



Newsletter IND Office for Labour and Highly Skilled Migrants

March 2009

Immigration and Naturalisation Service, Directorate for Economic Migration

This newsletter contains further information on the implementation of the Highly Skilled Migrants policy and the procedure within the IND Office for Labour and Highly Skilled Migrants.

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If you wish to unsubscribe to the newsletter, please notify us in writing, stating your reasons and the company's registration number. If you want to deregister and register a new contact person at the same time, please also state the name, e-mail address, and telephone and fax numbers of the new contact person in addition to the reasons and the company's registration number.

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First Document Issued from IND's Rotterdam Expat Desk

On Wednesday 11 February 2009, the Rotterdam Expat Desk issued its first residence document to a foreign employee. The document was issued in Rotterdam's town hall.

Mark Harbers, municipal executive of Rotterdam with a portfolio for Port, Economics, and Environment, and Peter Veld, Director in Chief of the IND, issued the document to Mr Nufer Ates. He originates from Turkey and is going to conduct research as a Ph D student at Erasmus School of Economics the next four years. With the accelerated procedure of the Rotterdam Expat Desk, foreign employees can obtain work and residence permits far more quickly. As a result of this, after their arrival in the Netherlands they can start work much sooner. The procedure is the result of close collaboration between the municipality of Rotterdam and the IND. Last year, Amsterdam opened an Expat Center where expats can arrange their municipal registration and residence permit in a single act.

Higher Wage Criterion

The wage criterion for highly skilled migrants is indexed annually. This year, too, higher wage criteria apply as from 1 January 2009. The IND checks new applications against these higher wage criteria. It also uses these new wage criteria when you or the highly skilled migrant

submit(s) an application for extension.

In addition, a highly skilled migrant may be required to meet a higher wage criterion when he switches employers. The following situations may serve as an explanation.

Situation 1

The wage criterion for highly skilled migrants **up to** 30 years of age applies to a highly skilled migrant. This highly skilled migrant switches employer at some point in his career. He is 30 now and the IND takes account of this in changing the permit, for in this case, the wage criterion for highly skilled migrants **older than** 30 years of age will apply to the highly skilled migrant. If he had become 30 and had continued working with the same employer, the wage criterion **up to** 30 years of age would have remained applicable. If this wage criterion has since been raised, this higher wage criterion for employees up to 30 years of age will apply when the highly skilled migrant applies for an extension.

Situation 2

The reduced wage criterion for graduates applies to a highly skilled migrant. If this highly skilled migrant switches employer, this reduced wage criterion will remain applicable. The IND will, however, check whether the reduced wage criterion has not changed. If the wage criterion has

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Immigratie- en Naturalisatiedienst

Meetings

The IND organizes information meetings for companies that have little or no experience with applications for highly skilled migrants. The next information meetings will take place on:

- **Thursday 2 April, from 1 to 3 p.m.**
- **Tuesday 12 May, from 1 to 3 p.m.**
- **Thursday 11 June (time not known yet)**

During these meetings the steps to be followed to obtain a residence permit as a highly skilled migrant will be discussed. There will of course be ample opportunity to ask questions.

The IND also organises workshops for companies who already have experience with applications for highly skilled migrants. The next meetings have been scheduled for:

- **Friday 24 April, from 1:30 to 5 p.m.**
- **Wednesday 20 May, from 1:30 to 5 p.m.**
- **Wednesday 24 June, from 1:30 to 5 p.m.**

During these meetings the subjects submitted by you will be discussed in more detail. Of course, we should also like to hear about your experiences with the highly skilled migrants scheme.

If you are interested in attending one of these meetings, please send an email to arbeid@ind.minjus.nl, stating “highly skilled migrants meeting (held on... (date))” in the subject field. Please also state whether you are interested in the information meeting or in the workshop. Upon registering for the workshop, please state about which subjects you would want to receive more information.

Always state the company's name and registration number as well as the names of the participant(s). So if you wish to attend the meetings with several colleagues, please state all their names. You will receive an invitation as soon as possible. The meetings will be held in Rijswijk.

» undergone an annual indexation, the highly skilled migrant will have to meet the wage criterion for graduates that is current on the date on which the change of employer was reported to the IND.

Situation 3

The wage criterion for highly skilled migrants older than 30 years of age applies to a highly skilled migrant. The highly skilled migrant has had a permit as a highly skilled migrant since 2007. He switches employer in 2009. He will then have to meet the wage criterion for employees older than 30 years of age, that is current on the date on which the change of employer was reported to the IND. If he continues working with the same employer, the wage criterion of 2007 will remain applicable to him, so long as he does not apply for an extension.

Graduates

There appears to be some lack of clarity about the possibilities for graduates to look for a job in the Netherlands. There are two regulations for graduates in respect of which reduced wage criteria apply (in 2009 € 25,800 gross a year). The first regulation applies to graduates who have completed their studies in the Netherlands (regulation 1). The second regulation is a new and separate regulation for Highly Educated Persons (regulation 2). The regulations are comparable, but there are differences.

The following are the major differences:

Categories of graduates

Regulation 1 only applies to persons who obtained their Bachelor and Master degrees in the Netherlands. Regulation 2 is meant for Master and Ph D students who graduated in the Netherlands or at a number of designated foreign institutions.

Moment of submitting one's application

In respect of regulation 1, the graduate is to submit the application directly after completing his studies in the Netherlands. In this case, this is, by definition, a change of purpose of stay.

In respect of regulation 2, the graduate may submit the application not later than 3 years after graduating. This may also be done from abroad.

Position on the labour market

In respect of regulation 1, the graduate is free to work wherever he wants without a work permit for one year after completing his studies. In respect of regulation 2, the graduate may undertake paid employment to support himself while looking for a job as a highly skilled migrant. In this search year, he will need a work permit when undertaking paid employment (unlike employment as a highly skilled migrant).

Point system

In respect of regulation 1, each graduate with the right certificate qualifies for a residence permit. In respect of regulation 2, the IND uses a point system for assessing the application. In this connection, the IND tests for the educational level, age, and indications of succeeding in the Netherlands.

A graduate who falls under both regulations may choose which regulation to use. More information on the regulations can be found on the IND site on the page with information about IND Office for Labour and Highly Skilled Migrants/Topical information.

Translation of Documents

If the documents that must be submitted with the applications are not written in either the Dutch, English, French or German language, they must be translated by a sworn translator. You must always include the translation of the documents, along with a document evidencing that this translation was made by a sworn translator. This may also be a sworn translator living abroad.