



Immigration and Naturalisation
Service

*Ministry of the Interior and
Kingdom Relations*

Bringing a foreign employee to the Netherlands



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1. Why this publication?

As an employer, what do you need to do to bring a foreign employee to the Netherlands for more than 3 months? That is the central topic of this publication.

Here you will find information on:

- How to bring a foreign employee to the Netherlands.
- The requirements you and the employee have to meet.
- Obtaining a Regular Provisional Residence Permit (mvv) and a residence permit.
- The authorities you and your employee will be dealing with during the admission procedure.

The Office for Labour and Highly Skilled Migrants (Loket Kennis- en Arbeidsmigratie)

If you wish to bring a foreign employee to the Netherlands, you can apply to the Office for Labour and Highly Skilled Migrants. The Office for Labour and Highly Skilled Migrants is located in the IND offices in Rijswijk and handles residence permit applications for foreign nationals who wish to work as employees in the Netherlands and for their family members. The Office for Labour and Highly Skilled Migrants has been established to handle the applications quickly and with due care.

2. Bringing a foreign employee to the Netherlands, in brief

You can bring a foreign employee to the Netherlands as a labour migrant, as a highly skilled migrant or as a scientific researcher in the sense of Directive 2005/71/EC.

Admission as a labour migrant

A labour migrant is an foreign employee who comes to the Netherlands to work as an employee. You can bring a foreign employee to the Netherlands as a labour migrant if he earns at least the social assistance standard/statutory minimum wage (wml). In most cases you will need a work permit (twv) for the foreign employee, issued by UWV WERKbedrijf. The IND will, in principle, take a decision relative to a request for advice preceding the actual application for a Regular Provisional Residence Permit (mvv) within 4 weeks after the twv has been issued. If an employee does not require a work permit, the IND will decide within 4 weeks after receipt of the request for advice. The IND will decide on an application for a residence permit within 6 months.

Admission to the accelerated procedure

If you satisfy certain conditions, you may qualify for the accelerated procedure concerning the request for advice preceding the actual application for a Regular Provisional Residence Permit (mvv). You will have to conclude a covenant with the IND if you wish to make use of this accelerated procedure. You will have to submit a written request to the Office for Labour and Highly Skilled Migrants if you think you qualify for the accelerated procedure. If the Office for Labour and Highly Skilled Migrants decides in favour of your request for admission, the IND will conclude a covenant with your organisation. If you have been admitted to the accelerated procedure, the IND will in principle decide within 2 weeks on a request for advice preceding the actual application for a Regular Provisional Residence Permit (mvv) for the foreign employee.

Admission as a highly skilled migrant

A highly skilled migrant is also an employee coming to the Netherlands to work as an employee, thus making a contribution towards the knowledge economy. He can come to the Netherlands following a simplified admission procedure. To bring an employee to the Netherlands as a highly skilled migrant, as an employer you must sign a statement by which you assume a number of responsibilities. As an employer, it is not possible to bring highly skilled migrants to the Netherlands unless you have been admitted to the accelerated procedure. The employee must meet the standard income requirements. For employees aged 30 and

above a higher income requirement applies than for employees below the age of 30. This income criterion does not apply for workers being employed in the Netherlands for the purpose of undertaking scientific research, or for medical doctors training to be specialists. In that case, the income must at least be equal to the social assistance standard/statutory minimum wage (wml). You do not need a separate work permit (twv) to hire the highly skilled migrant. The IND will decide in principle within 2 weeks on the request for advice preceding the issue of a Regular Provisional Residence Permit (mvv) and the application for a residence permit. This term applies only if a complete application has been filed.

"These amounts are indexed on an annual basis."

Admission as a scientific researcher in the sense of Directive 2005/71/EC

A scientific researcher is an employee who will perform a research project approved by a Dutch research institute in the Netherlands. You will have to register with the IND if you, as a research institute, wish to bring a scientific researcher, in the sense of Directive 2005/71/EC, from abroad. The researcher will have to earn at least the social assistance benefit level/statutory minimum wage, or receive a grant. You will not require a work permit for scientific researchers in the sense of Directive 2005/71/EC.

Changing employer

The employee will apply for a new residence permit with the IND desk in his region. To that end, he must make an appointment via telephone number 0900 1234561 (€ 0.10 p.m. plus any additional costs charged by your operator if you are calling from a mobile phone).

The IND will assess the new application. Where necessary, the new employer will apply for a work permit with UWV WERKbedrijf. This does not apply to highly skilled migrants who still have a valid residence permit as a highly skilled migrant. In such cases, the former employer is required to deregister the highly skilled migrant with the IND while stating the date of termination of activities and the reasons for the dismissal. The new employer must also be admitted to the highly skilled migrants scheme. The new employer must inform the IND in writing that the highly skilled migrant will enter his service. An employment contract signed by both parties must be submitted with this notification.

