Immigration and Naturalisation Service
Ministry of Justice and Security

Coming to work in the Netherlands

1. Why have we written this publication?

Would you like to work in the Netherlands? For a stay of over 90 days, you must apply for a residence permit unless:

- you come from a country that belongs to the European Union (EU), the European Economic Area or Switzerland, or
- possess a residence permit for research within the meaning of Directive (EU) 2016/801 issued by another Member State of the European Union and are going to carry out part of the research in the Netherlands for a maximum of 180 days in a period of 360 days. (inbound short-term mobility). This brochure does not deal with short-term mobility for researchers. See www.ind.nl for more information.

When does your family member or relative not require a residence permit?
Your family member or relative does not need a residence permit if he has the nationality of one of the following countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Ireland, Latvia, Liechtenstein, Lithuania, Luxemburg, Malta, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, The Czech Republic.

In this publication you can find out:

- which types of residence permits there are;
- the conditions for the various residence permits;
- how the application procedure works;
- what rights correspond to the residence permit;
- which rules you must abide by;
- what you have to do if your situation changes;
- where you can obtain further information.

Are you self-employed and would you like to offer your services in the Netherlands? There are other conditions for this situation. See www.ind.nl for further information.

Would you like to reside in the Netherlands as an au pair? There is a separate admissions procedure for au pairs. For this, please see the publication 'Coming to the Netherlands for a cultural exchange (au pair)' on www.ind.nl.

2. Which residence permits are available for work?

If you have found work, your employer will apply for a residence permit for you. There are various types of residence permit. You can be admitted for regular paid work, for seasonal labour or work experience, intra corporate transfer', as essential start-up personnel, as a highly skilled migrant, as a holder of a European blue card, as a (guest) lecturer, a trainee doctor or as a researcher. Sometimes, you may apply for a range of residence permits. In this case, the employer can make a choice.

Would like to work in the Netherlands but you have not yet found an employer? If you are highly educated, you could be eligible for a residence permit for an orientation year for highly educated persons. This residence permit allows you to stay in the Netherlands for a maximum of 1 year to seek employment as a highly skilled migrant. During the orientation year you may accept every job or internship.

Work permit and Single Permit (combined permit for residence and work)

If you want to carry out work in the Netherlands, then you will normally need to apply for a work permit or a Single Permit (combined permit for residence and work). Both applications test whether 'essential interests of the Netherlands' are served thereby. This means that your employer was unable to find suitable personnel in the Netherlands or elsewhere in Europe. Depending on the purpose of residence, your employer needs to apply for a work permit or a Single Permit.

Your employer can apply for a work permit from the Netherlands Employees Insurance Agency (UWV). Your employer can submit the applications for the work permit and the residence permit at the same time. The applications for a Single Permit (combined permit for residence and work) should be submitted to the Immigration and Naturalisation Service (IND). The IND then requests advice from the Netherlands Employees Insurance Agency (UWV). This means that your employer does not need to submit an application to the UWV. If a residence permit is granted to you, then you will receive a Single Permit (combined permit for residence and work). This comprises a residence document and an additional document. Your employer will receive a copy of the additional document. It is stated on the additional document for which employer and under which conditions you are permitted to work.

In order to be allowed to work during the orientation year for highly educated persons, a potential employer is not required to apply for a work permit (TWV).

Your employer: non-recognised versus recognised sponsors

When applying for the residence permit, your employer will function as your sponsor. The sponsor must ensure that the employee fulfils the conditions for a residence permit. The IND will distinguish between non-recognised sponsors and recognised sponsors. If an employer has been recognised as a sponsor by the IND, the application procedure will be quicker. Would you like to work as a highly skilled migrant? Then your employer must be a recognised sponsor, unless you have the nationality of Turkey. Would you like to know which companies are recognised as sponsors? Then check the register on www.ind.nl.

Work experience or seasonal labour

'Work experience' refers to gaining working experience in the Netherlands that is relevant for your training or job abroad, via a work placement. Seasonal labour, e.g. seasonal work in the agricultural sector corresponds to a maximum period of 24 weeks. A Single Permit for seasonal labour or work experience can be requested by any employer with a base in the Netherlands or who is represented in the Netherlands by an authorised trading agent. Your organisation must be registered in the Chamber of Commerce's trading register as required by the Company Commercial Register act 2007. The employer does not have to be a recognised sponsor.

Regular paid work

Regular paid work refers to a paid job which is not seasonal labour or work experience. A residence permit for regular labour can be requested by any employer with a base in the Netherlands or who is represented in the Netherlands by an authorised trading agent. Your organisation must be registered in

the Chamber of Commerce's trading register as required by the Company Commercial Register act 2007. The employer does not have to be a recognised sponsor.

International Trade Regulation

The International Trade Regulation provides a flexible procedure enabling enterprises to have foreign employees come to the Netherlands on a temporary basis. The work of these employees must not result in displacement in the Dutch labour market. In order to be eligible for the regulation, the organisation must first submit an application to the Employee Insurance Agency (UWV). If an arrangement is admitted to the regulation, the organisation no longer has to apply for a work permit for employees for that arrangement. The organisation can then suffice by registering the employees with the UWV. The organisation does not have to be a recognised sponsor.

