



Enabling an employee to come to the Netherlands

1. Why have we written this publication?

Would you like an employee to come to the Netherlands? For a stay of over 90 days, you must apply for a residence permit for him unless:

- he comes from a country that belongs to the European Union, the European Economic Area or Switzerland, or
- he possesses a residence permit for research within the meaning of Directive (EU) 2016/801 issued by another Member State of the European Union and is 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, Luxembourg, Malta, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, The Czech Republic.

This publication provides information on:

- which residence permit you can apply for;
- the conditions for the various residence permits;
- how to go about applying for a residence permit;
- which rules you must adhere to;
- what you have to do if your situation changes;
- where you can obtain further information.

Please note! There is a separate admissions procedure for au pairs. For this, please see the publication 'To the Netherlands for cultural exchange' on www.ind.nl. *Please note!* Wherever the term 'he' is used, you may also read 'she'.

2. Which residence permit can you apply for?

As an employer, you can apply for a residence permit for your foreign employee. If you like, you can be represented in this by a specialised agency or lawyer. When you submit the application, your organisation will function as a sponsor. In certain cases, an employee can also apply for a residence permit. As the employer, you can also submit applications for residence permits for your employee's family-members or relatives. In this instance, the employee functions as the sponsor for his family-members or relatives. Below are the various types of residence permits for employees. Sometimes, different applications are possible. In that case, you must make a choice.

Work permit and combined permit for residence and work

If you want to allow an employee to carry out work for you in the Netherlands, then you will normally need to apply for a work permit or a Single Permit (combined permit for residence and work) for the employee. Both applications test whether 'essential interests of the Netherlands' are served thereby. This means that you were unable to find suitable personnel in the Netherlands or elsewhere in Europe. Depending on the purpose of residence, you will need to apply for a work permit or a Single permit. You can apply for a work permit from the Netherlands Employees Insurance Agency (UWV). You can submit the applications for the work permit and the residence permit at the same time.

The application 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 you do not need to submit an application to the Netherlands Employees Insurance Agency (UWV). If a residence permit is granted to the employee, then the employee will receive a Single Permit. This comprises a residence document and a additional document. As employer you will receive a copy of the additional document. It is stated on the additional document for which employer and under which conditions the employee is permitted to work.

Work experience or seasonal labour

Work experience means that the employee is gaining relevant experience within the context of his studies or work in the country of origin. Seasonal labour, e.g. seasonal work in the agricultural sector or the hospitality industry, 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 register in the Chamber of Commerce's trading register as required by the Company Commercial Register act 2007. Your organisation does not have to be recognised as a sponsor.

Regular labour

The term regular labour refers to employees that carry out paid work that is not seasonal 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. Your organisation does not have to be recognised as a 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, your organisation must first submit an application to the Employee Insurance Agency (UWV).

If an arrangement is admitted to the regulation, your organisation no longer has to apply for a work permit for employees for that arrangement. Your organisation can then suffice by registering the employees with the UWV. Your organisation does not have to be a recognised sponsor.

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

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 you are a recognised sponsor.

Essential start-up personnel

As of June 1, 2021, a new residence scheme for essential startup personnel will come into effect. This residence scheme is being introduced in the form of a pilot and has a duration of 4 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. With this pilot 'essential startup personnel', starting, innovative companies in the Netherlands will be able 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

A highly skilled migrant is a foreign employee who fulfils the wage requirement for highly skilled migrants. In order to apply for a residence permit for a highly skilled migrant, your organisation must be recognised by the IND as a sponsor. A recognised sponsor is not required for Turkish migrants. However, the procedure will progress more quickly if you are 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. The only proviso is that the national conditions for a residence permit must be fulfilled. In order to be eligible for a European blue card, the employees must fulfil wage and training requirements. The employer in the Netherlands does not have to be recognised as a sponsor; the procedure, however, will progress more quickly if you are.