3. Requirements

You can bring an employee to the Netherlands as a highly skilled migrant, labour migrant or scientific researcher in the sense of Directive 2005/71/EC if you and the employee meet certain requirements. Specific requirements apply to all procedures, which you will find in chapter 7, 8 and 9 of this publication. In addition, a number of general requirements apply to these procedures:

- The employee must have a valid passport.
- The employee must be prepared to undergo an examination for tuberculosis following arrival in the Netherlands.*
- The employee shall not constitute any public order risk.
- The employee must have health insurance. In many cases, the employee will require an mvv.

* *Exemption from the tuberculosis test applies to Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Germany, Estonia, Finland, France, Greece, Hungary, Ireland, Iceland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, New Zealand, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, Surinam, Sweden, Switzerland, United Kingdom, United States of America and Vatican City.*

The employee is not required to take the civic integration examination abroad. This exemption does not apply to employees who come to the Netherlands as spiritual leader or teacher of religious knowledge.

In many cases the employee needs an mvv. You can read more about this in chapter 6.

4. Costs

Submitting a request for advice preceding the actual application for mvv is free of charge.

A fee will be charged for an application for an mvv and a residence permit. The application will not be processed before the fee has been paid. For more information about how to pay the fee, please see chapter 7, 8 en 9 under the section entitled 'Costs'. For information about the amount of the fees, please call 0900 1234561 (€ 0.10 p.m. plus any additional costs charged by your operator if you are calling from a mobile phone) or visit the website www.ind.nl.

5. Documents

To bring a foreign employee to the Netherlands as a highly skilled migrant, labour migrant or scientific researchers in the sense of Directive 2005/71/EC the employee must submit to the IND various documents from the country of origin. Other authorities in the Netherlands will also ask for your employee's documents from the country of origin.

For instance, the municipality where your employee is going to live will need documents to be able to register the employee in the Municipal Administration (GBA).

The employee will at least need the following documents:

- A valid passport.
- A legalised birth certificate (for registration in the municipality).

If the employee intends to take his family with him to the Netherlands, the employee and the family members must be able to submit documents from the country of origin that prove the family relationship. Examples of this are documents such as passports, birth certificates and marriage certificates. This list is not exhaustive. The exact documents the employee and his family members need are listed on the application form.

Having documents legalised or provided with an apostille stamp

In most cases, foreign documents (such as birth and marriage certificates) must be legalised or must carry an apostille stamp appended by the competent authorities in the country of origin. For further information on the legalisation or apostille requirements per individual country, please contact the Ministry of Foreign Affairs on +3170 348 48 44, or visit the website www.minbuza.nl.

Please note! This process can take a great deal of time so ask the employee to start the procedure of having the documents legalised or furnished with an apostille in the country of origin at an early stage.

Language of the documents

All documents must be in Dutch, English, French or German. If this is not the case, please have the documents translated by a translator sworn by a court and submit the application, including any document and the translation thereof to the IND desk.

If you have any document translated abroad rather than in the Netherlands by a translator certified by a Dutch court, the translation must also be legalised.

6. The admission procedure in general

In this chapter, you can read how to obtain a Regular Provisional Residence Permit (mvv) and/or a residence permit for the employee.

To be allowed to enter the Netherlands for a stay of more than 3 months, the employee (highly skilled migrant, labour migrant or scientific researcher in the sense of Directive 2005/71/EC) usually needs an mvv. An mvv is a special entry visa. Employees with the nationality of Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Germany, Estonia, Finland, France, Greece, Hungary, Ireland, Iceland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, New Zealand, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, South Korea, Spain, United Kingdom, Sweden, Switzerland, United States of America and Vatican City do not require an mvv.

To be allowed to stay in the Netherlands for more than 3 months, the employee must apply for a residence permit after entering the Netherlands (with or without an mvv).

How does the employee obtain an mvv?

Application for an mvv

The employee can apply for an mvv at the Dutch embassy or consulate in the country of origin or continuous residence. The employee cannot travel to the Netherlands until he has been issued with an mvv.

Request for advice

It is recommended that you submit a request to the IND for advice preceding the actual application for mvv before the employee submits the application for an mvv. If you wish to bring a highly skilled migrant or scientific researcher in the sense of Directive 2005/71/EC to the Netherlands, you should submit a request for advice prior to submitting the application for the mvv. You will also have to submit a request for advice for family members who wish to accompany the employee. When the IND receives such a request, the IND first checks whether the requirements have been met.

Country of continuous residence

A country of continuous residence is a country in which a person is permitted to reside for a period of more than 3 months, by reason of entitlement to temporary residence or pending entitlement to temporary residence.

Assessment of the request for advice

The IND will assess the request for advice by examining whether you and the employee meet the requirements. Please see chapter 7, 8 and 9 for the requirements for residence as a highly skilled migrant, labour migrant or scientific researcher in the sense of Directive 2005/71/EC. When it assesses the request for advice, the IND will also take into account whether the employee and any possible family members have the required (legalised) documents. To this end, you must submit copies of the (legalised) documents. If the request you have submitted is incomplete, you will receive a letter from the IND stating which documents you still have to submit.

