

The admission of EU citizens **to the Netherlands**

Mission IND

Migration poses ever-changing and complex problems for our society. The Immigration and Naturalization Service (IND) is responsible within this dynamic situation for carrying out tasks concerning the admission of aliens, naturalization, regulation, repatriation, and border security. The IND is an open, professional, and reliable organization, and makes its decisions carefully and timely. To this end, the IND invests in expert, motivated, and committed staff who are essential for the quality of the work.

Contents

1	What is the purpose of this brochure?	3	
2	Who should read this brochure?	3	
3	Under which conditions can you stay in the Netherlands as an EU citizen?	4	
4	Which documents do you need?	4	
5	What rules apply to your stay in the Netherlands?	5	
6	What do you have to do when you arrive in the Netherlands?	10	
7	The costs	10	
8	Exceptions	11	9
	Frequently asked questions	11	
10	What if you don't agree with a decision?	12	
11	Which official bodies will you have to deal with?	14	
12	Glossary	14	
13	Do you still have any questions?	14	
14	Publication	16	

1 What is the purpose of this brochure?

The Dutch government maintains an admissions policy for aliens who want to come to the Netherlands. This admissions policy is regulated by the Dutch Aliens Act. Depending on your nationality, the purpose of your visit, and how long you want to stay in the Netherlands, you will have to apply for a visa in your country in order to be able to travel to the Netherlands. The Dutch government will check to see if you satisfy the rules in order to be eligible for this. The decision about your visa application is taken by the Immigration and Naturalization Service, an executive body of the Ministry of Justice. Please remember that this procedure does take a certain amount of time. This brochure explains what you must do in order for your application to pass off well.

Please note! no rights can be derived from the contents of this brochure.

2 Who should read this brochure?

Since 1 January 1993 there is free movement of people, services, goods, and capital in the European Union (EU) and the European Economic Area (EEA). Since that date, much has changed for all citizens of the countries that are members of the EU/EEA. It has become easier to go and live, work, or take a holiday in another country within the EU/EEA. EU/EEA citizens and their family members, whether or not they are EU/EEA citizens themselves, who are entitled to stay in the Netherlands under the EU Treaty, shall hereafter be referred to as EU citizens. You make use of the free movement of people.

This brochure contains information for EU citizens who want to stay in the Netherlands for either a short period or a long period, for example to work, to study, or to live there.

The countries of the EU are Austria, Belgium, Denmark, Finland, France, Germany, Great Britain, Greece, Ireland, Italy, Luxembourg, the Netherlands, Northern Ireland, Portugal, Spain, and Sweden. As well as the EU countries, the following countries are part of the EEA: Iceland, Liechtenstein and Norway.

If you have the nationality of one of these countries, or you are a family member of a person who has the nationality of one of the countries men-

tioned, but you yourself do not have the nationality of an EU/EEA country, you are nonetheless considered to be an EU citizen and this brochure therefore also covers your residence rights in the Netherlands. If you read this brochure, then you will know what you have to do to be able to stay in the Netherlands, and whether or not you have the right documents.

3 Under which conditions can you stay in the Netherlands as an EU citizen?

If you want to stay in the Netherlands, then you have to satisfy certain conditions. There are general conditions, and conditions that specifically apply to your purpose and duration of stay in the Netherlands. Below is a list of the conditions which in any event apply to you.

General conditions

You must in any event:

- Have a valid passport.
- Take out health insurance that covers all risks in the Netherlands. (stay for longer than six months.)
- Have sufficient means of support.

4 Which documents do you need?

You are not required to apply for a residence permit in the Netherlands, but in many cases having such proof of legal residence can be useful, for example when opening a bank account. The type of residence permit you can be given depends on the purpose of your visit to the Netherlands. You can apply for a residence permit at the Aliens Police in the district where you or staying or are going to stay. There you can apply for a residence permit for the purpose of your stay. Take the following items in any case with you:

- Your valid passport or another international travel document.
- Two colour passport photographs

Depending on the purpose you want to stay in the Netherlands for, you will have to take the following documents with you.

