



Investing and residing in the Netherlands

Foreign investors (Wealthy Foreign Nationals Scheme)

The Dutch government wants to attract investors from outside the EU to invest in the Netherlands. The scheme for foreign investors enables them to invest and reside in the Netherlands. In this publication, we present you the conditions for a residence permit and information on which documents must be submitted. For more information on investing in the Netherlands go to: www.topsectoren.nl, www.rijksoverheid.nl and www.rvo.nl.

1. Which conditions apply to foreign investors (wealthy foreign nationals)?

In order to be eligible for a residence permit, investors must meet several conditions, the most important of which are listed below:

Investing a minimum amount

Wealthy foreign nationals must invest at least €1,250,000 in a company in the Netherlands or in a fund that according to the Ministry of Economic Affairs fits within the SEED scheme, a venture capital company or contractual joint venture that invests in a company in the Netherlands.

The amount to be invested must be deposited into a bank account of a Dutch bank or a bank of an EU Member State with a branch in the Netherlands that is monitored by De Nederlandsche Bank (DNB).

Banks monitored by the DNB make use of the European Passport. For more information on the European Passport, visit www.toezicht.dnb.nl.

Investment with added value to the Dutch economy

The investment must present added value to the Dutch economy. It must generate employment, stimulate innovation and/or have other non-financial added value. The Immigration and Naturalisation Service (IND) requests the advice of the Netherlands Enterprise Agency (Rijksdienst voor Ondernemend Nederland, RVO) regarding this matter. Chapter 2 explains this in more detail.

Origin of assets

The assets used for the investment may not have a mala fide origin. The IND checks with the Financial Intelligence Unit (FIU) whether the investor can be linked to suspect transactions. Chapter 3 explains this in more detail.

2. Assessment of added value of investment

The IND requests the RVO for advice whether the investment presents added value to the Dutch economy. The foreign investor in question must submit documentary evidence to this effect upon application. Added value may consist of more jobs and/or a boost of innovation at the company in which the foreign investor will invest. Other aspects, such as specialist knowledge or the investor's international network, are also taken into account in assessing the added value.

After the application has been submitted, the IND requests the RVO for advice based on the documentary evidence presented along with the application. The assessment of the RVO consists of two parts:

- A general check of registration with the Chamber of Commerce of the company or contractual joint venture in which will be invested, the nature of the investment plan and the continuity of the company concerned.
- An assessment of innovation, job creation and non-financial input by the investor, if applicable.

Assessment framework

The RVO gives advice to the IND on whether or not an investment in an innovative company (situation 1) or contractual joint venture (situation 2) provides added value to the Dutch economy. In situation 3 a specific recommendation of the RVO is not required.

1. An investment by a foreign investor in an innovative company. The RVO assessment consists of the following elements:

A. Primary check (General criteria for investment in a company)

Required: Yes, Yes, Yes, otherwise negative advice

- The company is registered with the Dutch Chamber of Commerce. - **Yes/No**
- The nature of the investment or investment agreement is positive for the Dutch economy. - **Yes/No**
- The continuity of the company following the investment has been sufficiently proven. - **Yes/No**

B. Secondary check (criteria for the effects of the investment).

Required: at least two Yes, otherwise negative advice

- Job creation.
At least 10 FTEs (excl. applicant) within 5 years, of which 60% within 3 years. - **Yes/No**
- Innovation.
There is innovation if there is at least one of the following aspects: - **Yes/No**
 1. The product or service is new to the Netherlands.
 2. It involves new technology for production, distribution or marketing.
 3. It involves an innovative organisational set-up and working method. Examples include, but are not limited to:
 - Activities stimulated within the context of the Top Sectors policy.
 - Self-developed new products or services.
 - Original approach to energy conservation.
 - Original approach to sustainability problems.
 - Clever and creative adjustments or combinations for the purpose of cross-sector applications.
 - New product /market combinations.
 - Creative or innovative market approach.
 - Social innovation.
 - Introduction of corporate social responsibility.
- Non-financial contribution of the foreign national to the company. There is added value when the foreign investor meets one or more of the following aspects: - **Yes/No**
 1. Active founder/owner with qualifications that are relevant to the company at a Master's level or higher (diploma of an internationally recognised programme required).
 2. Active founder/owner and at least five years of demonstrable extensive entrepreneurial experience.
 3. Active founder/owner and at least five years of demonstrable relevant work experience at senior level.
 4. Active founder/owner who brings along at least five demonstrable commercial partners or clients.