Positive advice

If the IND does not object to the issuing of an mvv to the employee, it will give a positive advice. The IND will inform you of this in writing. The positive advice is valid for 6 months. The employee must submit an application for an mvv to the Dutch embassy or consulate in the country of origin or continuous residence within this period. If the application is complete and all conditions are satisfied, you will receive positive advice from the IND. After that, you can have the employee submit the application for an mvv in the country of origin or continuous residence. Since the IND has already issued a positive advice, the Dutch embassy or consulate can quickly issue the employee with an mvv.

Please note! A fee will be charged for the submission of an mvv application to the Dutch embassy or consulate in the country of origin or continuous residence. The Dutch embassy or consulate will only be informed of the positive advice after the application fee for an mvv has been received by the IND. Please see chapter 7, 8 and 9 under the section entitled 'Costs' for more information about paying the application fee for an mvv.

The issuing of the mvv

The employee must submit the application for an mvv to the Dutch embassy or consulate in the country of origin or continuous residence. At that time, he must show a valid national passport and possibly his original (legalised) documents. If the fee for the mvv has been paid, the mvv will be inserted into the employee's passport. The mvv is valid for 6 months. The employee must enter the Netherlands within this period.

Negative advice

If the requirements for the issuing of mvv have not been met, the IND will give a negative advice. You will receive a written notification to that effect. You cannot appeal

against a negative advice. If, at a later date, the requirement(s) on the grounds of which a negative advice was previously given is (or are) met, you can submit a new request for advice.

Please note! You need only one application for requests for advice for the employee and the family members.

How does the employee obtain a residence permit?

Submitting the application

When the employee is in the Netherlands and he intends to stay in the Netherlands for more than 3 months, he must submit an application for a residence permit within 3 days of entering the country. He can do this at the IND desk in his region (for the locations of the IND desks see the website www.ind.nl). An appointment must be made for this by calling the IND appointments line (0900 1234561, € 0.10 p.m. plus any additional costs charged by your operator if you are calling from a mobile phone). If the employee submits an application to the IND desk, a residence sticker will be placed in his passport. He can use this to prove that he is staying in the Netherlands legally, while awaiting the decision on the application. This sticker also states whether the employee is allowed to work while awaiting the decision.

Please note! You or the employee must submit an application for a residence permit as a highly skilled migrant or scientific researchers in the sense of Directive 2005/71/EC at the Office for Labour and Highly Skilled Migrants in Rijswijk. It is recommended that the application is submitted by post. Once the application has been received by post, a sticker will be placed in the employee's passport, as proof that an application for a residence permit has been filed. This can take place at the IND desk in Rijswijk, or at one of the other IND desks. If you submit the application to the IND desk in Rijswijk in person, the sticker will be placed in the employee's passport at the same time. In order to submit an application in person and/or collect the sticker, an appointment must first be made by calling the Office for Labour and Highly Skilled Migrants appointments line (070 779 58 25). The employee will then have to go to the town hall of his place of residence to register as a resident in the municipality in the Municipal Administration (GBA).

Assessment of the application

The IND will assess the application by examining whether you and the employee meet the requirements. Please see chapter 7, 8 and 9 for the requirements for residence as a highly skilled migrant, labour migrant or scientific researcher in the sense of Directive 2005/71/EC. When assessing the application, the IND will examine whether the employee and any family members have the required (legalised) documents. Please note that you must submit copies of these legalised documents.

Response to the application

The employee can get three responses to his application for a residence permit.

1. The application is incomplete. The employee receives a letter requesting him to complete the application.
2. The application is granted and the employee receives a residence permit. He will be notified of this in writing. Subsequently, the employee is invited to the IND desk in his region to collect his residence document.
3. The application of the employee is rejected. He will be notified of this in writing. The employee can appeal to the IND against a rejection of the application.

Accompanying family members

If the employee's family members are in the Netherlands and intend to stay in the Netherlands for more than 3 months, they must also apply for residence permits. If the family members have entered the Netherlands at the same time as the employee, it is recommended that the applications for residence permits for the employee and his family members should be submitted simultaneously. The applications will then be processed by the Office for Labour and Highly Skilled Migrants simultaneously. Besides, the fee will be lower because the family rate will apply.

Residence permit without an mvv

The application procedure for a residence permit for an employee who is exempt from the mvv requirement is roughly the same as the procedure for an employee who does require an mvv. The main difference is that an employee who enters the Netherlands with an mvv needs to show fewer documents when he submits the application. This is because some of the documents have already been verified for the mvv application.

Registering in the Municipal Administration

In a number of municipalities (including Amsterdam, The Hague, Rotterdam, Utrecht and Eindhoven) it has recently also become possible for an employee to declare his residence status and address for registration in the Municipal Administration (GBA) before he obtains a residence sticker (proof of lawful residence). The employee then receives a 'Proof of Disclosure to the GBA' (BvB GBA) from the GBA. This declaration must be enclosed when submitting an application for a residence permit to the IND and it is then forwarded by the IND to the GBA for final registration.