Intra corporate transfer

Employees who are temporarily being transferred to a branch in the Netherlands may rely on the directive Intra Corporate Transferees 2014/66/EU. The employee remains employed by the foreign employer who must be established outside the European Union (EU). The employee is a manager, specialist or trainee employee. To be eligible for this residence permit, the employee must meet qualification and wage requirements. It is not mandatory for an employer to be recognised as a sponsor in the Netherlands. However, the procedure will progress more quickly if it involves a recognised sponsor.

Essential start-up personnel

As of June 1, 2021, a new residence scheme for essential startup personnel has come into effect. This residence scheme has been introduced as a pilot and has a duration of 7 years. Startup companies often have a remuneration structure that does not fit in with existing procedures, such as those for a residence permit for highly skilled migrants. The pilot 'essential startup personnel' enables starting, innovative companies in the Netherlands to attract and retain employees with specific high-quality expertise, experience and skills in an early phase of the development of the startup company.

Highly skilled migrants, guest lecturers and trainee doctors

There are certain wage requirements for admission as a highly skilled migrant. In order to apply for a residence permit for a highly skilled migrant, (guest) lecturer or trainee doctor, the employer must be recognised by the IND as a sponsor. If you have the nationality of Turkey, a recognised sponsor not mandatory. However, the procedure will progress more quickly if it involves a recognised sponsor.

European blue card

The European blue card is intended to facilitate the residence of employees who carry out highly qualified tasks within the EU. In this context, the national conditions for the provision of the European blue card, however, must be fulfilled. In order to be eligible for a European blue card, employees must fulfil wage requirements and higher professional qualifications. The employer you wish to work for in the Netherlands does not have to be recognised as a sponsor. However, the procedure will progress more quickly if he is.

Researchers under Directive (EU) 2016/801

Researchers may be admitted on the basis of Directive (EU) 2016/801. An organisation must be recognised by the IND as a sponsor in order to use this opportunity. If you have the nationality of Turkey, a recognised sponsor not mandatory. However, the procedure will progress more quickly if it involves a recognised sponsor.

Orientation year for highly educated persons

The orientation year for highly educated persons is meant for highly educated persons who seek employment in the Netherlands as a highly skilled migrant. A residence permit for the purpose of residency, being 'the seeking and undertaking of work, whether in employment or not' applies for a maximum of 1 year and must be applied for personally, without the intervention of a sponsor.

3. Which conditions must your organisation fulfil?

In order to obtain a residence permit for work in the Netherlands, you must fulfil a range of conditions. The conditions vary per residence permit.

General conditions

The following applies to all cases:

- You have a valid passport.
- You do not pose a risk to public order or national safety. You have not been found guilty of a criminal offence and have not been involved in war crimes, terrorism or crimes against humanity.
- You take out healthcare insurance in the Netherlands.
- You must undergo a test for tuberculosis in the Nether- lands. This test must be carried out within 3 months of the residence permit being issued. If necessary, you must be treated for TB. Do you have the nationality of one of the countries listed in the appendix 'Exemption from the obligation to undergo a tuberculosis (TB) test'? Then the TB test is not required. The 'Appendix Exemption from the obligation to undergo a tuberculosis (TB) test' can be found at www.ind.nl.

Admission for seasonal labour or work experience

- You must have an employment contract with an employer in the Netherlands.
- You need a Single Permit (combined permit for residence en work) for paid work or work experience (exept for work experience within the framework of an EU action programme). Send the application form and the requisted evidence to the IND. The IND then requests advice from the Netherlands Employees Insurance Agency (UWV) if your attendence serves 'essential interests of the Netherlands'.
- You must earn the minimum wage or a percentage thereof. For more information, see www.ind.nl.
- In the case of seasonal labour: you will be working for an uninterrupted period of a maximum of 24 weeks.
- In case of work experience: you must have graduated from university or hbo 2 years ago at most, you must be engaged in education at an educational institution or be working for a employer outside the Netherland.

Please note! Do you have Canadian nationality and are you taking part in the Young Workers Exchange Program? Then take a look at the admissions conditions on www.ind.nl.

Admission for regular paid work

- You must have an employment contract with an employer in the Netherlands.
- You must earn the minimum wage or a percentage thereof. For more information, see www.ind.nl.
- You need a Single Sermit (combined permit for residence en work).

Please note! Are you coming to the Netherlands to carry out a role as a contemplative, internal officer or board member for a religious or philosophical organisation but will also carry out other work? Then you must undergo the civic integration process abroad. You must take the basic civic integration exam at the Dutch embassy or consulate. Only if you pass this exam, will your employer be able to submit an application for an mvv. Once in the Netherlands, you must then follow the further civic integration process. For more information about civic integration in the Netherlands, see www.inburgeren.nl.

International Trade Regulation

- The employer must be admitted to the International Trade Regulation.
- You must be registered with the Employee Insurance Agency (UWV).
- You must earn the minimum wage or a percentage thereof, see www.ind.nl.

Intra corporate transfer (Directive Intra Corporate Transferees 2014/66/EU)

- You are being transferred from a company outside the EU, to a branch in the Netherlands.