Researcher

Directive (EU) 2016/801 applies to researchers. Would you like to apply for a residence permit in the context of this directive? Then your organisation must be recognised by the IND as a sponsor. Turkish researchers do not need a recognised sponsor. However, the procedure will progress more quickly if you are a recognised sponsor.

Recognition as sponsor

For an application for a residence permit for highly skilled migrants, (guest) lecturers and trainee doctors or researchers under Directive (EU) 2016/801, your organisation must be recognised by the IND as a sponsor. For an application for a residence permit in relation to regular labour, a European blue card, intra corporate transfer, seasonal labour or work experience, this is not necessary. Your organisation may, however, wish to become recognised as a sponsor in these circumstances. This has various advantages:

- The IND will endeavour to make a decision on applications submitted by recognised sponsors within 2 weeks. If a work permit or Single Permit (combined permit for residence and work) is required, this is extended to 7 weeks.
- Recognised sponsors are required to submit fewer documents with the application. In many cases, a personal statement in which you indicate that the employee fulfils the conditions for admission and residence in the Netherlands will suffice.
- Recognised sponsors have a permanent contact within the IND.

In order to become a recognised sponsor, your organisation must be a reliable partner for the IND. The IND must be confident of entering into a relationship with you on a longterm basis. You must submit a separate application in order to become a recognised sponsor. Once you have been recognised as such, your organisation will be listed in a public register on www.ind.nl. A foreign employee can then easily see that you are a recognised sponsor. For more information, see the publication 'Recognition as a sponsor' on www.ind.nl.

3. Which conditions does the employee have to fulfil?

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

The employee and his family members or relatives

The following applies to every employee and his family-members or relatives:

- He has a valid passport.
- He does not pose a risk to public order or national safety.
- He has not been found guilty of a criminal offence and has not been involved in war crimes, terrorism or crimes against humanity.
- He must take out healthcare insurance in the Netherlands within 4 months of the residence permit being issued.
- He must undergo a test for tuberculosis in the Netherlands. This test must be carried out within 3 months of the residence permit being issued. If necessary, the employee must be treated for TB. Does your employee 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.

Work experience or seasonal labour

- There must be evidence of an employment contract.
- For work experience a Single Permit (combined permit for residence and work) is necessary (except for work experience within the framework of an EU action programme). This application should be submitted to the Immigration and Naturalisation Service (IND). The IND then requests advice from the Netherlands Employees Insurance Agency (UWV) if the attendance of the foreign national serves 'essential interests of the Netherlands'. This means that you have been unable to find suitable personnel in the Netherlands or elsewhere in Europe. For more information, see www.werk.nl and www.ind.nl.
- The employee must earn the minimum wage or a percentage thereof. For more information, see www.ind.nl.
- In the case of seasonal labour: the employee works for you for a maximum of 24 weeks.
- In the case of work experience: the employee must be engaged in education at an establishment outside the Netherlands or be working for an employer outside the Netherlands. A residence permit for work experience will be issued for a maximum of 1 year and cannot be extended after this period.

Please note! Do you have a Canadian employee who is taking part in the Young Workers Exchange Program for Canadians? Then take a look at the admission conditions on www.ind.nl.

Admission for regular labour

- There must be evidence of an employment contract.
- The employee must earn the minimum wage or a percentage thereof. For more information, see www.ind.nl.
- A Single Permit (combined permit for residence and work) for paid work is necessary. This application should be submitted to the Immigration and Naturalisation Service (IND). The IND will then request advice from the Netherlands Employees Insurance Agency (UWV) if the attendance of the employer serves 'essential interests of the Netherlands'. This means that you have been unable to find suitable personnel in the Netherlands or elsewhere in Europe. For more information, see www.werk.nl and www.ind.nl.

Please note! Is your employee 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 your employee, just like other employees who are carrying out religious or philosophical work in the Netherlands, must undergo the civic integration process at the Dutch embassy or the consulate. Only if he passes this successfully, can an application for a residence permit be submitted. In the Netherlands, your employee must then follow the further civic integration process. For more information about civic integration in the Netherlands, see www.inburgeren.nl.