- If you work in the Netherlands:
 - an employer's declaration, or

- documents that show you run an independent business (for example, registration in the commercial register of the Chamber of Commerce).
- If you do not work in the Netherlands:
 - papers that show you have health insurance that covers all risks in the Netherlands.
 - documents that show you have sufficient means of support (equal to or more than the level set by the National Assistance Act)
 - a statement from your educational institution, which states that you have enrolled (students only)

5 What rules apply to your stay in the Netherlands?

Below is a brief summary of the rules that apply to you as an EU citizen if you either want to stay in the Netherlands for a long period or a short period.

You want to stay in the Netherlands for less than six months

As a citizen of one of the member states of the EU or the EEA, you are allowed in any case to stay in the Netherlands for six months. For example, on a holiday, business trip, or to look for a job. You must however have a valid travel document for that period and enough money for your living expenses. In most cases, you will not be checked at the border. However, you might also be stopped by the Royal Military Police in the border area. These officials will check to see whether or not you have a valid passport or other international travel document. If in this period you have to show proof of legal residence, you can get a sticker in your passport from the Aliens Police.

You want to stay in the Netherlands for longer than six months

If you want to stay in the Netherlands for more than six months, then different rules usually apply than those for aliens from outside the EU/EEA. The purpose of your stay in the Netherlands is important in this case. Depending on the purpose of your visit, you can stay in the Netherlands on the grounds of the EU Treaty (5.1) or on the grounds of the Dutch Aliens Act (5.2). In general, the rules under the EU Treaty are less strict.

You must in any case satisfy the following general conditions:

- You have a valid passport.
- You must have health insurance that covers all risks in the Netherlands.

5.1 Residence under the EU Treaty

a Working in the Netherlands as a paid employee

If you want to work in the Netherlands, that is in principle possible. You do, however, have to have a valid passport and of course a job. Your employer does not need a *work permit* for this. If you do not have a job, then you can stay in the Netherlands for six months in order to look for a job. The Aliens Police can put a sticker in your passport for this. You are not entitled to claim public funds during this period.

If you have found a job, then you can apply for a residence permit at the Aliens Police in the local council district where you are living or going to live. This must concern 'realistic and actual work'. As long as more than half of the income is gained from work, it does not matter whether or not such income is supplemented from your own resources or by public funds. This also applies when you have an employment contract for at least 40% of the hours usually worked in the relevant branch.

If the expected duration of your work is more than a year, then you will be issued with an - *Document EU/EEA* - which is valid for a period of five years. If the expected duration of your work is more than six months but less than a year, then you will be issued with a *Document I*. The validity period of the residence permit is limited to the duration of the work. If you have a job for less than six months, then you can get a sticker in your passport from the Aliens Police.

b Working in the Netherlands as a self-employed person

As an EU citizen, you can work here as a self-employed person, that is to say not employed by an employer. If you can prove this, you will receive a residence permit for five years. In general, you can prove that you are going to carry out work as a self-employed person with an extract from the commercial register of the Chamber of Commerce, financial accounts, a forecast or business plan, or with references concerning the business.

c Economically non-active

Under the EU Treaty, you will be designated as 'economically non-active' if you are a student (see the following section for specific information for students) or if you do not work (anymore) (for example, due to unemployment disability or retirement). You have to show you have an independent income that is no less than the applicable level in the sense of the National Social Security Assistance Act for the relevant category (single, married couples/families). The source of this income, such as an inheritance, alimony, real estate, work outside the Netherlands, benefits, or a pension, is not important. The commitment of a partner is not sufficient. That is to say that the income of your partner is for this purpose not considered to be an independent source of income. Furthermore, you must have health insurance that covers all risks in the Netherlands.

You can get a residence permit for five years. The following note will appear on the residence permit: 'Bij een beroep op de publieke middelen vervalt het verblijfsrecht' (If a claim is made for public funds, then the entitlement to residence will be cancelled).

d Study and work placement

You will receive a residence permit both for a stay to study and for a work placement in the Netherlands. The validity period of this document is limited to the duration of your training/work placement, or for a year if the duration of the training is longer than one year. In that case your residence permit has to be renewed each year. The following note will appear on the residence permit: 'Bij beroep op de publieke middelen vervalt het verblijfsrecht' (If a claim is made for public funds, then the entitlement to residence will be cancelled).