- You have an employment contract with the company outside the EU, as demonstrated by an engagement letter.
- You are in a manager, specialist or trainee employee.
- You have main residence outside the EU at the time of the application. Or you live in a country within the EU with an intra-corporate transferee residence permit. You will be transferred to a branch in the Netherlands for a period of more than 90 days.
- Before the transfer taking place, you have already been working for the company from outside the EU for at least 3 months.
- You have the qualifications and experience required by the Dutch employer. When you have a regulated profession, you have a recognition of the professional qualifications.
- Working conditions and labor relations are at least at the level required by law and is common in the industry. The wage must be in line with market conditions.
- The branch in the Netherlands is not set up to simplify admission of transferees. The branch in the Netherlands carries out economic activities.
- During the transfer, you will stay the longest in the Netherlands.
- You have not been transferred to the Netherlands before in the past 6 months. Or you have not yet reached the maximum duration of stay during a previous transfer. This also applies to transfers in other member states.
- Your employer may not have been fined in the 5 years before the application. This means a fine for violation of Section 2 of the Foreign Nationals (Employment) Act (Wav). Or a fine for not paying or not paying enough income tax or contributions for employees' or national insurance schemes.
- Are you going to work in individual healthcare? And do you practice a medical profession that is listed in Article 3 and Article 36a of the Individual Health Care Act (BIG Act)? If so, you must be registered in the BIG register. On the BIG register website you can find an overview of healthcare professions subject to BIG registration (www.bigregister.nl/en). Do you have a recognised foreign diploma and do you first have to work under the supervision of a BIG-registered healthcare provider in the same profession for 3 months? Then, you must be in the BIG register with a conditional registration.

Would you like to work on assignment for a BIG-registered healthcare provider? You cannot get a residence permit for this. Only if you are already in the Netherlands with a valid residence permit you can work on assignment.

Essential start-up personnel

- You will work for a starting, innovative company (start-up) with scalable activities. Scalable activities means the company can grow with the demand for the product or service.
- You are an expert in a special field that the start-up needs in this beginning phase.
- A maximum of 15 employees work at the startup.
- A maximum of 5 foreign employees of the start-up will receive a residence permit for essential start-up personnel.
- You have an employment contract with the start-up.
- You meet the income requirement.
- The employee will be given at least a 1% share in the company. Or a shareholding with a financial value of at least € 65.000,-. This is called employee participation. The employee will be given employee participation in the following form:
  - Shares in the company;
  - Depository receipts for shares in the company;
  - Stock options. A stock option is the right to buy shares in the company. The price for these shares is agreed in the contract.
- You receive the shares at the latest 3 years after the contract has started.
- You are always entitled to the shares. There are no conditions for this, such as delivering certain performances.

Admission as a highly skilled migrant, (guest) lecturer or trainee doctor

- You must have an employment contract, hosting agreement or appointment decision with an employer in the Netherlands. A work permit is not required.

Are you being transferred to a branch in the Netherlands? Then the (parent) company must draw up a report in the foreign country and there must be an employer's testimonial for the relevant centre in the Netherlands.
- You must fulfil the wage requirement set. Are you still under the age of 30? Then there is a lower wage requirement.
- If you meet the conditions for the orientation year for highly educated people and you find a job as a highly skilled migrant in the Netherlands within 3 years of graduating or obtaining a PhD or conducting scientific research, a lower wage requirement applies. (This also applies if you are highly educated and do not have or have had a residence permit for an orientation year, but do meet the conditions for an orientation year for highly educated persons.)
- For more information about the orientation year for highly educated people and for an overview of the wage requirements, see www.ind.nl.
- Guest lecturers and trainee doctors must earn at least 70% of the legal minimum wage. The amounts are indexed each year. For a summary, go to www.ind.nl.
- Are you going to work in individual healthcare? And do you practice a medical profession that is listed in Article 3 and Article 36a of the Individual Health Care Act (BIG Act)? If so, you must be registered in the BIG register. On the BIG register website you can find an overview of healthcare professions subject to BIG registration (www.bigregister.nl/en). Do you have a recognised foreign diploma and do you first have to work under the supervision of a BIG-registered healthcare provider in the same profession for 3 months? Then, you must be in the BIG register with a conditional registration. Your employer must include a proof of your registration in their records.

Would you like to work on assignment for a BIG-registered healthcare provider? You cannot get a residence permit for this. Only if you are already in the Netherlands with a valid residence permit you can work on assignment.