International Trade Regulation

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

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

- There is an intra company transfer from outside the EU, to a branch in the Netherlands.
- The employee has an employment contract with the company outside the European Union, as demonstrated by an engagement letter.
- The employee is a manager, specialist or trainee employee.
- The employee has a main residence outside the Netherlands at the time of the application.
- Before the transfer taking place, the employee has already been working for the company from outside the EU for at least 3 months.
- The employee has the required qualifications and experience for the branch he is to be transferred to. When the employee has a regulated profession, he has 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.
- During the transfer, the employee will stay the longest in the Netherlands.

Essential start-up personnel

- The employer is a starting, innovative company (start-up) with scalable activities. Scalable activities means the company can grow with the demand for the product or service. The start-up is innovative in the following situations:
 - The product or service is new for the Netherlands;
 - The start-up uses new technology in production, distribution and / or marketing;
 - The start-up has a new way of working and organising.
- 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.
- The employee is an expert in a special field that the start-up needs in this beginning phase.
- The employee has an employment contract with the start-up.
- The employee meets the income requirement.
- The employee receives a share of at least 1% in the company (employee participation). The employee receives this share as:
 - 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.
- The employee receives the shares at the latest 3 years after the contract has started.
- The employee is 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

- An employment contract, guest contract or appointment decision must be drawn up. A work permit is not required. Does this concern the transfer of an employee to a base located in the Netherlands? Then 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.
- Highly skilled migrants must fulfil the wage requirement. For employees aged over 30, there is a higher wage requirement than for employees under the age of 30.
- For everyone who meets the conditions for the orientation year for highly educated persons, a lower wage requirement applies if he / she finds a job as a highly skilled migrant in the Netherlands within 3 years of graduating or obtaining a PhD or conducting scientific research. (This also applies to highly educated people who do not take or who have not taken an orientation year, but who do meet the conditions for an orientation year for highly educated people.)

- For more information about the orientation year for highly educated persons and for an overview of the wage demand, see www.ind.nl.
- (Guest) lecturers and doctors in training must earn at least 70% of the statutory minimum wage. The amounts are index-linked on an annual basis.

Admission as a holder of a European blue card

- There must be evidence of an employment contract for a highly qualified job for at least 1 year.
- Holders of European blue cards must fulfil the set requirements. The wage requirement is indexed each year. For a current summary of wage requirements, see www.ind.nl.
- A certificate must be provided which demonstrates that the employee has completed a higher education course that lasted at least 3 years. Foreign higher education certificates will be evaluated by Nuffic (Dutch organisation for international cooperation in higher education). The evaluation must be sent with the application. A copy of the authenticated certificate must be provided for Dutch qualifications (www.nuffic.nl).
- The valuation must be enclosed with the application. In case of a Dutch diploma, a copy of a certified diploma must be enclosed.
- For a (regulated) profession such as doctor or lawyer, there must be evidence that the legal requirements for carrying out this profession have been fulfilled.
- Over a period of 5 years, the employer may not have been subject to a fine for breaching article 2 of the Foreign Nationals Employment Act (in Dutch: Wet Arbeid Vreemdelingen or Wav), or for not or insufficiently deducting wage taxes or premiums for employees or national insurance.

Admission as a researcher under Directive (EU) 2016/801

- The researcher must have a higher education certificate that entitles him to enter into a doctorate programme.
- The researcher has been selected by a recognised research institution in order to conduct a research project for which a certificate is required.
- The researcher has an employment or guest contract with the research institution.
- The researcher has sufficient resources to support himself. Each month, he earns at least the minimum wage or a percentage thereof. For more information, see www.ind.nl.