7. Stay as a labour migrant

Requirements

You can bring a foreign employee to the Netherlands as a labour migrant, if:

- you have been granted a work permit (twv) by UWV WERKbedrijf for this employee;
- the employee will work as an employee and proves this by means of an employment contract;
- the employee will work in paid employment within the context of a transfer within a group of companies. If no employment contract is agreed with the member of the group established in the Netherlands, a declaration from the (parent) company abroad will have to be submitted in any case;
- the amount of the employee's income is at least equal to statutory minimum wage.

What is a work permit?

In general, you will require a work permit (twv) if you bring a foreign employee to the Netherlands. A twv is required pursuant to the Labour Act for Aliens (Wav). You can submit an application for the twv to UWV WERKbedrijf. The employee cannot do this himself. Please see the website www.werk.nl for more information on the twv.

Admission to the labour migrants procedure

To use the labour migrants procedure, you do not need to sign a declaration. You can immediately submit a request for advice preceding the actual application for mvv. The employee can submit an application for a residence permit immediately.

How to request an advice preceding the actual application for mvv

1. Fill out the application form entitled 'Request for advice preceding the actual application for mvv working as an employee' on the IND's website (www.ind.nl > Brochures & Forms > Forms). You will find the link to the website of the UWV-IND Digital Labour Migration Desk (Digitaal Loket Arbeidsmigratie UWV-IND). Complete and print the form. You do not need a login name or password for this. (You can also request this form from the IND by calling 0900 1234561, (€ 0.10 p.m. plus any additional costs charged by your operator if you are calling from a mobile phone) or you collect one from an IND desk).
2. Sign the printed version and send it, including the requested appendices to the address stated in the form.
3. At the same time, submit an application with a copy of this form for a twv to UWV WERKbedrijf. If you are not granted a twv, the request for advice preceding the actual application for mvv is always rejected by the IND.

4. If UWV WERKbedrijf decides to issue a twv, the IND will assess on the basis of the other requirements whether you will receive a positive advice.
5. The IND and UWV WERKbedrijf aim to inform you within 5 weeks of processing your application. You will be notified in writing.
6. If you receive a positive advice, the employee can submit an application for an mvv to the Dutch embassy or consulate.

Digital Labour Migration Desk

If you wish to take on a foreign employee you can now submit a combined application for an mvv and a twv with the IND and UWV WERKbedrijf. You can complete an electronic form at www.arbeidsmigratie.nl. By answering several questions, it will be automatically determined for you if and, if so, which permit your foreign employee will require in his specific situation.

If it turns out that your foreign employee requires one or more permits, you can continue to fill in the application form for a work permit and/or a Regular Provisional Residence Permit for your foreign employee. You can subsequently download the filled in form as a PDF file and print it. Following this, you can sign the form, enclose the indicated documents and send it in. The address is stated on the cover page of the printed form. Your application will subsequently be processed by UWV WERKbedrijf and/or the IND.

How to apply for a residence permit

1. You or the employee must fill out the application form entitled 'Application residence permit with mvv' on the IND's website (www.ind.nl > Brochures & Factsheets > Forms) Alternatively, you or the employee can order this application form by calling 0900 1234561 (€ 0.10 p.m plus any additional costs charged by your operator if you are calling from a mobile phone) or collected from an IND desk. The form must be signed by the employee.
2. The employee must submit the application for a residence permit at the IND desk in his region. To submit an application, an appointment must always be made in advance by calling telephone number 0900 1234561 (€ 0.10 p.m. plus any additional costs charged by your operator if you are calling from a mobile phone).
3. The employee will receive a decision on the application within 6 months of the date of receipt. You will also receive a copy of the decision.

Please note! The employee must be in the Netherlands at the time when the application for a residence permit is submitted.

**For employees who are exempt from the mvv requirement, you can apply for a residence permit using the application form entitled 'Application for a regular residence permit without an mvv, or for a change in purpose of stay'.*

Residence sticker in passport

When the employee submits the application to the IND desk in his region, a sticker will be placed in his passport showing that he is staying in the Netherlands legally while awaiting the decision. This sticker also indicates whether he is allowed to work while awaiting the decision. An appointment at the IND desk must be made in advance by calling telephone number 0900 1234561 (€ 0.10 p.m. plus any additional costs charged by your operator if you are calling from a mobile phone).

Costs

How to pay the fee for the mvv?

You or the employee must pay the fee for the application for an mvv by remitting the amount to a bank account of the IND in the Netherlands. You or the employee can pay the fee at two points in time.

1. The IND sends an invoice together with the positive advice, which you or the employee can subsequently pay by remitting an amount to a bank account in the Netherlands.
2. After submitting the application for an mvv to the Dutch embassy or consulate, the employee remits an amount to a bank account in the Netherlands.

How to pay the fee for a residence permit

The employee pays the fee for the application for a residence permit at the IND desk in his region, either in cash or using a bankcard with PIN.

Period of validity of the residence permit

The residence permit of the employee is granted for the period of the twv. The validity of the twv depends on the term of the employment contract. The labour migrant must hold a valid passport at the time that the application is submitted.