Admission as a holder of a European blue card

- You must have an employment contract for a highly qualified job for at least 6 months.
- You must fulfil the wage requirement set. The wage requirement is indexed each year. For a current summary of wage requirements, see www.ind.nl.
- You must hand over a diploma which demonstrates that you have completed a course at a higher education level that lasted at least 3 years. Foreign higher education diplomas will be evaluated by Nuffic (Dutch organisation for international cooperation in higher education - see www.nuffic.nl). This evaluation should be sent with your application. Any Dutch qualifications must be proven with an authenticated copy of the diploma.
- You can also demonstrate your professional qualifications with relevant work experience instead of a diploma. You will then have at least 5 years of relevant work experience. This work experience is comparable to the level of a diploma from a higher education program. Do you work as an IT manager or IT professional? Then you must have at least 3 years of relevant work experience in the period of 7 years before the application.
- Your employer's company carries out economic activity.
- Over a period of 5 years, your employer may not have been subject to a fine for breaching one of the following laws:
    - Foreign Nationals Employment Act (in Dutch: Wet arbeid vreemdelingen or Wav);
    - Working Hours Act (in Dutch: Arbeidstijdenwet or Atw);
    - Dutch Workers Allocation by Intermediaries Act (in Dutch: Wet allocatie arbeidskrachten door intermediairs or Waadi);
    - Working Conditions Act (Arbowet);
    - State Taxes Act (in Dutch: Algemene wet inzake rijksbelastingen or Awr);
    - Minimum Wage Act (in Dutch: Wet minimumloon or Wml).
- If you will be carrying out a (regulated) profession, e.g. lawyer or doctor, you must submit sufficient evidence to show that you fulfil the legal requirements to carry out this profession.
- Are you going to work in individual healthcare? And do you practice a medical profession that is listed in Article 3 and Article 36a of the Individual Health Care Act (BIG Act)? If so, you must be registered in the BIG register. On the BIG register website you can find an overview of healthcare professions subject to BIG registration (www.bigregister.nl/en). Do you have a recognised foreign diploma and do you first have to work under the supervision of a BIG-registered healthcare provider

in the same profession for 3 months? Then, you must be in the BIG register with a conditional registration. Your employer must include a proof of your registration in their records.

Would you like to work on assignment for a BIG-registered healthcare provider? You cannot get a residence permit for this. Only if you are already in the Netherlands with a valid residence permit you can work on assignment.

Admission of researchers under Directive (EU) 2016/801

- You must have a qualification from higher education that permits you entry into a doctorate programme.
- You must have been selected by a recognised research institution to carry out a research project for which a diploma is required.
- You have an employment or hosting agreement with the research institution.
- You have sufficient money to support yourself. Each month, you earn at least the minimum wage or a percentage thereof. For more information, see www.ind.nl.
- Are you going to work in individual healthcare? And do you practice a medical profession that is listed in Article 3 and Article 36a of the Individual Health Care Act (BIG Act)? If so, you must be registered in the BIG register. On the BIG register website you can find an overview of healthcare professions subject to BIG registration (www.bigregister.nl/en). Do you have a recognised foreign diploma and do you first have to work under the supervision of a BIG-registered healthcare provider in the same profession for 3 months? Then, you must be in the BIG register with a conditional registration. Your employer must include a proof of your registration in their records.

Would you like to work on assignment for a BIG-registered healthcare provider? You cannot get a residence permit for this. Only if you are already in the Netherlands with a valid residence permit you can work on assignment.

If you are in possession of a valid residence permit issued by another Member State for research within the meaning of Directive (EU) 2016/801, it will be possible to carry out part of the research programme in the Netherlands as the second Member State. If this period within which you are going to carry out part of the research in the Netherlands is short (not exceeding 180 days), this is covered by short-term mobility for researchers. In that case you do not have to apply for a residence permit. See www.ind.nl for more information on short-term mobility for researchers. If you are going to carry out research in the Netherlands for more than 180 days (long-term mobility), however, the recognised sponsor in the Netherlands will have to apply for a residence permit.

The following conditions must be met in any case:

- You have a valid residence permit issued by another Member State of the European Union for research within the meaning of Directive (EU) 2016/801;
- You have a host agreement with the Dutch research institute;
- Your mobility is for the duration of more than 180 days and fits within the validity period of the residence permit issued by the first Member State;
- You are going to carry out research at a research institute recognised as a sponsor;
- The research programme comprises mobility measures in the context of which you are going to carry out research in the Netherlands.

Admission for an orientation year for highly educated persons

You could be eligible for a residence permit for an orientation year for highly educated persons, if within the previous three years preceding the submission of the application, you:

- have completed an accredited Bachelor's or Master's programme or a postdoctoral programme in the Netherlands; or
- have completed a Master's or post-doctoral programme or have obtained a PhD at a designated educational institution abroad*; or
- have had a residence permit in the Netherlands for the purpose of research or a residence permit for the purpose of working as a knowledge migrant to undertake research; or
- have obtained a Master's degree on the basis of an Erasmus Mundus Masters Course; or

- have completed a study in relation to the Cultural Policy Act (for more information, see: www.ind.nl); or
- have completed a study that is provided in relation to the development cooperation policy of the Dutch Ministry of Foreign Affairs (for more information, see: www.ind.nl).

*Designated foreign educational institutions are educational institutions listed in the top 200 of at least two - from separate publishers originating - general ranking lists or available ranking lists per faculty and subject field of:
- Times Higher Education World University Rankings
- QS World University Rankings
- Academic Ranking of World Universities

This means that the educational institution must be listed in at least two of the available lists (general, faculty or subject field-specific) from separate publishers. Ranking lists published by the same publisher count as one.

4. Which documents do you need?

Before your employer submits an application for a residence permit, the necessary documents and paperwork must have been collated. Foreign documents must have been legalised and translated too. Bear in mind that this can take some time. It also costs money.