You can also apply for a residence permit for research for third-country nationals in possession of a valid residence permit for research within the meaning of Directive (EU) 2016/801 issued by another Member State and who will carry out part of the research programme at your research institute. If the stay in the Netherlands is longer than 180 days, this is called long-term mobility for researchers. You as a recognised sponsor in the Netherlands are responsible for applying for a residence permit for this stay. The following conditions must be met in any case:

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

Please note! Would you like to recruit a carer abroad? Then check to ensure whether they have to be enrolled in the BIG register. BIG stands for professions within individual healthcare. If they are registered, you may allow a carer with a foreign qualification to work independently. You must have proof of this registration in your administration. See www.bigregister.nl for further information.

4. Which documents do you need?

Before you apply for a residence permit, you must collate all of the necessary documents and evidence.

Documents and evidence

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 employment contract, the appointment decision, the engagement letter or the hosting agreement;
- the work permit or an application for this;
- a copy of the employee's passport;
- in the case of work experience: a work placement or work experience agreement;
- if the foreigner must undergo the civic integration process abroad: evidence that the civic integration exam has been passed;
- antecedents certificate. With this, the employee indicates whether he has been convicted of a criminal offence.

Your employee may have to have documents legalised and translated. Bear in mind that this can take some time. It also costs money.

In order to register in the Municipal Personal Records Database in the Netherlands, a legalised and translated birth certificate is required.

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

Is your organisation recognised as a sponsor by IND? Then you can include a 'personal statement' with your application for a residence permit. In this, you state that the labour or highly skilled migrant fulfils all of the residence conditions. The evidence does not need to be submitted but you do need to retain it in your administration.

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 official foreign documents must be 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 legalises 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 www.government.nl for more information.

For legalisation or an apostille stamp, your employee can contact the local authorities.

Legalisation costs money. These costs must always be paid, even if your employee does not obtain the document or it arrives late. The amount you have to pay for legalisation varies per country. The authorities in the country of origin can provide these details. 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.bureauwbty.nl for further information. Has the document been 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 order to travel to the Netherlands for a stay of over 90 days, your employee may well need a special visa. 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 your employee does not require an mvv, you can submit an application for a residence permit. You are advised to do so while your employee is still abroad. Once the IND has indicated it will issue a residence permit, your employee can come to the Netherlands. Then you can be sure that he is not travelling to the Netherlands unnecessarily. You can also submit an application if your employee is already in the Netherlands. The problem with this is that you do not know, at that moment, whether your employee will be issued with a residence permit. It can also be difficult to obtain all of the necessary documents in the Netherlands. If the application is granted, you will be told when the employee can collect his residence permit.

Access and residence

If your employee requires an mvv, you can submit an application for a residence permit and the mvv in one go. This is the 'Access to Residence' procedure. If the IND issues an mvv, you must notify your employee. The employee can then collect the mvv within 3 months from the Dutch embassy or consulate. He then has 90 days to travel to the Netherlands. Once he has arrived in the Netherlands, he can collect his residence permit within 2 weeks. The IND will notify you as to where and when he can collect the residence permit.

Application forms

All application forms can be found on www.ind.nl. You are advised to download a new application form for each application from the site. Then you can be sure that you have the most recent version. On www.ind.nl you can request all of the information that you need to prepare your application.

Please note! Would your employee like to come to the Netherlands with his family-members or relatives? If they travel with the employee to the Netherlands, it is useful to have submitted all of the applications at the same time. 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'. You must pay the fees when you submit 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 the fees on www.ind.nl.

Duration of the procedure

- Is your organisation recognised as a sponsor? If the application is complete, the IND will usually decide within 2 weeks. If a work permit or a Single Permit (a combined permit for residence and work) is required, the IND will need about 7 weeks.
- Is your organisation not recognised as a sponsor? If the application is complete, the IND will usually decide within 90 days. The legal time limit in both cases is 90 days.
- You will receive a letter explaining the IND's decision. The IND may well also require further details in order to make its decision.
- You will then receive a letter about this. If the application is granted, your employee will be issued with an mvv and/or residence permit. The employee can then work for you. If the application is rejected, the letter will provide details of why. If you are not in agreement with the IND's decision, you can submit an appeal. Details of how to proceed with this are given in the letter.