Family members

The husband or wife or (registered) partner of the labour migrant will be given a residence permit for the period of 1 year, after which the residence permit may be extended. The period of validity of the residence permit of the children is the same as the residence permit of the labour migrant. The family members must hold a valid passport at the time that the application is submitted.

Employment

The labour migrant is allowed to work in the Netherlands if he has entered the country with a valid mvv and after he has submitted an application for a residence permit, a residence sticker has been placed in his passport, and he has obtained a twv. The labour migrant who has entered the Netherlands without an mvv is allowed to work once he has obtained a twv and has submitted an application for a residence permit and a sticker has been placed in his passport.

Family members

Family members of a labour migrant require a twv to be allowed to work. The family members can only work if a positive decision has been given regarding their application for a residence permit, and if a twv has been issued.

8. Stay as a highly skilled migrant

Requirements

You can bring a foreign employee to the Netherlands as a highly skilled migrant, if:

- you have signed a declaration on the admission of highly skilled migrants and you have been admitted to the highly skilled migrant procedure by the IND; and
- the employee is to work as an employee and proves this by means of an employment contract; and
- the employee must meet the standard income requirements. For employees aged 30 and above a higher income requirement applies than for employees below the age of 30. This income criterion does not apply for workers being employed in the Netherlands for the purpose of undertaking scientific research, or for medical doctors training to be specialists. The income for these categories of employees must at least be equivalent to the applicable social assistance benefit level/statutory minimum wage (wml).

**These amounts are indexed on an annual basis.*

What is a declaration?

To use the highly skilled migrant procedure, you must first sign a declaration. With this, you declare that you assume a number of responsibilities for the employee, for instance that the application as submitted is complete. You will also act as the employee's financial guarantor, which means that the costs of the employee's stay will not be the responsibility of the Dutch authorities. Assumption of these responsibilities enables the IND to deal with the applications for a stay as highly skilled migrant via an accelerated procedure.

Admission to the highly skilled migrant procedure

1. To use the highly skilled migrant procedure, you must complete and sign the declaration. You will find the declaration for the admission of highly skilled migrants on the IND's website (www.ind.nl > Introducing the IND > Living and working in the Netherlands > Highly Skilled Migrants > Form module > Forms > Miscellaneous > Admission Form Highly Skilled Migrants procedure).
2. Send the declaration with the requested appendices to the Office for Labour and Highly Skilled Migrants.

Please note! The declaration may not be signed by a third party (for instance an authorised person or an intermediary agency).

How to request an advice preceding the actual application for mvv

1. Visit the IND website (www.ind.nl > Introducing the IND > Living and working in the Netherlands > Highly Skilled Migrants > Form module > Forms) and select the

application form entitled 'Request for advice preceding the actual application for an authorisation for temporary stay'. Fill out the form and print it.

2. Sign the printed version and send it, including the requested appendices to the Office for Labour and Highly Skilled Migrants.
3. If the submitted request is complete, you will, in principle, receive a decision on your request for advice preceding the actual application for mvv within 2 weeks.
4. If you receive a positive advice, the employee can submit the mvv application to the Dutch embassy or consulate.

How to apply for a residence permit

1. Visit the IND website (www.ind.nl > Introducing the IND > Living and working in the Netherlands > Highly Skilled Migrants > Form module) and select the application form 'Application for a residence permit with an mvv.**' Fill out the form and print it. The form must be signed by the employee.
2. You or the employee can submit the application for a residence permit at the Office for Labour and Highly Skilled Migrants. You can submit the application to the Office for Labour and Highly Skilled Migrants by post. To submit an application in person, you must make an appointment by calling telephone number 070 779 58 25. This appointment will take place at the IND desk in Rijswijk.
3. If the application as submitted is complete, the employee will, in principle, receive a decision on the application within 2 weeks. You will also receive a copy of the decision.

Please note! The employee must be in the Netherlands at the time when the application for a residence permit is submitted.

****For employees who are exempt from the mvv requirement, you can apply for a residence permit using the application form entitled 'Application for a residence permit without an mvv'.**

Residence sticker in passport

When the highly skilled migrant submits the application for a residence permit to the Office for Labour and Highly Skilled Migrants, a residence sticker will be placed in his passport showing that he is staying in the Netherlands legally while awaiting the decision. This sticker also indicates whether he is allowed to work while awaiting the decision. If you have sent the application to the Office for Labour and Highly Skilled Migrants by post, you or the employee can subsequently have a sticker placed in the employee's passport at the IND desk in your/his region.

An appointment must be made for this in advance by calling telephone number 070 779 58 25. If you or the employee submit the application in person (this is only possible at the IND desk in Rijswijk), the IND will immediately place a sticker in the passport of the employee and those of any family members. An appointment must be made for this in advance by calling telephone number 070 779 58 25.

Please note! *The residence sticker cannot be placed in the employee's passport until the application submitted in writing has been received and registered by the Office for Labour and Highly Skilled Migrants. If it emerges on the day of the appointment that an application in writing for a residence permit has not been registered, it will not be possible to place a sticker in the employee's passport!*

Costs

How to pay the fee for the mvv?