Which documents and evidence are required depends on the purpose of residence. The application form for a residence permit indicates which documents and evidence are required. This form can be found on www.ind.nl.

Examples of the necessary documents and evidence include:
- the employer's testimonial, employment contract, the appointment decision, engagement letter or the hosting agreement;
- the work permit or an application for this;
- a copy of your passport;
- in the case of work experience: a work placement or work experience agreement;
- in the event of mandatory civic integration abroad: evidence that the civic integration exam has been passed;
- antecedents certificate: this indicates whether or not you have been committed of a criminal offence;
- in the event of an orientation year for highly educated persons: a copy of your qualification. If you have a foreign diploma, this must be evaluated by EP-Nuffic. You must add a copy of the credential evaluation from EP-nuffic with your application; this credential evaluation must authenticate the level of the education and the authenticity of the foreign diploma. For more information see www.idw.nl.

Your employer will indicate which documents and paperwork are required. Are you applying for a an orientation year for highly educated persons?
The application form for a residence permit indicates which documents and evidence are required. This form can be found on www.ind.nl. In order to register in the Municipal Personal Records Database in the Netherlands, a legalised and translated birth certificate is required.

Would you like to bring your family to the Netherlands? Then documents that prove the family ties will also be required. Examples include passports, birth certificates and marriage certificates.

Official means of evidence

Official foreign means of evidence must be issued and legalised by the competent authorities of the country that issued the means of evidence. In some countries the document must then also be legalized by the Dutch embassy or the Dutch consulate in the country in question. In 'apostille countries' an apostille, issued by the competent local authorities, is sufficient. If no Dutch embassy or consulate is available in that country, the document must be legalised by the Dutch embassy or consulate responsible for that country. Official foreign means of evidence include, for example, birth certificates

and marriage certificates. Having these means of evidence legalised or provided with an apostille stamp can take a long time. You should start several months in advance of submitting your application with having documents legalised or provided with an apostille stamp in the country of origin.

For more information about legalisation or apostille requirements for documents per country and any exceptions to these requirements, you can telephone the 'Public Information Service', telephone number 1400. You can also visit the website www.government.nl.

Legalisation

A document that is legal in one country is not necessarily legal in another. That is why you must have official foreign documents legalised for use in the Netherlands. This means that the authorities that issued the document must declare that it is official. This confirms the authenticity of the signature on the document and the capacity of the signatory. The Dutch embassy or consulate then legalizes the document. The embassy or the consulate then checks to ensure that the signature is genuine.
If no Dutch embassy or consulate is available in that country, the document must be legalised by the Dutch embassy or consulate responsible for that country.

Sometimes a so-called apostille stamp on the document will suffice. The Ministers of Justice or Foreign Affairs can issue this type of stamp abroad. The document does not then need to be legalised by the Dutch embassy or consulate. An apostille stamp is only an option if the document comes from a country that is affiliated to the Netherlands via the Apostille treaty. You can ask the Consular Services Centre within the Foreign Office whether the country is affiliated via the Apostille treaty. Look at "http://www.government.nl" for more information.

You can contact the local authorities yourself for legalisation or an apostille stamp.

Legalisation costs money. You must always pay these costs, even if you do not receive the document or it does not arrive on time. The amount you have to pay for legalisation varies per country. You must ask the authorities in your country of origin about these costs. The Dutch embassy or consulate in the country of origin may also impose additional charges (e.g. fax costs).

Translation

All of the documents that you submit with the application must be drawn up in Dutch, English, French or German. If this is not the case, you must have them translated by a translator who has been certified by a court. Certified translators are listed in the Register of certified translators and interpreters (Rbtv). See www.bureauwbtv.nl for further information. Are you having the document translated abroad? Then the translation must be legalised. You can thus demonstrate that a certified translator has been used.

5. How does the application procedure work?

Once you have collated all of the necessary documents and evidence, you can submit your application for a residence permit. In the event of an orientation year for highly educated persons, you can do this yourself.

In many cases, you will need a special visa in order to travel to the Netherlands for a stay of over 90 days. This is called a Regular Provisional Residence Permit (mvv). The procedure is then slightly different to a case which does not require an mvv.

Residence permit without mvv

If you do not need an mvv, your employer can submit an application for a residence permit. He is advised to do this while you are still abroad. Once the IND has indicated it will issue a residence permit, you can come to the Netherlands. Then you can be sure that you are not travelling to the Netherlands unnecessarily. The employer can also submit an application while you are in the Netherlands. The problem with this is that you do not know, at that moment, whether you will be issued with a residence permit. It can also be difficult to obtain all of the necessary documents in the Netherlands.
You can submit your own application for a residence permit for an orientation year for highly educated persons in order to find a job as a highly skilled migrant. It is, however, still advisable to only travel to the Netherlands if the IND has let you know that you will be issued with a residence permit.