6. What rights correspond to the residence permit?

Here, you can find details of the rights that are granted via a residence permit to employees with a residence permit for regular labour, seasonal work, work experience, intra corporate transfer, highly skilled migrants, guest lecturers, holders of a European blue card or researchers under Directive (EU) 2016/801.

Validity

The residence permit for paid employment or Single Permit (a combined permit for residence and work) entitles the employee 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. A Single Permit for work experience can last for up to one year. A Single Permit for seasonal labour can last up to 24 weeks. In chapter 8 you can read more about extending the validity of your permit.

The residence permit for paid employment or the Single Permit remains valid as long as one fulfils the conditions. If the employee takes on another role in your organization or changes employers then in case of a:

- Single Permit: you or your employee must submit a new application to the IND. If the resident permit is still valid, and the application has been granted, only a new additional document will be issued. The residence permit will not be replaced.
- Residence permit and a work permit: you must apply for a new work permit at the UWV. If the resident 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 these 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

Employees with a residence permit for regular labour, intra corporate transfer, those who are highly skilled migrants, (guest) lecturers or trainee doctors, holders of a European blue card or researchers can apply for a residence permit for their family-members or relatives. This is not possible in relation to residence for seasonal work or work experience. For the conditions, see the publication 'Bringing a family member or relative to the Netherlands'.

In both cases, the employee functions as a sponsor for the family-member or relative. Only employees with Turkish nationality are not required to function as a sponsor for family-members or relatives. The employer only functions as the sponsor for the employee.

Does the employee need a work permit or Single Permit? Then the 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 the employee does not need a work permit or Single Permit, his family-members or relatives do not require a permit to work.

Please note! If your employee has applied for benefits in the Netherlands, this could impact upon the residence permit. It could be withdrawn.

7. Which rules must you adhere to?

If you apply for a residence permit for an employee, you function as the sponsor. This corresponds to certain responsibilities. As a sponsor, you must ensure that the employee fulfils the conditions for a residence permit. Not only when the application for the residence permit is made but also thereafter. If the employee can no longer legally remain in the Netherlands, you are responsible for ensuring that he leaves the country. Tell your employee about the rules to which he needs to adhere and what he has to do himself.

Your obligations

Information obligation

As a sponsor, you have a so-called information, administration and retention obligation. You 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 the employee has obtained another position;
- if the employee goes back to his country of origin;
- if you can no longer monitor the employee.

Administration obligation

You must collate and retain relevant information about your employee. For example:

- the employment, guest or work placement contract or the appointment decision;
- 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;
- the work permit or the additional document;
- the wage specifications;
- for a (regulated) profession such as doctor, proof of registration in the BIG register;
- a copy of the passport;
- evidence showing how you fulfil your duty of care.

If you are no longer functioning as sponsor for the employee, you must still retain this information for 5 years. The IND can request these details at any moment in order to check whether you are fulfilling your obligations.

Duty of care, extra rules for recognised sponsors

The same rules apply to recognised sponsors as for non-recognised sponsors. In addition, recognised sponsors also have a duty of care towards highly skilled migrants.

This means that you must recruit and select the highly skilled migrant carefully. You must also inform the highly skilled migrant of the admission and residence conditions that he must fulfil.

Carrying out paid work

If your employee must undergo the civic integration process, he must report to the Dienst Uitvoering Onderwijs (DUO). He must do so within 4 weeks of obtaining the residence permit.

It goes without saying that you, as the recognised sponsor, must continue to fulfil the conditions for recognition. As a recognised sponsor, you are also obliged to report any changes that could impact upon your recognition. For further details, see the publication 'Recognition as sponsor' and www.ind.nl.

The sponsor

You remain sponsor until:

- the employee no longer works for you and you have reported this to the IND;
- the employee has left the Netherlands and is not returning and you have reported this to the IND;
- the residence permit for the employee has been withdrawn;
- the employee has obtained a permanent residence permit or a residence permit for another residence purpose;
- your organisation can no longer function as a (recognised) sponsor;
- the employee has become a Dutch citizen.