The fee for the application for an mvv is paid by one-off direct debit. You must send a signed direct debit form together with the request for an advice. The IND will collect the fee only at the time when you receive a positive advice from the IND relative to your request for advice preceding the actual application for mvv. The processing of the request for advice preceding the actual application for mvv is free of charge.

If you do not wish to pay for the application for an mvv by one-off direct debit, you will receive an invoice from the IND with the request to pay the fee into a bank account in the Netherlands. The IND will only inform the embassy about the positive advice given after the fee for the application for an mvv has been received.

How to pay the fee for a residence permit

By signing the declaration, you agree, as an employer, to pay the fee by one-off direct debit. This means that you must sign a direct debit form for each application. The fee for the application for a residence permit will be debited after you have submitted the application.

Period of validity of the residence permit

The residence permit of a highly skilled migrant is granted for the period of the employment contract, with a maximum of 5 years. The highly skilled migrant must hold a valid passport at the time that the application is submitted.

Family members

The husband or wife or (registered) partner of the highly skilled migrant will be given a residence permit for a period of 1 year, after which the residence permit may be extended. The residence permit of the children will have the same period of validity as the residence permit of the highly skilled migrant. The family members must hold a valid passport at the time that the application is submitted.

Employment

The highly skilled migrant is allowed to work in the Netherlands if he has entered the country with a valid mvv and has submitted an application for a residence permit. The highly skilled migrant who has entered the Netherlands without an mvv can only start work after a positive decision has been reached on his application for a residence permit.

Family members

Family members of the highly skilled migrant are free to work on the labour market. They do not require a twv. Family members who have entered the Netherlands without a valid mvv can only work after a positive decision has been reached on their application for a residence permit.

Non-obligatory mvv

Do you want the highly skilled migrant exempt from the mvv requirement to start working immediately upon his arrival in the Netherlands? In that case, submit a request for advice. If positive advice is given, the highly skilled migrant will be allowed to work in the Netherlands as soon as he has filed an application for a residence permit and a residence sticker has been placed in his passport.

9. Stay as a scientific researcher in the sense of Directive 2005/71/EC

Requirements

You may bring a foreign scientific researcher in the sense of Directive 2005/71/EC (hereinafter mentioned scientific researcher) to the Netherlands if:

- the research institute is registered and recognized by the IND
- the research institute has been admitted by the IND to the accelerated procedure
- the scientific researcher has obtained a diploma from an institution for higher education and the diploma entitles the holder to access to a university degree programme;
- the scientific researcher has been selected by your research institute to perform a project in respect of which the relevant diploma is required.
- the scientific researcher has submitted a guest agreement concluded with the research institute
- the scientific researcher has submitted a guarantee from your research institute.
- the income of the scientific researcher is at least equal to the social assistance benefit level/ statutory minimum wage (wml).

A work permit is not required if the above criteria are met.

What is the registration?

According to the Directive, admission within the context of scientific research can only occur in respect to research institutes recognised in advance. This requirement is set to guarantee the quality of the receiving research institute. A research institute may be public or private. Recognised research institutes qualify for the accelerated procedure. This means that IND aims to decide on applications within 2 weeks after receipt of a request for advice preceding the actual application for a Regular Provisional Residence Permit or an application for a residence permit.

Admission to procedure for the scientific researcher in the sense of Directive 2005/71/EC

1. To use the procedure for the scientific researcher, you must complete and sign the registration form. You will find the registration form on the IND's website (www.ind.nl > Introducing the IND > Living and working in the Netherlands > Highly Skilled Migrants > Form module > Forms > Miscellaneous > Registration form for admission and mobility of scientific researchers).
2. Send the registration form with the requested appendices to the Office for Labour and Highly Skilled Migrants.
3. When the IND has received the registration form, you will receive a confirmation of receipt. Upon approval and

registration by the IND the required application form will be provided to your educational institution. You can start submitting your applications.

How to request an advice preceding the actual application for mvv

1. Fill out and print the form 'Request for advice preceding the actual application for mvv: purpose of stay residence as scientific researcher in the sense of Directive 2005/71/EC', which you received from the IND. Send it, including the requested appendices to the Office for Labour and Highly Skilled Migrants;
2. If the submitted request is complete, you will, in principle, receive a decision on your request for advice preceding the actual application for mvv within 2 weeks.
3. If you receive a positive advice, the employee can submit the mvv application to the Dutch embassy or consulate.

How to apply for a residence permit

1. Fill out the form 'Application for a residence permit with an mvv: purpose of stay residence as scientific researcher in the sense of Directive 2005/71/EC' that is required to your educational institution. The form must be signed by the researcher.
2. You or the researcher can submit the application for a residence permit at the Office for Labour and Highly Skilled Migrants. You can submit the application to the Office for Labour and Highly Skilled Migrants by post. To submit an application in person, you must make an appointment by calling telephone number 070 779 58 25. This appointment will take place at the IND desk in Rijswijk.