The planned investment presents added value to the Dutch economy when all sections of part A and at least two sections of part B are assessed positively.

2. An investment in a contractual joint venture that invests in one or more innovative companies. The RVO assessment consists of the following elements:

- A check whether the contractual joint venture is registered with the Dutch Chamber of Commerce.
- The assessment of the contractual joint venture and the companies in which will be invested. The above assessment framework will be applied to the assessment of an investment in a company.
- The assessment is conducted according to the contribution of the foreign investor.

3. 3. An investment in a fund that according to the Ministry of Economic Affairs fits within the SEED scheme provides added value to the Dutch economy

Supporting documents for the assessment of added value

Which documentary evidence the foreign investor must submit depends on the type of company in which he will invest:

- A. An innovative company.
- B. A contractual joint venture that invests in one or more innovative companies.
- C. A fund that according to the Ministry of Economic Affairs fits within the SEED scheme.

A. An innovative company

Supporting documents concerning the innovative company in which is being invested.

- The investment agreement that is signed by the parties involved (investor and company) and which demonstrates the purpose of the investment.
- Annual accounts of the last three years, verified by an independent third party. Or, if the company is younger than three years, the annual accounts since its inception.
- An investment plan of the company in which the purpose of the investment is described (can be integrated into
- the business plan or the investment agreement). The investment plan is relevant to be able to assess the effects of the investment, such as job creation and innovation.
- Data showing what the expected effects of the investment are with respect to size and time in relation to the capital position, turnover, results (net profit), employment and/ or innovation, both technological and non-technological (e.g. patents).
- Supporting documents demonstrating own non-financial contribution of the foreign investor and the level of active involvement in the company, such as specific knowledge, specific work experience, references, patents, networks and clients.
- The innovative company which will receive the investment must be registered in the Commercial Register of the Chamber of Commerce. A registration number must be submitted.

If the company is younger than three years old, a business plan must be submitted in addition to the investment plan. A sound business plan is based on a clear business strategy. This means that there is a forecast of the enterprise spanning a term of about three years. The business plan must be attuned to this and therefore at least contain the following elements:

- personal data and background of the company management (training, experience);
- the product or the service;
- a market analysis focusing on the product or service in question and the business environment;
- a description of price policy and buildup with all costs factored into it;
- organisation;
- balance sheet;
- review of operations (achievements and projections);
- turnover and liquidity forecast including calculations;
- specification and budget for employment creation and investments.

The Chamber of Commerce website contains extensive information on starting a company. Information on drawing up a business plan is also available there: www.kvk.nl/advies-en-informatie/bedrijf-starten-of-overnemen/.

Minimum requirements for investment plan

1. Details of the company.
Name, size (employees, turnover), management, innovative nature, product/ service, market (strategy, position, geography, target group, competition) and 3-year forecast after investment.
2. Name of foreign investor.
3. Period of investment.
4. Purpose and size of investment: what is being invested in and for what amount.
5. Expected effects of the investment.
6. Conditions under which the investment is being made.
7. Signatures of the investor and the enterprise. The investment plan may also be referred to in a separate agreement. If a foreign investor invests in his own company, he does not have to sign.

For items 4 and 5, this could include:

Job creation: number and level of FTEs, time frame of jobs to be created.

Innovation: patent (contribution/procurement), innovations in the company (see assessment form), top sector.