The employee's obligations

The employee has a duty to provide information. He must report important changes to the IND. Among other things, this includes changes of employer. Moreover, the employee is also a sponsor for his family-members or relatives. As the employer, you therefore have no information, administration or retention obligation when it comes to the family members or relatives of the employee.

8. What happens if your situation changes?

As an employer, you have a duty to report changes. The IND will then investigate whether there is good reason to withdraw or amend the residence permit.

Changes in age

If the highly skilled migrant is under the age of 30 at the moment of application, a lower wage requirement will apply. This requirement applies as long as he works for you.

Changing employer or position

In principle, the residence permit continues as long as the employee fulfils the conditions, even if he changes employer or obtains another position. If the employee no longer works for you or his position changes, you must report this to the IND within four weeks. If the employee has another employer, the employee himself must report each of his employers to the IND. The IND will then review whether the conditions are still being fulfilled. If an employee with a Single Permit (a combined permit for residence and work) for paid work finds another job, the new employer must apply for a Single Permit if this is required.

Changes to the residence permit

Does the employee have a residence permit as a regular labour migrant but is, in fact, fulfilling the criteria for residence as a highly skilled migrant? Then you can submit an application to change the residence permit. The same goes if a highly skilled migrant who is working as a regular labour migrant. There are certain costs associated with changing the residence permit. If the employee wants to apply for residence for his family-members or relatives in the Netherlands, he must also submit an application to change his residence permit.

Extension

If the employment contract or appointment is extended, you must apply in good time for an extension to the residence permit. Extension will not be possible for seasonal labour, work experience or intra corporate transfer, if the employee thus exceeds the maximum period of residence. Bear in mind that you must apply for a Single Permit or for a work permit (if this is required) in good time. The employee can apply for a permanent residence permit after 5 years if they have been issued with a residence permit for regular labour, as a highly skilled migrant, (guest) lecturer and trainee doctor, or as a holder of a European blue card or researcher.

Withdrawal of the residence permit

If you or your employee no longer meet the requirements for a residence permit, the IND will withdraw the residence permit. This also applies if the employment contract is terminated prematurely. If the employee becomes unemployed, he/she may qualify for a search period of up to 3 months to find a new job. The search period cannot be longer than the validity of the residence permit, and is therefore less than 3 months if the residence permit expires earlier. The search period starts on the day the employment contract was dissolved. If the residence permit has expired or will expire soon, an extension application must be submitted.

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.

Warnings and governmental fine

The first time that your organisation is found to be disobeying the rules, you will be issued with a warning. In the event of a subsequent breach, the IND can impose a fine on the organisation. The level of the fine depends on issues such as the severity of the breach and the number of breaches that have taken place. In the event of serious breaches, the IND can also impose an immediate fine, without issuing a prior warning.

Reporting a criminal act

The IND has a duty to report any reasonable suspicions of a criminal act. For example, if your organisation has deliberately provided incorrect data. The Public Prosecution Service will then assess whether your organisation will face criminal proceedings. If this is the case, the organisation may be fined or the director could receive a prison sentence.

Suspension and withdrawal of recognition

The measures detailed also apply to recognised sponsors. In addition, you could also lose your recognition if you fail to adhere to the rules on numerous occasions. The IND can also suspend your organisation in order to investigate whether you are still fulfilling the conditions. If that is no longer the case, the IND can withdraw its recognition. This may also be the case if your organisation does not fulfil its obligations. In the event of suspension or withdrawal of the recognition, the residence permit for the employee may also be withdrawn.

Withdrawal of the residence permit

If your organisation provided incorrect details on the application for a residence permit, the permit may well be withdrawn. This also applies if your employee no longer fulfils the conditions for residence.