Access and residence

If you need an mvv, the employer must submit an application for a residence permit. This is the 'Access to Residence' procedure. The employer will let you know if you will be issued with an mvv. You can then collect the mvv within 3 months from the Dutch embassy or consulate. You then have 90 days to travel to the Netherlands. Upon arrival in the Netherlands, you can collect your residence permit within two weeks. Your employer will tell you where and when you can collect your residence permit.
If you are submitting an application for an orientation year for highly educated persons, you can submit the applications for the mvv and the residence permit in one go.

Please note! Would you like to come to the Netherlands with a family- member or relative? If they would like to travel with you to the Netherlands, it is handy if your employer submits their application at the same time as yours. See the publication 'Enabling a family-member or relative to come to the Netherlands' on www.ind.nl.

In the appendix, you can find a detailed summary of all steps in the procedure and the parties that are involved.

The cost of the procedure

Applying for an mvv and a residence permit costs money. These costs are referred to as 'fees'. The fees must be paid when submitting the application. If you do not pay the fees, the IND will not process your application. You will not be refunded your money if the application is turned down. There is a summary of fees on www.ind.nl.

Duration of the procedure

- Is your employer a recognised sponsor? If the application is complete, the IND will usually decide within 2 weeks. If a work permit or a Single Permit (combined permit for residence and work) is required, the IND will need about 7 weeks.
- Is your employer a non-recognised sponsor? Then the IND will decide within 90 days. Does your employer submit an application for a European Blue Card within the context of long-term mobility? Then the IND will decide within 30 days. Your employer will receive a letter explaining the IND's decision. The IND may well also require further details in order to make its decision. Your employer will then receive a letter about this.

- Are you applying for an orientation year for highly educated persons? Then you will receive a message about the decision. If the application is complete, the IND will usually decide within 2 weeks. The procedure can last up to a maximum of 90 days. If the application is granted, you will be issued with an mvv and/or residence permit. From that moment, you can work for your employer. If the application is rejected, the letter will provide details of why. If your employer is not in agreement with the IND's decision, he can submit an appeal. Details of how to proceed with this are given in the letter.
- Sometimes the IND needs more time to decide. For a first application, the IND may extend the legal decision period by 30 days. This applies to the residence purposes regular paid work, work as a highly skilled migrant, orientation year for highly educated persons and work as non-privileged military or non-privileged civilian personnel. However, the IND has to provide reasons as to why the decision period is being extended, for example because of additional research.

6. What rights correspond to the residence permit?

Here you can find the rights that correspond to a residence permit for regular paid work, seasonal labour or work experience, intra corporate transfer, as a highly skilled migrant, (guest) lecturer or trainee doctor, a holder of a European blue card or researcher under Directive (EU) 2016/801. The rights that arise as a result of the residence permit for a jobseeking year are set out separately. If you have a Single Permit (combined permit for residence and work) it is stated on the additional document for which employer and under which conditions you are permitted to work.

Validity

The residence permit for paid employment or the Single Permit (combined permit for residence and work) entitles you to reside in the Netherlands for the duration of the employment contract or the appointment. If a work permit is issued, the residence permit is valid for the same period as the work permit. The period of validity of a Single Permit (combined permit for residence and work) is in accordance with the advice of the Netherlands Employees Insurance Agency. A residence permit for work in paid employment or a single permit (combined permit for residence and work) is valid for a maximum of 3 years. Exception: if you already have a residence permit allowing you to work for an uninterrupted period of 5 years, the residence permit can be issued for a maximum of 5 years. The Single Permit for work experience is valid up to one year. The Single permit for seasonal labour is valid for up to 24 weeks. In chapter 8 you can read more about extending the validity of your permit.

The residence permit or the Single Permit remains valid as long as you fulfil the conditions. If you take on another role for your employer or change employers then in case of a:

- Single Permit: you or your employer must submit a new application to the IND. If the resident permit is still valid, and the application has been granted, you will only receive a new additional document. The residence permit will not be replaced.
- Residence permit and a work permit: your employer must apply for a new work permit at the UWV. If the resi- dent permit is still valid, and the application has been granted, the UWV will only issue a new work permit. The residence permit will not be replaced. This is because the data on the additional document or work permit are no longer up to date in this two situations.
- Residence permit for which no work permit or additional document is required to carry out paid employment: nothing needs to be changed as long as the residence permit is valid.

Family members or relatives

You can apply for a residence permit for family members or relatives. This is not the case if you have a residence permit for seasonal labour or work experience. You function as the sponsor for the family member or relative. This is not necessary if you have Turkish nationality. The employer functions, in all cases, as the sponsor for you. For the conditions, see the publication 'Bringing a family member or relative to the Netherlands'. Do you need a Single Permit (combined permit for residence and work) or work permit to work in the Netherlands? Then family members or relatives need a permit to work (except if you have a residence permit for the purpose of stay 'Intra corporate transfer' or 'work as a highly skilled migrant' or if the employee is a holder of an EU Blue Card). If you do not need a work

permit or Single Permit (combined permit for residence and work), family members or relatives do not require a permit to work.

Your rights during an orientation year for highly educated persons

A residence permit for a job-seeking year in order to find a job as a highly skilled migrant, (guest) lecturer or trainee doctor, enables you to remain in the Netherlands for 1 year. The permit is issued once for a maximum period of 1 year. The residence permit can only be granted again if you apply for an orientation year for highly educated persons on the grounds of completing another training or the undertaking of other research. During the orientation year you may work without a work permit. If you want family-members and relatives to stay with you, you could apply for a residence permit for them. Then all conditions have to be complied with.