Study

The Dutch policy is aimed at giving aliens the opportunity to follow a course or training in the Netherlands. This concerns secondary, vocational and university education. You can change both your course and your institution during your stay. You will be admitted to the Netherlands for the duration of your course as long as you satisfy certain conditions. Students who are EU citizens are allowed to work during their study.

- Sufficient means of support

As a student, you must be able to show that you have sufficient means of support to make sure you will not be a burden to public funds during your stay. A signed declaration from your parents, carers, or from yourself is sufficient. You are eligible for a payment towards tuition or college fees under the Student Finance Act, and you can also finance your study with a part-time job. You will not, however, be eligible for a payment to cover your living expenses.

- Recognized institution

The course you want to follow must be given by an institution that is recognized by the Dutch Ministry of Education, Culture and Science. Furthermore, you must have a proof of enrollment at the university or polytechnic.

Work Placement

A person on work placement will work for a predetermined period with a company in the Netherlands as part of his training at an educational institution in his own country. The work must be an essential part of the education programme. This last aspect must be apparent from the declaration issued by the educational institution if the work placement is going to last longer than six months. If you have found a work placement, you can apply for a residence permit at the Aliens Police in the local council district where you are living or want to live.

End of study or work placement

If your study or work placement period has come to an end, you might want to stay in the Netherlands, for example, to work or look for work. In that case, you should inquire with the Aliens Police what rights you have to stay in the Netherlands.

e *Family members*

The family members of EU citizens living in the Netherlands are also entitled to stay in the Netherlands. These family members do not have to be EU/EEA citizens themselves. They must have valid passports and an official document which shows the family relationship.

A distinction is made between family members who belong to the following categories:

- Spouse or registered partner;
- Children under the age of 21;
- Blood relations of EU citizens in both ascending (parents) and descending (children under the age of 21) line, who are also financially supported by the EU citizen. These blood relatives must produce an extra document - issued by the official authority in the country of origin - which shows that they are dependants of the EU/EEA citizen, or that they live with him in the country of origin.

If you are living in the Netherlands as 'economically non-active', or you are not married, or you have no registered partnership with your partner, then you must in any case also satisfy the following conditions:

- You must have an income that is no less than the applicable level for a family in the sense of the National Social Security Assistance Act for at least one year. If you are not married with your partner, you must both prove that you are not married and you must moreover sign a guarantee declaration. This means that you have to sign a form stating that you are responsible for any costs of supporting your partner.
- Your family members must have health insurance that covers all risks in the Netherlands.

5.2 Residence under the Aliens Act.

Residence in the Netherlands for another purpose

If you are not staying in the Netherlands under the EU Treaty, you can still stay in the Netherlands for another purpose under certain conditions. The normal aliens policy then applies to you. This is for example the case if you want to stay in the Netherlands with a Dutch partner or as an au pair with a Dutch host family. For admission to the Netherlands on these grounds you must however satisfy the conditions of the stricter policy. You can find out more information about this in different brochures, such as 'Au Pair in the Netherlands' or 'Family Reunification and Family Formation in the Netherlands', which can be obtained from the Immigration and Naturalization Service. See chapter 14 'Do you still have any Questions?' for the address details.

6 What do you have to do when you arrive in the Netherlands?

As an EU citizen, you do not have to report in person to the Aliens Police in the local council district where you are staying within three working days after arrival in the Netherlands. If you do not report your residence, this does not affect your entitlement to residence, but can however have other disadvantages. For example, in order to claim certain provisions, such as registration in the local council's personal records database, or certain social provisions, you will be asked to prove that your residence is legal.

Please note: If you are not staying in the Netherlands under the EU Treaty, you must then report to the Aliens Police within three working days.

7 The costs

If you apply for a residence permit at the Aliens Police, you will have to pay a fee for this. This is to cover the administration costs. There are no costs for the issuing of a sticker valid for six months to EU citizens for residence.

