contact the RVO by email: info@rvo.nl. You can find information on the website https://www.rvo.nl/.

Is the foreign investor obliged to take a civil integration course and what about the family members?
The foreign investor and his family members who come within the framework of family reunification are not required to take a civil integration course. It is not a condition for obtaining a residence permit for the purpose of ‘foreign investor’ or for a family member of the foreign investor.

Who can invest (individual or business)?
To obtain a residence permit, the foreign investor (individual) must make an investment in a company in the Netherlands.

With respect to investors who already have made a major investment in the Dutch economy, are they eligible on the basis of (the results of) the investment for a residence permit as a foreign investor?
No residence permit can be granted on the basis of an investment that was done in the past. After all, it no longer leads to an (additional) investment in the Dutch economy. The investment agreement should show when the investment will be made.

What is meant by an investment?
An investment is an amount of money that is made available to the company. In form, the investment may not be an immediately payable loan, it may be a subordinated loan. An investor, in return for his investment, may be given a voice in the form of newly issued shares. Buying existing shares, whether or not in the free market, is not allowed. The amount must be for the good of the company directly (“fresh money”) and be used in accordance with the criteria of the regulations on which the RVO is assessed.

When is it called a company? Must a company make a profit?
A company normally has a profit motive (for a startup company, however, it is not uncommon to operate at a loss in the first year). In general, it can be said that a company operates in competition with others in the free market, pays VAT on activities (there are exceptions) and, in the case of a private or public limited company, pays corporate income tax. Sole proprietorships do not pay
corporate income tax, but it can be seen from the income tax returns whether or not there is an income from the company.

**What is considered to be a startup company? What can such a company show in lieu of annual financial statements?**
A company is a startup when it is less than three years old. Such a company must be able to present a well-substantiated business plan. A business plan shall contain, at a minimum, the following topics: background of the entrepreneur/management, product/service, market analysis, organisation and financing. The annual accounts must also be provided, as far as are present.

**Does an investment in a private company in the Netherlands also fall under the regulation?**
Yes, it is possible for a foreign investor to start his own company in the Netherlands and invest in it.

**As evidence, one refers to "financial statements over the last three years." Does this mean that the company must have existed for at least three financial years?**
No. A startup company (which has been in business for less than three years) must submit the present annual accounts since its inception. In addition, it must submit a business plan. This can be integrated in the investment plan. The business plan should, at least, contain substantiated information about the background of the entrepreneur/the management, the product or service, market analysis, organisation and financing.

**May I invest with borrowed money?**
No, it has to be your own capital.

**How does the Netherlands Enterprise Agency (RVO) conduct the assessment?**
After the application has been filed with the IND, the IND asks the RVO to give advice, based on the documents submitted with the application. The assessment of the RVO consists of two parts:

- A general assessment of the registration at the Chamber of Commerce of the company in which will be invested, the nature of the investment plan, and
- The continuity of said enterprise.

There is also an assessment of innovation, employment creation and any non-financial input by the investor. For this, a points-based system is used.

**What, in the assessment by RVO, do they mean by "the nature of the investment should be positive for the Dutch economy"?**
The impact of the investment must not be detrimental, for example not lead to the closure of offices in the Netherlands and a move abroad, or lead to a reorganisation in which jobs are lost.

**In the assessment by RVO, what does "continuity of enterprise" mean?**
This means that there is confidence that the company has the right of existence, based on the information provided and market developments.

**In the assessment by RVO, what is meant by 'innovative'?**
Technical and/or non-technical innovation in a broad sense, for example:

- R&D
- Energy conservation
- CSR (socially responsible business practices)
- New product / market combinations
- Innovative market approach
- Social innovation
- New production processes
- Investment in one of the top sectors

**Do I qualify if I invest in real estate?**
If you can show that you meet 2 of the following 3 aspects you will get a positive advise:

- Creation of jobs
• Innovation
• Non-financial input.
Investments in real estate for living purposes are excluded.

**Do I qualify if I invest in a restaurant?**
If you can show that you meet 2 of the following 3 aspects you will get a positive advise:
• Creation of jobs
• Innovation
• Non-financial input.

**What is job creation?**
The creation of jobs in the investee company and in the form of employees for that company (no hiring of third parties). In the assessment, the number of FTEs is normative.

**In the points based system, it states that points are obtained through job creation; the more FTEs, the more points. How soon do those additional jobs need to be created?**
A minimum of 10 additional jobs have to be created within 5 years of which 60% within 3 years.

**Where can I find more information about the top sectors?**
On the website [https://www.topsectoren.nl/](https://www.topsectoren.nl/).