**For employees who are exempt from the mvv requirement, you can apply for a residence permit using the application form entitled 'Application for a residence permit without an mvv: purpose of stay residence as scientific researcher in the sense of Directive 2005/71/EC'.*

Residence sticker in passport

When the researcher submits the application for a residence permit to the Office for Labour and Highly Skilled Migrants, a residence sticker will be placed in his passport showing that he is staying in the Netherlands legally while awaiting the decision. This sticker also indicates whether he is allowed to work while awaiting the decision. If you have sent the application to the Office for Labour and Highly Skilled Migrants by post, you or the researcher can subsequently have a sticker placed in the employee's passport at the IND desk in your/his region. An appointment must be made for

this in advance by calling telephone number 070 779 58 25. If you or the researcher submit the application in person (this is only possible at the IND desk in Rijswijk), the IND will immediately place a sticker in the passport of the employee and those of any family members. An appointment must be made for this in advance by calling telephone number 070 779 58 25.

Costs

How to pay the fee for the mvv?

The fee for the application for an mvv is paid by one-off direct debit. You must send a signed direct debit form together with the request for an advice. The IND will collect the fee only at the time when you receive a positive advice from the IND relative to your request for advice preceding the actual application for mvv. The processing of the request for advice preceding the actual application for mvv is free of charge. If you do not wish to pay for the application for an mvv by one-off direct debit, you will receive an invoice from the IND with the request to pay the fee into a bank account in the Netherlands. The IND will only inform the embassy about the positive advice given after the fee for the application for an mvv has been received.

How to pay the fee for a residence permit

By signing the declaration, you agree, as an employer, to pay the fee by one-off direct debit. This means that you must sign a direct debit form for each application. The fee for the application for a residence permit will be debited after you have submitted the application.

Period of validity of the residence permit

The residence permit of a scientific researcher is granted for the period of the research project as specified in the guest agreement, with a maximum of 5 years. The scientific researcher must hold a valid passport at the time that the application is submitted.

Family members

The husband or wife or (registered) partner of the scientific researcher will be given a residence permit for a period of 1 year, after which the residence permit may be extended. The residence permit of the children will have the same period of validity as the residence permit of the scientific researcher. The family members must hold a valid passport at the time that the application is submitted.

Employment

The scientific researcher is allowed to work in the Netherlands if he has entered the country with a valid mvv, he has submitted an application for a residence permit to the IND and a residence sticker has been placed in his passport. The scientific researcher who has entered the Netherlands without an mvv can only work after a positive decision has been reached on his application for a residence permit.

Family members

Family members of the scientific researcher are free to work on the labour market. They do not require a twv. Family members who have entered the Netherlands without a valid mvv can only work after a positive decision has been reached on their application for a residence permit.

Voluntary mvv

Would you like the scientific researcher who is exempt from the mvv requirement to be allowed to work immediately upon his arrival in the Netherlands? You can submit a request for advice. If the advice is positive, the scientific researcher will be allowed to work in the Netherlands after he has submitted an application for a residence permit to the IND and a residence sticker has been placed in his passport.

10. Frequently asked questions

Below are some frequently asked questions and answers about the highly skilled migrant procedure to the Office for Labour and Highly Skilled Migrants.

Can a foreign company use the highly skilled migrant procedure?

No, only businesses established in the Netherlands can make use of the highly skilled migrant procedure.

Is admission to the highly skilled migrant procedure subject to a minimum number of applications per year?

No, to be admitted to the highly skilled migrant procedure you are not required to submit a minimum number of applications per year. There is also no limit on the number of applications you can submit.

My employee has a residence permit for the purpose of 'working as an employee', but also meets the criteria for a residence permit for the purpose of a 'stay as a highly skilled migrant'. What should I do to change the permit?

The employee can submit an application to have the purpose of stay changed. You can use the application form entitled 'Application for a regular residence permit without mvv/change of purpose' to this end. A fee must be paid for this change. These applications are also processed within the target term of 2 weeks. The family members of the labour migrant are not required to submit an application for a change to their purpose of residence, as their purpose of residence remains unchanged. They can however apply for a residence document with an amended labour market entry.

Can I have the fee debited from a foreign account?

No, the IND can only debit the fee from an account with a bank in the Netherlands.

What should I do if I do not wish to pay the fee for the residence permit as a highly skilled migrant by one-off direct debit?

You can pay the fee by means of a giro collection form. Please indicate in a letter accompanying the declaration that you do

not wish to pay by one-off direct debit. Please also state whether the giro collection form should be sent to you or to the highly skilled migrant. You or the highly skilled migrant will then receive a giro collection form for each application. After the fee has been paid, it will take 1 week to several weeks before the IND is notified of this. Therefore, the IND recommends that you send a receipt as soon as the fee has been debited from your account. After the notice of payment has been received, the IND aims to process the application within 2 weeks. The IND is under no obligation to decide upon your application within 2 weeks.

What should I do if I do not wish to pay the fee for the application for an mvv by one-off direct debit?

You should indicate this when you submit your request for advice preceding the actual application for mvv and you will subsequently receive an invoice from the IND.