Aliens document I	€ 15,88
Aliens document EU/EER	€ 15,88
Permanent residence permit (document II)	€ 226,89

8 Exceptions

Non-EU/EEA citizens who nonetheless live in an EU/EEA country

If you are not a citizen of a country in the EU or the EEA, but you nonetheless live there, then different rules apply to you. You can travel to the Netherlands if you live in one of the Schengen countries. These are Austria, Belgium, Denmark, Finland, France, Germany, Italy, Luxembourg, the Netherlands, Portugal, Spain and Sweden. You can travel freely in these countries for a period of three months. You must however take with you your proof of identity (a valid passport or other international travel document) and your residence permit.

9 Frequently asked questions

1 *Do I have to report to the Aliens Police?*

EU citizens are exempt from the requirement to report their stay in the Netherlands. The regulations concerning aliens have been changed as a result of the implementation of the Schengen agreement. The EU Treaty includes the provision that EU citizens should report their stay to the authorities, and that EU citizens are entitled to be given a residence permit. This obligation to report, and the sanctions imposed if such is not complied with, must however not lead to a restriction of the free movement of people. That is why you do not have to report to the Aliens Police. However, we nonetheless recommend that you report to the Aliens Police to avoid any problems with other government bodies (see answer to question 2).

2 *What are the advantages for me if I get given a residence permit anyway?*

You can put yourself at a disadvantage by not applying for a residence permit. Certain conditions are attached to having a residence permit. The residence permit is proof of legal residence. If you are entitled to social benefits, the benefits agency will ask you to show this proof. It has also become apparent that other bodies as well as benefit agencies ask to see a residence permit. Other organizations, such as banks, telephone companies, and some employers will also ask to see a residence permit before they enter into an agreement with you.

There are therefore definite advantages to having a residence permit!

3 *What are the consequences if I do not apply to renew my expired residence permit (in time)?*

If you do not apply for your residence permit to be renewed (in time), this shall not in principle lead to the ending of residence. The Aliens Police do not have to interview you or deal with you as long as your residence in this country is not in conflict with the restrictions as mentioned in the EU Treaty and the Directives (such as those concerning public funds or public order). If you are entitled to social benefits, this entitlement can nonetheless be ended if you do not have a valid residence permit.

4 *Do I acquire rights to a permanent residence permit during my stay in the Netherlands without a permanent residence permit?*

Aliens who during a period of at least five years prior to the application have had their main place of residence in the Netherlands can claim entitlement to a permanent residence permit.

If you have not reported your stay to the Aliens Police, and are not in possession of a residence permit, then you might be staying in the Netherlands under the grounds of article 8 of the Aliens Act. The burden of proof to show this lies expressly with you. In light of the fact that you have not reported your stay in the Netherlands to the Aliens Police, the Dutch government has no obligation to perform to the best of its ability in such a case. You therefore do not report your stay at your own risk.

5 *What are the advantages of having a permanent residence permit?*

For the handling of the application for a permanent residence permit, you will have to pay a fee of NLG 500.00. You do not have to apply for a permanent resident permit - an entitlement to residence given under national legislation. However, the Dutch regulations attach more rights and guarantees to this residence permit under certain circumstances than the residence entitlement under European law, particularly if you have at any point in time resided in this country in conflict with the restrictions as mentioned in the EU Treaty and the Directives (such as those concerning public funds or public order). The holder of the residence permit is also subject to a more lenient policy with regard to family reunification (for example, exemption from the means of support requirement). It is up to the EU citizens whether or not to make use of this national law, and to pay the fee required for such.

6 *Can I be deported from the Netherlands?*

The residence entitlement can be ended of an EU citizen whose residence in this country is in conflict with the restrictions as mentioned in the EU Treaty and the Directives (such as those concerning public funds, public order, or public health), and who therefore no longer has a residence entitlement under the EU Treaty and the Aliens Act.

7 *When does the 'unrestricted period' begin?*

The unrestricted period for a job-seeking EU citizen normally starts on the day they arrive in the Netherlands. Because this cannot be determined in all cases, in practice the unrestricted period usually starts on the date you report to the Aliens Police. During the unrestricted period you cannot claim social security benefits or other benefits (such as housing benefit).