B. A contractual joint venture that invests in one or more innovative companies

Supporting documents regarding the contractual joint venture to receive the investment:

- The investment agreement that is signed by the parties involved (investor and company) and which demonstrates the purpose of the investment.
- The agreement between the participants in the joint venture demonstrating the size and conditions.
- A fund plan demonstrating the nature of the organisation and the investments, and which conditions apply.
- Proof of continuity of the contractual joint venture, such as annual accounts.
- Data showing the expected effects of the investment with respect to size and time in relation to the capital position, turnover, results (net profit), employment and/ or innovation, both technological and non-technological (e.g. patents).
- Supporting documents demonstrating the foreign investor's own non-financial contribution and level of active involvement in the company, such as specific knowledge, specific work experience, references, patents, network and clients.
- The contractual joint venture company which will receive the investment must be registered in the Commercial Register of the Chamber of Commerce. A registration number must be submitted.

C. A fund that according to the Ministry of Economic Affairs fits within the SEED scheme

Supporting documents related to the fund in which is being invested:

- Proof of participation in the fund; and
- A declaration proving that the SEED fund is recognised by the Ministry of Economic Affairs; or
- A declaration showing that the fund did not receive a SEED recognition, but fits within the SEED scheme, according to the Ministry of Economic Affairs.

3. Assessment of the origin of assets

The assets used for the investment may not have a mala fide origin. The foreign investor must give permission for the IND to launch a Financial Intelligence Unit (FIU) investigation.

The IND checks with the FIU whether the investor can be linked to suspect transactions. The Financial Intelligence Unit (FIU)- Netherlands conducts an investigation abroad. When applying for a residence permit, the foreign investor must consent to the launch of this investigation. Consent is granted by signing the IND application form during the application for a residence permit. For more information about the working method of the FIU, see www.fiu.nl.

4. Residence permit

If the foreign investor resides in the Netherlands, the application procedure for a residence permit is launched via the application form 'Application for a residence permit with the purpose 'wealthy foreign national' ('foreign investor')', which can be downloaded from the IND website. If the foreign investor resides outside the Netherlands, he must report to the Dutch representation in his country of origin or continuous residence. The procedure for admission and residence can be started at the diplomatic post. If the foreign investor meets the conditions, his residence permit is issued for a maximum period of three years. For general information on starting this procedure, visit www.ind.nl.

Extension of the period of validity of residence permit

The foreign investor's residence permit is valid for a maximum period of three years. The period of validity can be extended with five years after the three-year term. To this end, the foreign investor must submit an application for an extension of the period of validity. The IND checks whether he still meets the conditions.

The following supporting documents must be submitted along with the application for an extension of the residence permit.

In case of investment in a company:

- Recent annual accounts of the enterprise(s) in which is being invested.
- A declaration of the company's management board that the invested funds are available in the company in accordance with the investment plan.
- A description of the job creation results (if applicable).
- A description of the innovation results (if applicable).
- A description of the results of the non-financial contribution of the investor (if applicable).

In case of investment in a contractual joint venture:

- Een recente jaarrekening van de onderneming(en) waarin is geïnvesteerd.
- Een bewijs dat de investeerder is aangesloten bij het samenwerkingsverband.
- Een verklaring van de bestuurders dat het geïnvesteerde vermogen conform het investeringsplan aanwezig is in het contractueel samenwerkingsverband.
- Een beschrijving van de resultaten met betrekking tot arbeidscreatie (indien van toepassing).
- Een beschrijving van de resultaten met betrekking tot innovatie (indien van toepassing).
- Een beschrijving van de resultaten van de niet-financiële inbreng van de investeerder (indien van toepassing).

In case of investment in a fund that according to the Ministry of Economic Affairs fits within the SEED scheme:

- Proof of participation in a fund that according to the Ministry of Economic Affairs fits within the SEED scheme.
- Proof that the investment is still present in the fund.

Family members or relatives

A residence permit may also be applied for the partners and/ or minor children of the foreign investor. They are family members who will move to the Netherlands with the foreign investor.

Employment and civic integration

A foreign investor who has a residence permit may work in the Netherlands without a work permit (Tewerkstellingsvergunning, TWV). The same applies to admitted family members, who are also free to enter the labour market. Foreign investors with a residence permit are not required to complete a civic integration course. This also applies to the dependent residence of the family members.

However, proof of civic integration is required to be able to be eligible for a permanent residence permit or naturalisation.

5. 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.

For more information on investing in the Netherlands go to: www.topsectoren.nl, www.rijksoverheid.nl and www.rvo.nl.

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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