Please note! If you apply for benefits in the Netherlands, this could impact upon the residence permit. It could be withdrawn.

7. Which rules must you abide by?

If your employer applies for a residence permit, he functions as your sponsor. The sponsor is responsible for ensuring that you stay in the Netherlands on a legal basis. The employer must ensure that you fulfil the conditions for a residence permit. Not only when the application for the residence permit is made but also thereafter. Your employer must abide by the rules. That is why it is important that you are aware of the rules that apply to your employer. You also have your own responsibilities.

The employer's obligations

Information obligation

Your employer must notify the IND of any changes that could impact upon the employee's right to reside. For example:

- if the employee no longer fulfils the wage requirement;
- if the contract has been terminated;
- if you obtain another position;
- if you go back to your country of origin;
- if he is no longer able to monitor you.

Administration obligation

Your employer must collate and retain relevant information about you. For example:

- the employment contract, the appointment decision or the hosting/work placement agreement;
- the work permit or additional document;
- if an employee is being transferred, the (parent) company must draw up a report in the foreign country and there must be a statement from the business unit in the Netherlands;
- for a (regulated) profession such as doctor, proof of registration in the BIG register;
- a copy of your passport;
- evidence showing how the employer fulfils his duty of care.

If he is no longer functioning as your sponsor, the employer must still retain the relevant details and documents for 5 years. The IND can request these details at any moment in order to check whether he is fulfilling his obligations.

Duty of care for recognised sponsors of highly skilled migrants, (guest) lecturers, trainee doctors and spiritual ministers

Are you a highly skilled migrant, (guest) lecturer or trainee doctor and is your employer a recognised sponsor? Then he has a duty of care. This means that he should have recruited and selected you carefully. He must also inform you of the admission and residence conditions that he and you must fulfil.

Are you a spiritual minister and is your employer a recognised sponsor? Then your employer has a duty of care. Your employer must register any employee subject to the civic integration process with the Executive Agency for Education. He must do so within 4 weeks of your residence permit being issued.

Your sponsor

Your employer is your sponsor until:

- you no longer work for the organisation and the employer has notified the IND;
- you have left the Netherlands and will no longer be returning and the employer has notified the IND;
- you have obtained a permanent residence permit or a residence permit for another residence purpose;
- your residence permit has been withdrawn;
- your employer can no longer function as a (recognised) sponsor;
- you have taken Dutch nationality.

Your obligations

As an employee, you are always subject to an information obligation. You are also, therefore, obliged to pass on details of any changes to the IND. You must, in any case, notify them if you are changing employer.
If you submit an application for a residence permit for family-members or relatives, you function as their sponsor. In this regard, you also have an information, administration and retention obligation. See the publication 'Allowing a family-member or relative to come to the Netherlands' on www.ind.nl.

8. What happens if your situation changes?

Your employer and you must notify the IND of any changes that could impact upon the residence permit. The IND will then investigate whether there is good reason to withdraw or amend the residence permit. The IND must assess your application within a certain period. Check www.ind.nl/beslistermijnen for the current decision periods.

Changing employer or position

The residence permit continues as long as you fulfil the conditions, even if you change employer or obtain another position. If you no longer work for the employer or change your position, your employer must pass this information onto the IND. Have you found another job? Then you must inform the IND yourself of your new employer. You must do so within 4 weeks. The IND will then review whether the conditions are still being fulfilled. If you have a residence permit for regular paid work and find another job, you or your employer must apply for a new Single Permit (combined permit for residence and work) if this is necessary.

Changes to the residence permit

Do you have a residence permit for regular paid work but fulfil the criteria for residence as a highly skilled migrant? Then your employer can submit an application to change the residence permit. The same goes if you have a residence permit as a highly skilled migrant but are carrying out regular paid work. Would you like to apply for residence for a family-member or relative in the Netherlands? Then you must submit an application to change the residence permit. Changing the residence permit costs money.

Extension

If the employment contract or appointment is extended, your employer must apply in good time for an extension to the residence permit. If applicable, he must also apply for a new Single Permit. A Single Permit for seasonal labour, work experience or intra corporate transfer will not be extended if you exceed the maximum period of residence as a result. Do you have a residence permit for regular work, as a highly skilled migrant, guest lecturer or trainee doctor, as a holder of a European blue card or as a researcher? Then you can apply for a permanent residence permit after 5 years. A residence permit for the orientation year for highly educated persons is valid for a maximum of 1 year and cannot be extended.

Withdrawal of the residence permit

If you or your employer no longer meet the requirements for a residence permit, the IND will withdraw the residence permit. This also applies if your employment contract is terminated prematurely. Do you become unemployed and do you have a residence permit for regular work, as a highly skilled migrant or as a holder of a European blue card? Then you may be eligible for a search period of up to 3 months to find a new job. Do you have your residence permit for 2 years or more? Then you may be eligible for a search period of up to 6 months. This also applies if you have been the victim of labour exploitation. The search period cannot be longer than the period of validity of your residence permit. The search period is therefore less than 3 or 6 months if your residence permit expires earlier. The search period starts on the day the employment contract was dissolved. If your residence permit has expired or will expire soon, you must submit an application for an extension.