10 **What if you don't agree with a decision?**

If your application is refused by the Dutch government, then you can take legal steps against this. The Aliens Act provides for a number of legal procedures which you can use if you do not agree with a certain decision. If a decision has not been made about your case within a certain period of time, you can also object to the slow processing of your application. Your legal representative, your special authorized representative, or a lawyer called in by you can take these steps on your behalf. In the decision, it tells you how you can submit an objection/appeal against a decision. You should therefore read the decision through carefully, in particular paying attention to the date before which you must make your objection or appeal. In general, a letter of objection or appeal must be made in writing within four weeks of the date on which notification was given of the decision. It is advisable to enclose a copy of the decision. Moreover, it is important that the Aliens Police is also notified about the submission of a letter of objection or appeal.

For more detailed information, you should see a lawyer or go to a legal aid centre.

11 **Which official bodies will you have to deal with?**

The Dutch embassy or consulate

The diplomatic representation of the Dutch government in your country.

Aliens Police

The Aliens Police is a section of the Dutch police. The Aliens Police is responsible for dealing with the applications for residence permits from aliens and the supervision of aliens who are living in the Netherlands. The Aliens Police has an office in nearly every local council district in the Netherlands.

The Immigration and Naturalization Service (IND)

This organization is a department of the Ministry of Justice. The IND decides on behalf of the state secretary who is admitted to the Netherlands. Furthermore, the IND deals with applications from aliens who want to become Dutch citizens. Together with the police and the Royal Military Police, the IND is responsible for border security, for monitoring the legal residence of aliens, and for returning aliens who are no longer allowed to remain in the Netherlands.

12 Glossary

Alien

A person who does not have Dutch nationality.

Citizen of the European Union

EU/EEA citizens and their family and family members, whether or not they are EU/EEA citizens themselves, who are entitled to stay in the Netherlands under the EU Treaty shall hereafter be called EU citizens. Since 1 July 1998, EU citizens are permitted to remain in the Netherlands for an unlimited period under article 10, paragraph 1, subsection c of the Aliens Act, unless their stay is in conflict with a restriction under a regulation established pursuant to the EU Treaty, or admission is refused on grounds of a real threat to public order, national security, or public health.

Guarantee declaration

This declaration can be obtained from the Aliens Police in your area. If an alien wants to come to the Netherlands, it might be the case that another person (for example, a family member or acquaintance) might have to stand as a guarantor. This person then signs a guarantee declaration by which he or she is responsible for any costs the government makes in connection with the stay (or departure) of the alien. A guarantee declaration does not need to be signed if it is clear that the alien has sufficient finan-

cial means of his own in order to provide for his living expenses during his stay in the Netherlands.

Order

This is a (written) government decision. An alien who has made an application for a residence permit is notified about the decision by way of an order. This is issued by the Aliens Police.

Temporary residence permit

Document giving an alien permission to stay in the Netherlands for longer than three months. There is a standard temporary residence permit and an asylum temporary residence permit. The standard permit must in principle be renewed annually.

Work permit

Declaration by the Directorate-General of the Employment Services Authority that an employer is allowed to employ an alien in the Netherlands (does not apply to EU citizens). The permit is issued if for a particular position no one is available in the Netherlands or in the European Union (categories with priority), or if the alien is legally resident in the Netherlands with a residence permit that allows work without reference to priority category conditions.

Important:

Throughout this text, 'he' can also be read as 'she'.

13 Do you still have any questions?

If you have any questions, you can get in touch with the staff at the IND Communication department on weekdays from 9.00-12.30 and from 13.30-16.30 on +31 (0)70 370 31 24. You can also put your questions in a letter, fax, or e-mail. You cannot, however, derive any legal rights from any information given to you by this department. If you have a complaint about the way you have been treated by the IND, you should put this in writing.

Ministerie van Justitie
Immigratie- en Naturalisatiedienst
Afdeling Communicatie
Postbus 30125
2500 GC 's-Gravenhage

Telephone: +31 (0)70 - 370 31 24
Fax: +31 (0)70 - 370 31 34
E-mail: voorlichting@ind.minjus.nl
Internet: www.immigratiedienst.nl

14 Publication

This brochure is a brief summary of a subject covered by the laws and regulations concerning aliens in the Netherlands. The brochure has been published by the Communication department of the Immigration and Naturalization Service, an executive body of the Ministry of Justice. No rights can be derived from the contents of this publication. The text of this publication can be used as long as the source and date of publication are also mentioned.