Recuperating the costs of deportation

If the employee no longer fulfils the conditions of residence, the IND will check to ensure that the employee leaves the Netherlands. If the employee does not leave of his own accord, the government may deport him. The costs for this must be borne by you. This involves the cost of transport to the airport or border, the flight ticket and the costs for travel documents, such as a replacement passport. The costs can be recovered from you up to one year after you cease to be a sponsor.

10. More information

Do you have further questions? There are a range of options for contacting the IND.

Internet

On www.ind.nl you will find more information about the procedure and conditions for residence permits, visas and how you can become a Dutch citizen. You can also make an appointment online for your visit to an IND desk.

Telephone

The IND is available from Monday to Friday from 09:00 to 17:00 on 088 043 04 30. Standard rates apply for this information number. From abroad, call +31 88 043 04 30. Have the v-number ready (if known).

Please note! If the decision period for your application has not yet expired, your application is still pending. We cannot give you any information about the status of your application.

Social media

The IND is on Twitter, LinkedIn, Facebook and YouTube. If you have a general question, you can ask the IND's webcare team. They will answer your questions on working days from 9 a.m. to 5 p.m. Social media channels are public. Therefore, they are not suited to the exchange of personal information. So do not provide any personal or financial details in your messages, such as your personal data or case number. For more information, visit www.ind.nl/socialmedia.

Letter or e-mail

General questions

Immigratie- en Naturalisatiedienst
Postbus 17
9560 AA Ter Apel

E-mail: please use the e-mail form on www.ind.nl.

Visit

In the Netherlands, you can also go to an IND desk. Find your nearest branch on www.ind.nl. Please keep in mind that you need to make an appointment first.

Complaints

If you want to make a complaint about the way the IND treated you, you can use the complaint form on www.ind.nl.

For complaints you can also call +31 88 043 04 70.

Questions about legalisation?

For information about the legalisation of documents (birth certificate, marriage certificate), you can call number 1400 (Central government Information). Via internet: www.government.nl.

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 for a foreign employee.

	What do you do?	What does your employer do?	What does the IND do?
1.	Read the conditions relating to a residence permit for a foreign employee and ensure you fulfil them. Check which paperwork and documents you will need and whether a Regular Provisional Residence Permit (mvv) and a work permit are required on www.ind.nl .	Will your employee have to undergo the civic integration process? Then he must first complete an exam. Consult the Dutch embassy or the Dutch consulate for more information.	
2.	Let the employee know which paperwork and documents are required in order to submit an application.	The employee ensures that you are provided with all of the paperwork required to submit the application.	
3.	You must submit the application for a residence permit to the IND. If the employee needs an mvv, your application will cover both the mvv and the residence permit. You pay the fees in the indicated manner. If the employee needs to apply for a Single Permit (combined permit for residence and work), send the application together with the documents as required to the IND.		Once the fees have been paid, the IND will process the application. The IND will let you know what they decide. If you are a recognised sponsor and the application is complete, the decision can be made in 2 weeks. If your employee needs a work permit, it could take up to 7 weeks. If you are not a recognised sponsor, it could take up to 90 days. If the application for a Single Permit (combined permit for residence and work) is complete, the IND requests advice from the Netherlands Employees Insurance Agency if the attendance of your employee serves 'essential interests of the Netherlands'.
4.	Explain the IND's decision to your employee. You can appeal against the decision.	If the decision is positive and the employee must have an mvv, he can collect the mvv from the Dutch embassy or consulate. You can then travel to the Netherlands within 90 days. If the employee does not need an mvv, he may travel to the Netherlands immediately.	
5.	Tell the employee where he has to report to the IND once he arrives in the Netherlands.	The employee reports to the IND within 2 weeks.	The IND will check the identity of the employee and then issue the residence permit or the Single Permit (combined permit for residence and work).
6.	Ensure the employee is aware that he must take out healthcare insurance and that, if necessary, he must undergo a TB test.	The employee takes out healthcare insurance as quickly as possible. If applicable, the employee will have an examination conducted by the Municipal Health Service within 3 months of arriving in the Netherlands. If the employee must undergo a civic integration process, he must continue this in the Netherlands.	