What are the consequences for the residence permit of the highly skilled migrant if he changes jobs or leaves the company?

The foreign national who has a residence permit as highly skilled migrant can retain this residence permit when he changes jobs or employers as long as he continues to meet the requirements for a stay as highly skilled migrant. However, you must report the change of employer to the IND. The employer who the highly skilled migrant is leaving must report this. If the employee no longer meets the requirements for a stay as highly skilled migrant because of his new job or his new employer, the employer should report this to the IND. In such a case the IND will withdraw the residence permit, unless involuntary dismissal is concerned. In that case, the highly skilled migrant will be given a period of 3 months to look for a job.

Can I submit an application for a residence permit as highly skilled migrant for a highly skilled migrant who is not in the Netherlands yet?

No, you cannot. The application for a residence permit can only be submitted

when the highly skilled migrant is in the Netherlands.

If the highly skilled migrant does not yet have a permanent address in the Netherlands, can I state the address on the application form of the company/institution where the highly skilled migrant is going to work?

No, you must always state the address where the highly skilled migrant is staying at the time of the application, even if the highly skilled migrant is staying at that address temporarily (for instance at a hotel).

Can I also submit an application as a highly skilled migrant for an employee who is a national of the EU member states Bulgaria or Romania?

Yes, you can. A twv is not required if the employee meets the criteria for a residence permit as a highly skilled migrant.

Is it useful for any employee who is a national of any other EU or EEA Member States or Switzerland to apply for a residence permit as a highly skilled migrant?

No, such employees are free to carry out any kind of work in the Netherlands.

Which salary criterion will apply if the highly skilled migrant becomes 30 years of age during his stay?

If the highly skilled migrant has not reached the age of 30 years when the request for advice or the application is submitted, the salary criterion for highly skilled migrants under 30 years of age shall apply. As long as the highly skilled migrant remains in the service of the same employer, that criterion shall continue to apply, even if he has since become 30 years of age or more and is applying for his residence permit to be extended. Only once the highly skilled migrant changes employer will he be reassessed according to the salary criterion that is applicable at that time. If the highly skilled migrant has since reached the age of 30 years or more, the higher salary criterion shall then apply.

11. More information

Do you still have questions after reading this publication? Please visit www.ind.nl or contact the IND. You can contact the IND in the following ways.

Telephone

The IND can be contacted on 0900 1234561 (€ 0.10 p.m. plus any additional costs charged by your operator if you are calling from a mobile phone), weekdays between 09.00 and 17.00. When calling from abroad you can use +31 20 889 30 45 (this number cannot be used if you are telephoning from within the Netherlands).

If you have a question about a current application, please have the following information ready:

- Your V-number (your unique 'foreign national number'), if you know what it is
- Your surname and first name (and, if applicable your maiden name)
- Your place and date of birth
- Your nationality

Letter or email

General questions

Immigratie-en Naturalisatiedienst

Postbus 287

7600 AG Almelo

Email: voorlichting@ind.minbzk.nl

Questions about highly skilled migrants and labour migrants (working as an employee)

Immigratie-en Naturalisatiedienst

Postbus 245

7600 AE Rijswijk

Email: arbeid@ind.minbzk.nl

Questions about legalisation

For more information on requirements concerning legalisation and an apostille for documents per country, please call the Dutch Ministry of Foreign Affairs, tel. +31 70 348 48 44, or visit www.minbuza.nl.

Questions about work permits (twv)

For more information on how to apply for a work permit, please contact UWV WERKbedrijf; www.werk.nl.

Questions about registering with a municipality

For more information on registering with a municipality, please contact the Civil Affairs Department (afdeling Burgerzaken) of the municipality where the employee is living.

Visit

You can also go to one of the IND desks. You do not have to make an appointment for this purpose. Visit www.ind.nl for information about the IND desks.

Complaints

If you have a complaint about the way in which the IND treated you, we advise you to visit www.ind.nl > Customer Service Information > Contact > Complaints and notice of default. You will find a complaints form here.

Please complete this form, print it and send it by post to:

Immigratie-en Naturalisatiedienst

Postbus 5805

2280 HV Rijswijk

Do you prefer to write a letter yourself? You can also send this letter to the above-mentioned postal address.

For complaints you can also call +31 70 779 54 40.

Living, working or studying in the Netherlands

In this publication, you will only find information provided by the IND. If you come to the Netherlands to live, work or study, you will also have to make arrangements with other organisations of the Government of the Netherlands.

The website www.newtoholland.nl provides information about the arrangements to be made, the government agencies you may have to deal with, and at which moment.

Personal Data Protection Act

The Personal Data Protection Act (Wbp) places an obligation on the IND to inform you that the IND is the organisation which processes the data in your application. The IND does this to be able to process your request or application. If you have any questions regarding the data processing procedure you can submit them in writing to the IND, Postbus 287, 7600 AG Almelo. This is the department you must contact if you would like a summary of your personal data held on file. Following a request for such a summary you can ask to have your personal data changed, removed or blocked.



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