9. What happens if you do not abide by the rules?

The IND can check whether you and the employee are abiding by the rules as and when they see fit. If this is not the case, the IND may take a range of measures.

Withdrawal of the residence permit

Have you or your employer provided incorrect details on the application for a residence permit? Then the residence permit may be withdrawn. This also applies if you no longer fulfil the conditions for residence. If the employer has broken the rules on numerous occasions, the IND could decide that the institution may no longer function as a sponsor. In this instance, your residence permit will be withdrawn. If this was not your fault, you will be given 3 months to find another employer that can function as a sponsor. Do you have your residence permit for 2 years or more? Then you may be eligible for a search period of up to 6 months. This also applies if you have been the victim of labour exploitation.

Reporting a criminal act

The IND has a duty to report any reasonable suspicions of a criminal act. For example, if you have deliberately supplied incorrect details. The Public Prosecution Service will assess whether your organisation will have to face criminal proceedings. If this is the case, you could be sentenced to a prison term or receive a fine. The residence permit may also be withdrawn.

Departure from the Netherlands

If you no longer fulfil the conditions of residence, the IND will check to ensure that you leave the Netherlands. If you do not leave of your own accord, the government may deport you. The costs incurred by the government can be recuperated from your sponsor.

10. What can you do if your employer does not abide by the rules?

If your employer is not abiding by the rules set by IND, or the employer is not conducting itself as a good employer, e.g. the work and rest times are not being applied correctly or because you are receiving less than the minimum wage, you can contact the IND. The IND will, if necessary, refer you to another institution where you can take your complaint or will pass on your complaint to the NLA (Nederlandse Arbeidsinspectie/Netherlands Labour Authority).

11. More information

Do you have further questions after reading this brochure? Please consult your employer. He is your primary point of contact.

Internet

You will find more information on the procedure and requirements for applying for a residence permit or Dutch nationality at www.ind.nl/en.

Contact with IND

Would you like to contact the IND or schedule an appointment to visit an IND desk? Or do you have another request? Please visit www.ind.nl/en/contact for the various contact options.

Questions about legalisation?

For information about the legalisation of documents (birth certificate, marriage certificate), please visit www.government.nl. Or call at number 1400 (Central government Information).

Processing of personal data

The Immigration and Naturalisation Service (IND) processes personal data when it processes your application, notification, or request. This means that if needed the IND will request data from you yourself and other organisations or persons. The IND also uses and stores data and shares them with other organisations. When doing so, the IND strictly adheres to the stipulations of privacy legislation. For instance, the IND must treat data safely and with due care. The law also gives rights. At your request, you are allowed to see which data on you the IND processes. You can also get information on why the IND does so and to whom your data have been passed on. On www.ind.nl you can read how the IND processes your data and which rights you have. You can also read how to use your rights.

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Appendix
Overview of the application procedure for a residence permit

The table below indicates what you, your employer and the IND must do in order to obtain a residence permit.

	What do you do?	What does your employer do?	What does the IND do?
1.	Read the conditions for obtaining a residence permit in the publication and check that you fulfil them. Check to see what paperwork and documents are needed and whether you need an mvv on www.ind.nl. A summary of recognised sponsors can be found on www.ind.nl. Are you subject to a civic integration process? Then you must first complete an exam. Consult the Dutch embassy or the Dutch consulate for more information.		
2.	You must make sure your employer has all the paperwork and documents that he needs to submit an application.	Your employer must submit the application to the IND.	The IND will assess the application and then inform your employer whether you will be permitted entry to the Netherlands. If your employer is a recognised sponsor and the application is complete, the decision can be made in 2 weeks. If you need a work permit, it could take 7 weeks. If your employer is not a recognised sponsor, it could take up to 90 days. For an application for a European Blue Card in the context of long-term mobility, it takes a maximum of 30 days. For a first application, the IND may extend the legal decision period by 30 days. This applies to the residence purposes regular paid work, work as a highly skilled migrant, orientation year for highly educated persons and work as non-privileged military or non-privileged civilian personnel. However, the IND has to provide reasons as to why the decision period is being extended, for example because of additional research.
3.		Your employer will let you know about the IND's decision. The employer may submit an appeal if the decision is negative.	If an mvv is required, the IND will inform the embassy or the consulate of its positive decision. The IND will tell

			your employer where and when you can collect your residence permit in the Netherlands.
4.	If the IND's decision is positive, you can collect the mvv from the Dutch embassy or the Dutch consulate. You can then travel to the Netherlands within 90 days. If you do not need an mvv, you can travel to the Netherlands immediately.	The IND will tell your employer where and when you can collect your residence permit.	
5.	After arrival in the Netherlands, you must report to the IND within 2 weeks so that you can collect your residence permit. If necessary, you must have a TB test conducted by the Municipal Health Service. You must then take out healthcare insurance within 4 months. If you must undergo a civic integration process, you must continue this in the Netherlands.		The IND will check your identity and then issue your residence permit.